

INDIANA

Collateral Punishments for Marijuana Offenses

COLLATERAL PUNISHMENTS THAT HINDER FAMILY LIFE

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

Criminal background checks are required for all foster parents and all adult household members. IND. CODE ANN. § 12-17.4-4-3 (2006). A foster care license application will be denied if the applicant has been convicted of a marijuana related felony or a "misdemeanor related to the health and safety of a child." IND. CODE ANN. §§ 12-17.4-4-4, 12-17.4-4-11 (2006).

Criminal record checks are required for adoption and the applicant must disclose if he/she has a felony marijuana conviction. IND. CODE ANN. §§ 31-19-2-7.5, 31-19-2-6 (2006). A court may not grant an adoption petition if the petitioner has been convicted of a marijuana felony in the preceding five years. IND. CODE ANN. § 31-19-11-1(c)(17) (2006).

Eligibility for Public Housing

A three-year bar exists for people evicted from public housing based upon marijuana related criminal activity. LEGAL ACTION CENTER, AFTER PRISON: ROADBLOCKS TO REENTRY: A REPORT ON STATE LEGAL BARRIERS FACING PEOPLE WITH CRIMINAL RECORDS, INDIANA (hereinafter "LAC REPORT"), at <http://www.lac.org/lac/main.php?view=profile&subaction1=IN> (last modified 2004). This bar may be shortened for those who have completed rehabilitation. *Id.*

The Indianapolis Housing Authority considers arrests, but makes individual determinations about each applicant's eligibility based on the relevance of the criminal record. *Id.*

Eligibility for Food Stamps and other Public Assistance

Indiana has adopted the federal lifetime ban for TANF and food stamps, so people with felony marijuana convictions cannot receive benefits. See Indiana Client Eligibility System (ICES) Policy Manual, ch. 3200, § 3210.25.20 (2006), <http://www.in.gov/fssa/family/pdf/3200.pdf> (stating that individuals convicted of a federal or state felony which has as an element of the offense the possession, use, or distribution of a controlled substance and the date of the criminal act has been since 8/22/96 will be ineligible to receive Food Stamps and TANF).

Indiana's code, however, provides for a shorter bar on receiving Aid for Families with Dependant Children (AFDC). A person convicted of a marijuana-related *misdemeanor* is not eligible for Aid to Families with Dependent Children (AFDC) for one year. IND. CODE ANN. § 12-14-1-1 (2006). For a felony marijuana conviction the bar is extended to ten years. *Id.*

COLLATERAL PUNISHMENTS THAT HINDER PROFESSIONAL SUCCESS

Employment and Professional Licensing

Felony marijuana convictions remain on a person's record permanently, unless pardoned by the Governor. IND. CODE ANN. § 35-38-5-5 (2006).

A business, professional, or occupational license *will be* suspended or revoked if the licensee is convicted of dealing marijuana. IND. CODE ANN. § 25-1-1.1-3(8) 2006). It is at the licensing board's discretion whether to revoke or suspend the license of a person convicted of possessing more than thirty (30) grams of marijuana. IND. CODE ANN. § 25-1-1.1-2(7) (2006).

Employers may obtain and consider all criminal convictions and arrests within the past 12 months. IND. CODE ANN. § 10-13-1 – 10-13-3-39. (2006).

Eligibility for Educational Loans

Students in Indiana receive state aid regardless of past drug offenses, though certain grants require a pledge not to commit any criminal offense. 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 14 (Coalition for Higher Educ. Reform 2006), *at* <http://www.raiseyourvoice.com/statereport/fallingthrough.pdf> (last modified February 7, 2006).

Driver's License

Indiana revokes driver's licenses for six months for any conviction for possession, distribution, manufacture, cultivation, transfer, use, or sale of marijuana. IND. CODE ANN. §§ 9-30-4-6, 35-48-4-15 (2006).

COLLATERAL PUNISHMENTS THAT HINDER CIVIC PARTICIPATION

Right to Vote

Individuals convicted of a felony may not vote while imprisoned. IND. CODE ANN. § 3-7-13-4 (2006).

Right to Sit on a Jury

The right to sit on a jury is lost during incarceration, probation, and parole for a felony conviction. IND. CODE ANN. § 33-28-4-8 (2006).

Right to Possess a Firearm

The right to possess a firearm is lost upon conviction of a felony. The prohibition is for life, and is only removed by a pardon. IND. CODE ANN. §§ 35-47-1-7, 35-47-2-20 (2006).