

IOWA

Collateral Punishments for Marijuana Offenses

COLLATERAL PUNISHMENTS THAT HINDER FAMILY LIFE

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

Conviction of any marijuana offense (misdemeanor or felony) results in a five year ban from licensure as an adoptive or foster parent. IOWA CODE §§ 237.8, 600.8 (2006).

Eligibility for Public Housing

Des Moines Public Housing Authority considers arrests not leading to conviction. If convicted of drug-related criminal activity on public housing property there is a three-year bar that may be lifted if convicted household member has completed, or is close to completing, a rehabilitation program.

LEGAL ACTION CENTER, AFTER PRISON: ROADBLOCKS TO REENTRY: A REPORT ON STATE LEGAL BARRIERS FACING PEOPLE WITH CRIMINAL RECORDS, IOWA (hereinafter "LAC REPORT"), at

<http://www.lac.org/lac/main.php?view=profile&subaction1=IA> (last modified 2004).

Eligibility for Food Stamps and other Public Assistance

Eligibility for benefits is lost if convicted of a felony marijuana offense, but is restored after drug treatment/rehabilitation. IOWA CODE § 239B.5(3) (2006).

COLLATERAL PUNISHMENTS THAT HINDER PROFESSIONAL SUCCESS

Employment and Professional Licensing

Arrests not leading to conviction are sealed automatically to non-criminal justice agencies after 18 months. Records of arrests less than 18 months old and of convictions are available to the public, and may be asked about and considered by prospective employers. Iowa Admin Code r. 661 IAC 11.12(692) (2006).

Iowa applies a direct relationship test for some licenses. MARGARET COLGATE LOVE, RELIEF FROM THE COLLATERAL CONSEQUENCES OF A CRIMINAL CONVICTION: A STATE-BY-STATE RESOURCE GUIDE: IOWA (hereinafter "LOVE REPORT"), at <http://www.sentencingproject.org/pdfs/rights-restoration/Iowa.pdf> (last modified May 12, 2006). For example, health related professions licensing boards may consider past felony convictions that are related to directly to the practice of the profession. *Id.*; IOWA CODE § 147.3 (2006).¹

Eligibility for Educational Loans

Students with drug convictions are eligible for state aid in Iowa. 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

A misdemeanor or felony marijuana conviction results in a driver's license revocation for 180 days.

¹ Another example is that a social worker cannot practice if (s)he was involuntarily committed for treatment of drug addiction. 645 IAC 282.2(154C) (2006).

IOWA CODE §§ 321.212, 321.215, 901.5(10) (2006).

COLLATERAL PUNISHMENTS THAT HINDER CIVIC PARTICIPATION

Right to Vote

Individuals convicted of a felony marijuana offense are ineligible to vote, unless pardoned. IOWA CODE §§ 48A.6, 914.1 (2006). However, on July 4, 2005, the Governor issued Executive Order 42, which restored the right to vote to all felony offenders who had completed their sentences, and announced that he would continue this automatic restoration policy pursuant to his Order. LOVE REPORT.

Right to Sit on a Jury

No effect. Jurors who have been convicted of a marijuana felony may, however, be challenged for cause and dismissed from the juror panel. Iowa R. Civ. P. 1.915(6)(a) (2006); Iowa R. Crim. P. 2.18(5) (2006).

Right to Possess a Firearm

A marijuana felony conviction results in a lifetime loss of the right to possess a firearm. IOWA CODE § 724.26 (2006). However, persons convicted of non-violent felonies may apply for restoration of firearms privileges five years after completing the entire sentence, including probation or parole. IOWA CODE § 914.2 (2006).