

# KANSAS

## *Collateral Punishments for Marijuana Offenses*

### **COLLATERAL PUNISHMENTS THAT HINDER FAMILY LIFE**

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

Prospective foster care providers cannot obtain a license in Kansas if convicted of a marijuana-related felony. KAN. STAT. ANN. § 65-4101 et seq. (2006). KAN. STAT. ANN. § 65-516 (2006). Applicants may also be barred by the convictions of other household members. *Id.*

A background check is required for all prospective adoptive parents, and the state must determine whether they have committed a marijuana-related felony under the Uniform Controlled Substances Act within the past five years. KAN. STAT. ANN. § 59-2132(e) (2006). However, if there is a conviction on record this does not create an automatic bar. *Id.*

#### **Eligibility for Public Housing**

According to the Legal Action Center, the Housing Authority makes individual eligibility decisions based in part on a person's criminal conviction record. Arrests are not considered. When a bar is imposed, it is for 3 years. LAC REPORT.

#### **Eligibility for Food Stamps and other Public Assistance**

Assistance is denied to any person convicted of a felony offense involving the possession, use, or distribution of marijuana. Because no time period is stated, the bar presumably operates for life. Eligibility is restored if the person (1) has been assessed and found not to require substance abuse treatment, or (2) is currently participating in a drug treatment program or has completed such a program. KAN. ADMIN. REGS. 30-4-50(d) (2006).

### **COLLATERAL PUNISHMENTS THAT HINDER PROFESSIONAL SUCCESS**

#### **Employment and Professional Licensing**

Criminal history is kept on record permanently. KAN. STAT. ANN. § 22-4705 (2006). Employers may require a job applicant to sign a release for access to the individual's criminal history. KAN. STAT. ANN. § 22-4710 (2006). However, for employers to discriminate based on criminal history, the crime must bear on the applicant's trustworthiness or the safety or well-being of the employer's employees or customers. KAN. STAT. ANN. § 22-4710 (2006).

#### **Eligibility for Educational Loans**

Individual educational institutions decide independently whether to follow federal guidelines and ban aid to students with marijuana convictions. Several major universities in Kansas appear to disqualify students with drug convictions from state 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 14-15 (Coalition for Higher Educ. Reform 2006), at <http://www.raiseyourvoice.com/statereport/fallingthrough.pdf> (last modified February 7, 2006).

**Driver's License**

Kansas does not appear to suspend a person's driver's license for a nonvehicle related marijuana conviction.

**COLLATERAL PUNISHMENTS THAT HINDER CIVIC PARTICIPATION****Right to Vote**

If convicted of a felony marijuana offense, individuals are ineligible to vote until completion of sentence or pardon. KAN. STAT. ANN. § 21-4615 (2006).

**Right to Sit on a Jury**

The right to sit on a jury is lost upon conviction of a felony marijuana offense, but is restored upon completion of sentence. KAN. STAT. ANN. § 21-4615 (2006).

**Right to Possess a Firearm**

Any conviction for a marijuana-related felony within the preceding five years results in a ban on possessing a firearm. KAN. STAT. ANN. § 21-4204(a)(2) (2006). If a person is addicted to and an unlawful user of a controlled substance, he or she is permanently banned from possessing a firearm. KAN. STAT. ANN. § 21-4204(a)(1) (2006).