

OHIO

Collateral Punishments for Marijuana Offenses

COLLATERAL PUNISHMENTS THAT HINDER FAMILY LIFE

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

Criminal history record checks are required for all prospective foster or adoptive parents. OHIO REV. CODE ANN. § 2151.86 (2006). Applicants will be barred for certain misdemeanor and felony offenses including distribution and cultivation of marijuana. *Id.* The bar can extend anywhere from three to ten years from the date the person was fully discharged from any imprisonment or probation arising from the conviction depending on the severity of the crime. OHIO REV. CODE ANN. §2925.02-05, OHIO ADMIN. CODE §§ 5101:2-7-02, 5101:2-48-10 (2006).

Eligibility for Public Housing

The Cuyahoga Metropolitan 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, OHIO (hereinafter "LAC REPORT"), <http://www.lac.org/lac/main.php?view=profile&subaction1=OH> (last modified 2004). An automatic 3-year bar is imposed on applicants who have suffered a felony or misdemeanor marijuana conviction. *Id.*

Eligibility for Food Stamps and other Public Assistance

Ohio opted out of the federal ban. OHIO REV. CODE ANN. § 5101.84 (2006). Therefore, individuals with felony marijuana convictions are eligible to receive TANF benefits and food stamps.

COLLATERAL PUNISHMENTS THAT HINDER PROFESSIONAL SUCCESS

Employment and Professional Licensing

Employers and licensing agencies may ask about and consider any marijuana arrests or convictions unless the records have been sealed or expunged. OHIO REV. CODE ANN. §§ 2953.33, 2953.55 (2006).

Eligibility for Educational Loans

Ohio is a decentralized state in which individual institutions make their own determinations of financial aid eligibility. 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 18 (Coalition for Higher Educ. Reform 2006), <http://www.raiseyourvoice.com/statereport/fallingthrough.pdf> (last modified February 7, 2006). However, the state does offer programs through which students with drug offenses are eligible to receive state aid. *Id.* The Ohio Instructional Grant uses the FAFSA, but most other grants are available as long as the student is eligible for parole within five years. *Id.* (CHEAR: yellow state)

Driver's License

Any marijuana-related conviction will result in a six-month suspension of the person's driver's license. OHIO REV. CODE ANN. §§ 4510.17, 2925.03(G), 2925.11, 2925.23 (2006).

COLLATERAL PUNISHMENTS THAT HINDER CIVIC PARTICIPATION

Right to Vote

A felony marijuana conviction bars the person from voting while incarcerated. OHIO REV. CODE ANN. § 2961.01 (2006). Those on probation or parole retain the right to vote. *Id.*

Right to Sit on a Jury

A felony marijuana conviction bars the person from jury service while incarcerated. OHIO REV. CODE ANN. § 2961.01 (2006). Those on probation or parole retain the right to vote. *Id.*

Right to Possess a Firearm

Any person who is under indictment for or has been convicted of any offense involving the illegal possession, use, sale, administration, distribution, or trafficking in marijuana is prohibited from possessing a firearm. OHIO REV. CODE ANN. § 2923.13 (2006). This right may be restored if one applies to the court and can show (s)he has been fully discharged from imprisonment, community control, post-release control, and parole, or, if the applicant is under indictment, has been released on bail or recognizance; (s)he has led a law-abiding life since discharge or release, and appears likely to continue to do so; and (s)he is not otherwise prohibited by law from acquiring, having, or using firearms. OHIO REV. CODE ANN. § 2923.14 (2006).

NOTE:

See, Mossoney & Roeker, "Ohio Collateral Sanctions Project," 36 Toledo L. Rev. 611 (2005).