

NORTH CAROLINA

Collateral Punishments for Marijuana Offenses

COLLATERAL PUNISHMENTS THAT HINDER FAMILY LIFE

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

Automatic bars for prospective foster and adoptive parents do not exist, but drug-related issues, including marijuana convictions, may be considered in the application process. N.C. GEN. STAT. §§ 131D-10.3A, 48-3-309 (2006); N.C. ADMIN. CODE tit. 10A, r. 70H0108 (Sept. 2006). Criminal background checks are required for all persons over the age of eighteen residing in the home and any of those persons' convictions may serve as a bar to approval. See N.C. GEN. STAT. §§ 131D-10.3A, 48-3-309 (2006).

Eligibility for Public Housing

The Greensboro Public Housing Authority will bar applicants for three to five years for marijuana-related arrests or convictions. LEGAL ACTION CENTER, AFTER PRISON: ROADBLOCKS TO REENTRY: A REPORT ON STATE LEGAL BARRIERS FACING PEOPLE WITH CRIMINAL RECORDS, NORTH CAROLINA (hereinafter "LAC REPORT"), <http://www.lac.org/lac/main.php?view=profile&subaction1=NC> (last modified 2004).

Eligibility for Food Stamps and other Public Assistance

Individuals convicted of felony possession of more than 1.5 oz of marijuana, or distribution or sale of marijuana, or any other Class H or I felony, may be eligible to receive food stamps and other public assistance six months after release from custody or the date of conviction if incarceration was not imposed and that person does not commit any subsequent felony convictions during the intervening six month period and the individual is enrolled in or has successfully completed a substance abuse treatment program. N.C. GEN. STAT. §§ 108A-25.2, 90-95 (2006).

COLLATERAL PUNISHMENTS THAT HINDER PROFESSIONAL SUCCESS

Employment and Professional Licensing

Private employers can access and consider a prospective employee's criminal history in the hiring process including marijuana arrests not leading to conviction. LAC REPORT; N.C. ADMIN. CODE tit. 12, r. 4F.0405-.0408 (Sept. 2006). MARGARET COLGATE LOVE, RELIEF FROM THE COLLATERAL CONSEQUENCES OF A CRIMINAL CONVICTION: A STATE-BY-STATE RESOURCE GUIDE: NORTH CAROLINA (hereinafter "LOVE REPORT"), at <http://www.sentencingproject.org/pdfs/rights-restoration/NorthCarolina.pdf> (last modified Oct. 10, 2005).

Eligibility for Educational Loans

North Carolina is a "decentralized state" meaning that individual institutions determine a student's eligibility for state financial aid and may well use the FAFSA guidelines in making that determination. 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. Reform 2006), <http://www.raiseyourvoice.com/statereport/fallingthrough.pdf> (last modified February 7, 2006). (CHEAR yellow state)

Driver's License

A nonvehicle related marijuana conviction does not result in a driver's license suspension.

COLLATERAL PUNISHMENTS THAT HINDER CIVIC PARTICIPATION**Right to Vote**

A felony marijuana conviction results in the loss of the right to vote until the entire sentence has been completed including any probation or parole term. N.C. CONST. art. VI, § 2(3); N.C. GEN STAT. §§ 13-1, 163-55(2) (2006).

Right to Sit on a Jury

A felony marijuana conviction results in the loss of the right to serve on a jury until the entire sentence has been completed, including any probation or parole term. N.C. GEN STAT. §§ 9-3, 13-1 (2006).

Right to Possess a Firearm

A felony marijuana conviction results in a lifetime ban on possessing a firearm N.C. GEN STAT. § 14-415.1 (2006).