

# WASHINGTON

## *Collateral Punishments for Marijuana Offenses*

### **COLLATERAL PUNISHMENTS THAT HINDER FAMILY LIFE**

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

Washington requires background checks of prospective foster and adoptive parents. WASH. REV. CODE §§ 74.15.030, 43.43.834 (2006). A felony marijuana conviction results in a five-year bar on adoption. Wash. Rev Code § 26.33.190, Admin Code 388-06-0110, 388-06-0150, 388-06-0170, 388-06-0180 (2006).

#### **Eligibility for Public Housing**

According to the Legal Action Center, the Seattle Housing Authority does not consider arrests, but does implement the HUD 3-year bar for drug-related convictions and other drug-related activity. LEGAL ACTION CENTER, AFTER PRISON: ROADBLOCKS TO REENTRY: A REPORT ON STATE LEGAL BARRIERS FACING PEOPLE WITH CRIMINAL RECORDS, WASHINGTON (hereinafter "LAC REPORT"), <http://www.lac.org/lac/main.php?view=profile&subaction1=WA> (last modified 2004).

#### **Eligibility for Food Stamps and other Public Assistance**

Washington has opted out of the federal ban; therefore, persons who have been convicted of a drug-related felony will still be eligible for public assistance and food stamps. WASH. REV. CODE § 74.08.025(4) (2006)<sup>1</sup>.

### **COLLATERAL PUNISHMENTS THAT HINDER PROFESSIONAL SUCCESS**

#### **Employment and Professional Licensing**

Employers may ask about arrests not leading to conviction<sup>2</sup>; however, the state prohibits public employers and occupational licensing agencies from discriminating against applicants based on their felony conviction record unless the conviction relates to the job function and occurred in the last ten years. WASH. REV. CODE §§ 9.96A.020 (2006). Exceptions exist for law enforcement jobs and those necessitating unsupervised access to children and vulnerable adults. WASH. REV. CODE §§ 9.96A.060, 9.96A.030 (2006).

#### **Eligibility for Educational Loans**

Washington says it is a decentralized state, but students nevertheless lose their state financial aid if they have a past drug conviction. CHRIS MULLIGAN ET AL., COALITION FOR HIGHER EDUCATION ACT REFORM, FALLING THROUGH THE CRACKS: LOSS OF STATE-BASED FINANCIAL AID ELIGIBILITY FOR STUDENTS AFFECTED BY THE FEDERAL HIGHER EDUCATION ACT DRUG PROVISION 20 (Coalition for Higher Educ. Act Reform 2006), <http://www.raiseyourvoice.com/statereport/fallingthrough.pdf> (last modified February 7, 2006).

---

<sup>1</sup> Note that WASH. REV. CODE § 74.08.025(3) (2006) provides that: "Any person otherwise qualified for temporary assistance for needy families who is assessed through the state alcohol and substance abuse program as drug or alcohol-dependent and requiring treatment to become employable shall be required by the department to participate in a drug or alcohol treatment program as a condition of benefit receipt."

<sup>2</sup> See Wash. Rev. Code § 49.60.180 (2006) for unfair employment practices, which does not include discriminating on the basis of an arrest record.

### **Driver's License**

A nonvehicle-related marijuana conviction does not result in a driver's license suspension. See WASH. REV. CODE § 46.20.285(3) (2006).

## **COLLATERAL PUNISHMENTS THAT HINDER CIVIC PARTICIPATION**

### **Right to Vote**

A felony marijuana conviction results in a lifetime bar. Wash. Const. art IV, § 3 However, upon completion of sentence, including probation or parole, the person can apply for a certificate of discharge which should be granted automatically upon application. ; WASH. REV. CODE § 9.94A.637 (2006).

### **Right to Sit on a Jury**

A felony marijuana conviction results in a lifetime bar. WASH. REV. CODE § 2.36.070 (2006). Again, this right may be reinstated by applying for a certificate of discharge upon completion of all sentencing requirements including probation or parole. WASH. REV. CODE § 9.94A.637 (2006).

### **Right to Possess a Firearm**

A felony marijuana conviction results in the loss of the right to possess a firearm. WASH. REV. CODE § 9.41.040 (2006). This right *may* be restored subject to certain restrictions. See *id.*