

OREGON

Collateral Punishments for Marijuana Offenses

COLLATERAL PUNISHMENTS THAT HINDER FAMILY LIFE

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

Applicants to become an adoptive or foster parent will be denied if convicted of any marijuana felony or misdemeanor unless granted an exception. OR. ADMIN. R. 413-120-0450 (2006). These restrictions also apply to any other person living in the home. *Id.* The bar operates as a lifetime bar, but the Department of Human Services will consider rehabilitation and other factors when making its decision.¹ *Id.*

Eligibility for Public Housing

Individuals evicted for marijuana related activities on public housing authority property are barred for three years. LEGAL ACTION CENTER, AFTER PRISON: ROADBLOCKS TO REENTRY: A REPORT ON STATE LEGAL BARRIERS FACING PEOPLE WITH CRIMINAL RECORDS, OREGON, <http://www.lac.org/lac/main.php?view=profile&subaction1=OR> (last modified 2004). Arrests not leading to conviction will also be considered. *Id.*

Eligibility for Food Stamps and other Public Assistance

Oregon opted out of the federal ban. OR. REV. STAT. § 411.119 (2006). In general, a person who is otherwise eligible to receive public assistance, including food stamp benefits, may not be denied assistance simply because the person has been convicted of a drug-related felony. *Id.* However, the Department of Human Services *may* suspend a person's food stamp benefits if: (a) the person has been convicted of the manufacture or delivery of a controlled substance; or (b) the person is on probation, parole or post-prison supervision and the agency supervising the person makes a recommendation that the department suspend the person's food stamp benefits. *Id.*

¹ The various factors that DHS will consider are:

- (a) The severity and nature of the crime;
- (b) The number of criminal offenses;
- (c) The time elapsed since commission of the crime;
- (d) The circumstances surrounding the crime;
- (e) Content of the police report(s) concerning the crime;
- (f) The subject individual's explanation of the crime;
- (g) The relationship of the criminal activity to the subject individual's capacity to safely provide the proposed care;
- (h) The subject individual's participation in counseling, therapy, education or employment evidencing rehabilitation or a change in behavior; and
- (i) When the person is seeking to provide care for a specific child, whether disqualification of the subject individual would create emotional harm to the child and placement of the child with the person would be a safe placement that is in the best interests of the child.

COLLATERAL PUNISHMENTS THAT HINDER PROFESSIONAL SUCCESS

Employment and Professional Licensing

Employers may consider and access conviction records and records of any arrests within the past 12 months. OR. ADMIN. R. 257-010-0025(1)(c)(B) (2006).

In contrast, with a couple of exceptions², a licensing board, commission or agency may not deny, suspend or revoke an occupational or professional license solely for the reason that the applicant or licensee has been convicted of a crime, though it may consider the relationship of the facts which support the conviction and all intervening circumstances to the specific occupational or professional standards in determining the fitness of the person to receive or hold the license. OR. REV. STAT. § 670.280 (2006).

Eligibility for Educational Loans

A student who is ineligible for federal aid due to a marijuana conviction is also ineligible for state financial aid in Oregon. 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. Act Reform 2006), <http://www.raiseyourvoice.com/statereport/fallingthrough.pdf> (last modified February 7, 2006). (CHEAR red state).

Driver's License

Unless the court finds compelling circumstances not to order suspension of driving privileges, the court in which a person is convicted of any offense involving manufacturing, possession or delivery of marijuana or any other controlled substance will enter an order of suspension of driving privileges of the person which will last for six months. OR. REV. STAT. §§ 809.265, .280 (2006).

COLLATERAL PUNISHMENTS THAT HINDER CIVIC PARTICIPATION

Right to Vote

A felony marijuana conviction bars voting only while incarcerated. OR. REV. STAT. § 137.281(1) & (3) (2006)).

Right to Sit on a Jury

A felony marijuana conviction bars jury service only while incarcerated. OR. REV. STAT. § 137.281.

Right to Possess a Firearm

A felony marijuana conviction results in a fifteen-year bar (from the date the person completes his or her sentence, parole, or probation) on possessing a firearm. OR. REV. STAT. § 166.270 (2006).

² See Or. Rev. Stat. §§ 342.143, 342.175 (2006).