

UTAH

Collateral Punishments for Marijuana Offenses

COLLATERAL PUNISHMENTS THAT HINDER FAMILY LIFE

Eligibility to Adopt a Child, or to Become a Foster Parent

The state requires a background check of prospective foster parents and will deny a license for any felony conviction. UTAH CODE ANN. § 62A-2-120(1), (2) (2006). Prospective foster parents may also be denied approval for any misdemeanor conviction that occurred within the past five years. *Id.* The state also requires background checks for prospective adoptive parents and any other adult residing in the home, but no automatic bars exist. UTAH CODE ANN. § 78-30-3.5 (2006); UTAH ADMIN. CODE R501-14-7 (2006).

Eligibility for Public Housing

The Salt Lake City Housing Authority will consider all arrests. LEGAL ACTION CENTER, AFTER PRISON: ROADBLOCKS TO REENTRY: A REPORT ON STATE LEGAL BARRIERS FACING PEOPLE WITH CRIMINAL RECORDS, UTAH, <http://www.lac.org/lac/main.php?view=profile&subaction1=UT> (last modified 2004). A marijuana or other drug-related conviction will result in a lifetime bar. *Id.*

Eligibility for Food Stamps and other Public Assistance

Utah has opted out of the federal drug-felon ban; however, as a condition for receiving assistance, a "drug dependant person" must receive available treatment for the dependency and make progress toward overcoming the dependency. UTAH CODE ANN. § 35A-3-311(2) (2006).

COLLATERAL PUNISHMENTS THAT HINDER PROFESSIONAL SUCCESS

Employment and Professional Licensing

An Administrative Code section states that it is improper for an employer to ask about arrests not leading to conviction, and that it is "advisable" to consider felony convictions only if "job-related." UTAH ADMIN. CODE R606-2-2 (2006). Other than this advisory, the state does not prohibit asking considering arrests or convictions for purposes of employment or licensing. See, MARGARET COLGATE LOVE, RELIEF FROM THE COLLATERAL CONSEQUENCES OF A CRIMINAL CONVICTION: A STATE-BY-STATE RESOURCE GUIDE: UTAH 4, <http://www.sentencingproject.org/pdfs/rights-restoration/Utah.pdf> (last modified Jan. 26, 2006).

Eligibility for Educational Loans

Utah requires that students be eligible for federal aid in order to receive state financial aid. CHRIS MULLIGAN ET AL., FALLING THROUGH THE CRACKS: LOSS OF STATE-BASED FINANCIAL AID ELIGIBILITY FOR STUDENTS AFFECTED BY THE FEDERAL HIGHER EDUCATION ACT DRUG PROVISION 19 (Coalition for Higher Educ. Act Reform 2006), <http://www.raiseyourvoice.com/statereport/fallingthrough.pdf> (last modified February 7, 2006). Therefore, students with marijuana or other drug convictions are denied financial aid. *Id.* (CHEAR red state).

Driver's License

The state will revoke a drivers' license for six months for virtually any marijuana-related conviction (misdemeanor or felony) including possession, distribution, manufacture, cultivation or sale. UTAH CODE ANN. § 53-3-220 (2006).

COLLATERAL PUNISHMENTS THAT HINDER CIVIC PARTICIPATION

Right to Vote

A felony marijuana conviction results in a bar on voting, but only while actually incarcerated. UTAH CODE ANN. § 20A-2-101 (2006). Thus, a person granted probation or parole remains eligible to vote. UTAH CODE ANN. § 20A-2-101.5 (2006).

Right to Sit on a Jury

A felony marijuana conviction results in a lifetime ineligibility for jury service. UTAH CODE ANN. § 78-46-7(2) (2006).

Right to Possess a Firearm

A felony marijuana conviction results in a lifetime prohibition on possessing a firearm. UTAH CODE ANN. § 76-10-503 (2006).