

FACT SHEET: IMPACT OF DRUG CONVICTIONS ON INDIVIDUAL LIVES

In Washington, an initial drug conviction is routinely reported to the Washington State Patrol for its criminal records database, as well as to the appropriate county auditor to facilitate removal from the state voter rolls. There is no standardized process for ensuring that these files would record the reversal of one's conviction as a result of appeal or habeas. Depending on the practices of a particular county and its prosecutor, documentation indicating that charges did not ultimately result in a conviction may not ever appear in the individual's court file.

As a result, neither the State Patrol database nor the county auditor necessarily receives the proper notification to remove the charge from an individual's record. This can, of course, result in negative information appearing on background checks conducted by banks, schools, and potential employers, hindering for years the ability of innocent citizens to take steps to improve their lives. Thus, even though a wrongful conviction is righted, a citizen can be subject to the same loss of civil rights and other harsh penalties as those convicted and serving prison time for felony drug charges.

Of course, the appropriateness of Washington State's sanctions for those who remain convicted on drug charges is a whole other subject.

Here is what happens to those convicted of drug crimes, guilty or not:

Loss of Civil Rights

- Loss of the right to vote
- Loss of the right to hold public office
- Loss of the right to serve as a juror
- Loss of the right to hold federal office or employment
- Loss of the right to enlist in any service of the US Armed Forces
- Loss of the right to carry a concealed weapon

Additional losses imposed

- Loss of or ineligibility for a federal license (import, customs, explosive handling permits)
- State medical license forfeiture (if used to facilitate a federal drug offense)
- Disqualification from labor organization activities
- Possible disqualification from participation in aspects of the regulated drug industry
- Possible disqualification from participation in HUD contracts

Loss of federal benefits

- Ineligibility for grants, licenses, contracts and other federal benefits (permanent after 3rd drug-trafficking offense)
- Eviction from federally-funded public housing
- Ineligibility for food stamps
- Ineligibility for Temporary Assistance to Needy Families grants
- Ineligibility for student grants, loans, work-assistance or work-study programs, including Pell Grants (murderers and rapists still are eligible)
- Ineligibility for federal low-income housing assistance
- Ineligibility for issuance of a US passport – or possible revocation of a held passport

Loss of immigration rights

- Possible ineligibility for legal admission into the US
- Possible deportation from the US
- Possible disqualification from naturalization processes

Barriers to having rights restored

- There is no federal statutory procedure for the restoration of civil rights lost after conviction **or** after one's criminal record is expunged
- In Washington, each county auditor and prosecutor can set his or her own process for issuance of a Certificate of Discharge – restoring civil rights lost – on a case-by-case basis
- The process to restore rights and benefits lost can be very confusing, convoluted, and time-consuming, and can have a long-lasting, negative impact on the life of the individual offender and his or her family.

Sources: *Beyond the Conviction*, Washington Defender Association, April 2004;
RESTORATION OF CIVIL RIGHTS
by Alison Kay Chinn and Jeffrey Steinborn