

RHODE ISLAND

Collateral Punishments for Marijuana Offenses

COLLATERAL PUNISHMENTS THAT HINDER FAMILY LIFE

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

No automatic bars are in place to prevent applicants with marijuana or other drug convictions from becoming foster or adoptive parents. See R.I. GEN. LAWS §§ 14-1-34, 15-7-11 (2006). However, such conviction may be considered, and suitability is determined on a case-by-case basis. *Id.*

Eligibility for Public Housing

The Providence Public Housing Authority will consider arrests not leading to conviction and will bar applicants for three years if evicted from public housing property for any drug-related criminal activity by themselves or by any household member. LEGAL ACTION CENTER, AFTER PRISON: ROADBLOCKS TO REENTRY: A REPORT ON STATE LEGAL BARRIERS FACING PEOPLE WITH CRIMINAL RECORDS, RHODE ISLAND, <http://www.lac.org/lac/main.php?view=profile&subaction1=RI> (last modified 2004). The ban may be lifted earlier if the evicted household member completes a rehabilitation program. *Id.*

Eligibility for Food Stamps and other Public Assistance

Rhode Island has opted out of the federal ban. R.I. GEN. LAWS §§ 40-5.1-8(a)(3), 40-6-8(d) (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

With the exception of law enforcement agencies, employers cannot ask about, nor consider, an applicant's arrest record. However, the employer may ask about and consider an applicant's conviction record. R.I. GEN. LAWS § 28-5-7(7) (2006). No prohibition on considering arrests or convictions when awarding occupational licenses. For medical and dental licenses, any felony conviction is an absolute bar. R.I. GEN. LAWS § 5-37.5-5.1 (2006).

Eligibility for Educational Loans

Rhode Island strictly follows the federal guidelines when determining state eligibility for financial 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 18 (Coalition for Higher Educ. Act Reform 2006), <http://www.raiseyourvoice.com/statereport/fallingthrough.pdf> (last modified February 7, 2006). Students are denied financial aid for marijuana and other drug convictions. *Id.* (CHEAR red state).

Driver's License

Rhode Island does not appear to suspend driver's licenses for non-vehicle related marijuana offenses.

COLLATERAL PUNISHMENTS THAT HINDER CIVIC PARTICIPATION

Right to Vote

As a result of a voter referendum passed on November 7, 2006, a marijuana-related felony conviction results in a prohibition on voting only while incarcerated. See, "Question 2" online at <http://www.elections.state.ri.us/2006GE/TopTicket.htm>. The referendum, amended the Rhode Island Constitution which previously provided that a person convicted of a felony marijuana offense was prohibited from voting until he or she completed his or her sentence, including parole or probation. R.I. CONST. art II, § 1.

Right to Sit on a Jury

No person convicted of a marijuana-related felony can serve on a jury until he or she has completed his or her sentence, including parole or probation. R.I. GEN. LAWS § 9-9-1.1(c) (2006).

Right to Possess a Firearm

A marijuana-related felony does not result in a firearm restriction, unless the offense involved violence. R.I. GEN. LAWS § 11-47-5 (2006).