

## PNO Briefing Paper

### COLLATERAL CONSEQUENCES:

#### A FEW REFERENCES TO COMPREHENSIVE CATALOGUES AND AN INTRODUCTION TO NATIONAL ADVOCACY ORGANIZATIONS

For years most practitioners did not appreciate the wide range and vast negative impact of the many adverse collateral consequences to felony convictions. The issue caught national attention in the early 2000's with publication of [\*Invisible Punishment: The Collateral Consequences of Mass Imprisonment\*](#) edited by Marc Mauer of The Sentencing Project and Meda Chesney-Lind (January 1, 2002), the title of which was shared with a chapter authored by Jeremy Travis, also leading on this issue at John Jay College of Criminal Law, "[\*Invisible Punishment: An Instrument of Social Exclusion.\*](#)"

For advocates trying to get on top of a particular collateral consequence affecting a client, a good place to start might be [Reentry.net/NY](http://Reentry.net/NY). Even though this site appears to pertain only to New York State, information about federal laws and regulations are generally applicable. In addition, the site provides access to information and advice on dealing with [collateral consequences in a number of other jurisdictions](#) including, for example, the D. C.'s Public Defender Service [manual on collateral consequences](#). Reentry.net/NY is a model of an invaluable resource for state court litigators, social workers and reentry programs and counselors. A remarkable large number of state and some key national organizations contribute to the continuously-updated web site --- [about 40](#) in all.

To return to the national focus: An independent non-profit, the [Collateral Consequences Resource Center](#) has maintained a site with a wealth of information including state-specific research and a catalogue of collateral consequences. The right hand margin of the home page provides links to an array of resources.

In 2017 the Collateral Consequences Resource Center joined with the Council of State Governments (CSG) to aid in maintenance of CSG's [National Inventory of Collateral Consequences of Conviction](#). The page opens with an unlabeled map. Clicking on a state on the map initiates a state-by-state inquiry of collateral consequences.

The CSG also offers a [comprehensive bibliography](#) of articles and publications on collateral consequences nationally and specifically to about a dozen states.

The American Bar Association has [historically been concerned about collateral consequences](#). It contributed to funding and developing the Council of State Government's National Inventory. In January 2009, the American Bar Association's Commission on Effective Criminal Sanctions published a 250 page report on the collateral consequences of a federal conviction, [\*Internal Exile: Collateral Consequences of Conviction in Federal Laws and Regulations\*](#). More recently, an ABA Journal article, "[Ex-offenders face tens of thousands of legal restrictions, bias and limits on their rights](#)," (June 2013) pulled together *liberal and conservative voices opposed to the current extensive array of collateral consequences*.



The National Association of Criminal Defense Attorneys hosts a collection of individual downloadable documents prepared by [attorney Margaret Colgate Love](#), a leading expert on collateral consequences and the impetus for a comprehensive on-line catalogue, that [profile the law and practice in each U.S. jurisdiction relating to relief from the collateral consequences of conviction](#). Profiles include provisions on loss and restoration of civil rights and firearms privileges, legal mechanisms for overcoming or mitigating collateral consequences, and provisions addressing non-discrimination in employment and licensing.

The [National Employment Law Project \(NELP\)](#) drew on the state-by-state catalogue of collateral consequences maintained by the Council of State Governments and the American Bar Association for an April 2016 publication, [Unlicensed & Untapped: Removing Barriers to State Occupational Licenses for People with Records](#), which categorizes barriers of various types in all 50 states and recommends reforms.

For housing issues, advocates and researchers alike will want to review the National Housing Law Project's rich resource center [Housing Justice](#).

(Beginning in 2004, the Legal Action Center (LAC) in New York City created a [state-by-state catalogue of collateral consequences](#) across a number of topics, from employment to housing to obtaining driver's licenses. The site, which is easy to use, appears not to have been systematically updated since 2009 and so should be used with caution.)

A few of the other national organizations which frequently report on the impact of collateral consequences include:

- [The Sentencing Project](#), listing several leading early works on felony disenfranchisement and housing for individuals convicted of drug crimes as well as a few more recent articles. A 2012 review by The Sentencing Project, [State Reforms Reducing Collateral Consequences for People with Criminal Records: 2011-2012 Legislative Round-Up](#) documents reforms to laws imposing collateral consequences on persons convicted of crimes.
- The Vera Institute, which in December 2014 published a review of progress made in ameliorating the harsh impacts of collateral consequences, [Relief in Sight? States Rethink the Collateral Consequences of Criminal Conviction, 2009-2014](#)
- U. S. Department of Education, [Beyond the Box Increasing Access to Higher Education for Justice Involved Individuals](#) (May 9, 2016) a 54 page analysis of the relationship between a criminal conviction and access to post-secondary education.

Advocates can justly claim some progress in the area of employment. Launched under the banner of [All of Us or None](#) by California's Legal Services for Prisoners with Children, a vigorous [campaign to "ban the box"](#) has had results. In [Ban the Box: U.S. Cities, Counties, and States Adopt Fair Hiring Policies](#) (May 2017) NELP identifies 27 states and 150 cities which have taken action to reduce the pejorative impact of a conviction on hiring. NELP also has a NELP's ["tool kit"](#) related to this subject.