

TEXAS

Collateral Punishments for Marijuana Offenses

COLLATERAL PUNISHMENTS THAT HINDER FAMILY LIFE

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

Criminal history background checks must be completed on all prospective foster and adoptive parents and the members of their households who are 14 years of age or older. TEX. ADMIN. CODE tit. 40, § 700.1502 (2006). There are no automatic bars to adoption, however there are rigid drug-testing rules for residential child care facility employees. See TEX. ADMIN. CODE tit. 40, § 745.4151, TEX. HUM. RES. CODE § 42.057 (2006).

Eligibility for Public Housing

The Dallas PHA does not consider arrests not leading to conviction. LEGAL ACTION CENTER, AFTER PRISON: ROADBLOCKS TO REENTRY: A REPORT ON STATE LEGAL BARRIERS FACING PEOPLE WITH CRIMINAL RECORDS, TEXAS (hereinafter "LAC REPORT"), <http://www.lac.org/lac/main.php?view=profile&subaction1=TX> (last modified 2004). Furthermore, the Dallas PHA will consider rehabilitation to lift bars disqualifying individuals for convictions threatening the health, safety, and peaceful enjoyment of other residents, as well as drug-related convictions. The length of a bar for a conviction is undefined because evidence of rehabilitation will remedy the bar.

Eligibility for Food Stamps and other Public Assistance

Persons convicted of a felony drug offense committed on or after April 1, 2002 are denied public assistance including food assistance for life. 1 TEX. ADMIN. CODE § 372.501 (2006).

COLLATERAL PUNISHMENTS THAT HINDER PROFESSIONAL SUCCESS

Employment and Professional Licensing

Private employers can ask about and consider arrests not leading to conviction. The state has no standards prohibiting employment discrimination by private or public employers. A licensing authority may suspend or revoke a license, disqualify a person from receiving a license, or deny to a person the opportunity to take a licensing examination on the grounds that the person has been convicted of a marijuana felony or misdemeanor, but only if it directly relates to the duties and responsibilities of the licensed occupation. TEX. OCC. CODE § 53.021 (2006). A license holder's license is automatically revoked upon imprisonment following any felony conviction, or revocation of probation or parole following a felony conviction. *Id.*

Eligibility for Educational Loans

The state's major educational aid programs will not grant financial aid to students for two years after they have served their sentence. 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. Act Reform 2006), <http://www.raiseyourvoice.com/statereport/fallingthrough.pdf> (last modified February 7, 2006). At least one of the major state programs also requires that students be eligible for federal financial aid, meaning they cannot have had any past drug convictions. *Id.* (CHEAR red state).

Driver's License

The state will revoke a driver's license for 180 days for any drug-related offense, including

misdemeanors. TEX. TRANSP. CODE ANN. §§ 521.372 (2006).

COLLATERAL PUNISHMENTS THAT HINDER CIVIC PARTICIPATION

Right to Vote

A felony marijuana conviction results in a bar on voting while incarcerated, on parole or on probation. TEX. CONST. art. VI, § 1; TEX. ELEC. CODE ANN. § 11.002 (2006).

Right to Sit on a Jury

A felony marijuana conviction results in a lifetime bar on jury service. Tex. Gov't Code Ann. § 62.102 (2006).

Right to Possess a Firearm

A felony marijuana conviction results in a five-year prohibition (beginning at the completion of the sentence, parole or probation) of possession of a firearm. TEX. PEN. CODE § 46.05 (2006). After five years, one's right to possess a firearm is limited to the premises where the person lives. *Id.*