

VERMONT

Collateral Punishments for Marijuana Offenses

COLLATERAL PUNISHMENTS THAT HINDER FAMILY LIFE

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

The state conducts a background check of adoptive parents and refers to a “disqualifying record” but does not list specific crimes that would disqualify applicants. VT. STAT. ANN. tit. 15A, §§ 1-113, 2-203 (2006). Prospective foster care parents must be licensed, and licensing may be denied due to certain criminal charges or convictions including a felony drug conviction. VT. STAT. ANN. tit. 33, §§ 3501, 3502 (2006); AGENCY OF HUMAN SERVICES, DEPARTMENT OF DISABILITIES, AGING, AND INDEPENDENT LIVING, BACKGROUND CHECK POLICY 3 (2006), <http://www.dad.state.vt.us/WhatsNew/backgroundcheckpolicy.pdf> (last modified May 1, 2006).

Eligibility for Public Housing

While the Burlington PHA will not consider arrests not leading to conviction, a drug-related conviction will result in a 5-year bar. AFTER PRISON: ROADBLOCKS TO REENTRY: A REPORT ON STATE LEGAL BARRIERS FACING PEOPLE WITH CRIMINAL RECORDS, VERMONT (hereinafter “LAC REPORT”), <http://www.lac.org/lac/main.php?view=profile&subaction1=VT> (last modified 2004).

Eligibility for Food Stamps and other Public Assistance

Annually, Vermont opts out of the federal drug felon ban through budget language. LAC REPORT (citations omitted).

COLLATERAL PUNISHMENTS THAT HINDER PROFESSIONAL SUCCESS

Employment and Professional Licensing

Employers can both ask about and consider arrests not leading to conviction. The state has no standards prohibiting employment discrimination by private or public employers, or by occupational licensing agencies based on a conviction record. See VT. STAT. ANN. tit. 21, § 495 (2006) (listing “unlawful employment practices” which do not include discrimination on the basis of a criminal history).

Eligibility for Educational Loans

Vermont does not use the FAFSA when determining student financial aid and students with drug convictions are eligible for 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. Reform 2006), <http://www.raiseyourvoice.com/statereport/fallingthrough.pdf> (last modified February 7, 2006).

Driver’s License

A nonvehicle-related marijuana conviction does not result in a driver’s license suspension.

COLLATERAL PUNISHMENTS THAT HINDER CIVIC PARTICIPATION

Right to Vote

All individuals retain the right to vote, even those who are incarcerated. VT. STAT. ANN. tit. 28, § 807 (2006).

Right to Sit on a Jury

A felony marijuana conviction results in a lifetime bar on jury service. VT. STAT. ANN. tit. 4, § 962 (2006); VT. STAT. ANN. tit. 12, § 64 (2006)).

Right to Possess a Firearm

The right to possess a firearm is generally not lost due to a marijuana conviction, but it may be imposed as a condition of probation if the offense involved a firearm. LOVE, *supra*, at 1 (citations omitted).