

# MINNESOTA

## *Collateral Punishments for Marijuana Offenses*

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

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

Minnesota has adopted the federal five-year ban for prospective adoptive parents convicted of a marijuana-related felony. MINN. STAT. § 259.67 (2006). Foster care license applicants are banned for fifteen years from the date of the discharge of their sentence if they were convicted of a marijuana-related felony, and seven years for a marijuana-related misdemeanor. MINN. STAT. §§ 245C.08, 245C.15 (2006). If any household members over thirteen years of age have disqualifying convictions, the applicant will be barred from becoming a foster or adoptive parent. MINN. STAT. §§ 259.41(3)(b), 245C.03, 259.67, 245C.15 (2006).

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

If there is a pattern of arrests in an applicant's history, the Housing Authority of Minneapolis will consider it in their admission criteria. LEGAL ACTION CENTER, AFTER PRISON: ROADBLOCKS TO REENTRY: A REPORT ON STATE LEGAL BARRIERS FACING PEOPLE WITH CRIMINAL RECORDS, MINNESOTA (hereinafter "LAC REPORT"), <http://www.lac.org/lac/main.php?view=profile&subaction1=MN> (last modified 2004). They make individual determinations based on the relevance of the criminal record, but there is no set time period for any bar. *Id.*

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

Applicants convicted of a felony or misdemeanor marijuana offense after July 1, 1997, may, if otherwise eligible, receive public benefits, including food stamps, if the applicant agrees to random drug testing. MINN. STAT. § 256J.26 (2006). If the applicant subsequently fails a drug test he or she is sanctioned, but a second drug test failure will result in permanent ineligibility for food stamps. *Id.*

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

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

Information concerning misdemeanor and felony marijuana convictions is available to the public for fifteen years following discharge of sentence. MINN. STAT. § 13.87(1)(b) (2006).

Employers may ask about and consider arrests not leading to conviction, and no law prohibits employers from discriminating based on conviction record. LAC REPORT. Public employers and occupational licensing boards may not disqualify an applicant based on a criminal conviction unless there is a "direct relationship" between the crime and the occupation or license, and the individual has not shown evidence of rehabilitation. MINN. STAT. § 364.03 (2006).

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

Minnesota does not follow federal guidelines in the disbursement of state aid, so students with marijuana convictions are receiving educational loans. 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 16 (Coalition for Higher Educ. Reform 2006), <http://www.raiseyourvoice.com/statereport/fallingthrough.pdf> (last modified February 7, 2006).

### **Driver's License**

A conviction for marijuana possession or sales can result in a thirty-day suspension of one's driver's license if a vehicle was involved. MINN. STAT. §§ 152.0271, 171.172 (2006)

## **COLLATERAL PUNISHMENTS THAT HINDER CIVIC PARTICIPATION**

### **Right to Vote**

A felony marijuana conviction results in a bar on voting while incarcerated, on probation or parole. MINN. CONST. art. 7, § 1; MINN. STAT. § 609.165 (2006).

### **Right to Sit on a Jury**

A felony marijuana conviction results in a bar on jury service while incarcerated, on probation or parole. Minn. Gen. R. Prac. 808(b)(6) (2006). MINN. STAT. § 609.165 (2006).

### **Right to Possess a Firearm**

A person who has been convicted in Minnesota or elsewhere of a misdemeanor or gross misdemeanor involving marijuana, or a person who is or has ever been hospitalized or committed for treatment for the habitual use of marijuana, cannot possess a firearm unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that the person has not abused a controlled substance or marijuana during the previous two years. MINN. STAT. § 624.713 (2006).

A person who uses marijuana is barred from possessing a firearm. *Id.*

A felony marijuana conviction results in a lifetime bar on possessing a firearm. *Id.*