

NEW HAMPSHIRE

Collateral Punishments for Marijuana Offenses

COLLATERAL PUNISHMENTS THAT HINDER FAMILY LIFE

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

If a prospective foster care applicant has been convicted of a marijuana-related felony within the past five years, (s)he may have her/his application or permit denied. N.H. CODE ADMIN. R. ANN. HE-C 6446.27 (2006). No automatic bars exist for adoption as individual determinations are made based on the best interests of the child. See N.H. REV. STAT. ANN. § 170-B:14 (2006).

Eligibility for Public Housing

The Manchester Public Housing Authority does not consider marijuana arrests not leading to conviction. LEGAL ACTION CENTER, AFTER PRISON: ROADBLOCKS TO REENTRY: A REPORT ON STATE LEGAL BARRIERS FACING PEOPLE WITH CRIMINAL RECORDS, NEW HAMPSHIRE (hereinafter "LAC REPORT"), <http://www.lac.org/lac/main.php?view=profile&subaction1=NH> (last modified 2004). An individual evicted for a marijuana-related conviction is subject to a three-year bar. *Id.* Rehabilitation will be considered to lift bars. *Id.*

Eligibility for Food Stamps and other Public Assistance

New Hampshire has opted out of the federal drug felon ban. N.H. REV. STAT. ANN. § 167:81-a (2006). Individuals convicted of marijuana-related felonies are thus eligible to receive benefits.

COLLATERAL PUNISHMENTS THAT HINDER PROFESSIONAL SUCCESS

Employment and Professional Licensing

Criminal records are available indefinitely to non-law enforcement agencies for employment purposes, but only with the subject's written consent. N.H. REV. STAT. § 106B:14 (I)(c) (2006). No applicant for state employment shall be required by the state to answer any question concerning whether the applicant has ever been arrested or indicted for a crime. N.H. REV. STAT. ANN. § 21-I:51 (2006). However, state employers can ask an applicant whether (s)he has ever been convicted of a crime, *Id.*, and based on the silence of the New Hampshire code, it appears that private employers may ask about and discriminate on the basis of one's criminal and/or arrest record.

Eligibility for Educational Loans

Only those eligible for federal aid may receive state aid in New Hampshire. 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 17 (Coalition for Higher Educ. Reform 2006), <http://www.raiseyourvoice.com/statereport/fallingthrough.pdf> (last modified February 7, 2006) (CHEAR red state). Students with past marijuana convictions are therefore not receiving state aid.

Driver's License

Any person who is not yet twenty-one years of age on the date of the incident, who is convicted for any offense involving the sale, possession, use, or abuse of marijuana, may at the discretion of the court be subject to the revocation or denial of a driver's license or privilege to drive for not less than ninety days but not more than one (1) year on the first finding or conviction, and not less than six months but not more than two (2) years for a subsequent finding or conviction. N.H. REV. STAT.

ANN. § 263:56-b (2006). The court, however, may allow the offender to complete a substance abuse education program in lieu of a losing or being denied his/her driving privileges. *Id.* The penalties for persons less than eighteen years of age are more severe. *See id.*

COLLATERAL PUNISHMENTS THAT HINDER CIVIC PARTICIPATION

Right to Vote

A felony marijuana conviction results in a bar on voting while incarcerated. N.H. REV. STAT. ANN. § 607-A:2 (2006). N.H. REV. STAT. ANN. §§ 607-A:2, 607-A:5 (2006).

Right to Sit on a Jury

A marijuana conviction does not result in a loss of the right to serve on a jury. MARGARET COLGATE LOVE, RELIEF FROM THE COLLATERAL CONSEQUENCES OF A CRIMINAL CONVICTION: A STATE-BY-STATE RESOURCE GUIDE: NEW HAMPSHIRE, <http://www.sentencingproject.org/pdfs/rights-restoration/NewHampshire.pdf> (last modified July 27, 2005).

Right to Possess a Firearm

A felony marijuana conviction results in a lifetime bar on possession of a firearm, restored only upon a pardon. N.H. REV. STAT. ANN. § 159:3 (2006); N.H. CONST. pt. 2, art. 52.