



**COLLATERAL CONSEQUENCES OF CRIMINAL CONVICTIONS  
MARYLAND OFFICE OF THE PUBLIC DEFENDER  
NEIGHBORHOOD DEFENDERS NORTHWEST**

**FAMILY LIFE**

**Parental Rights**

- Maryland mandates the initiation of termination of parental right proceedings if a child has been in foster care for 15 of the most recent 22 months. Out-of-home placement begins 30 days after the child is placed in out of home placement.
- Certain crimes will begin termination proceedings automatically, e.g., certain crimes of violence against a child.

MD CODE ANN., FAM. LAW § 5-525.1(b) (1) (2006).

**Child Support**

- Child support arrears accrue while a parent is incarcerated and must be paid upon their release.
- Failure to support children while incarcerated could lead to state or federal charges.
- Arrearages can also affect an individual's license status.
- To avoid this consequence, the parent must move to modify the support.

MD. ANN. CODE, art. 88A § 50(b)(2) (2003).

**Divorce**

- The court can decree an absolute divorce if the individual has (1) been convicted of a felony or misdemeanor in any state or federal court, (2) been sentenced to a prison term of at least three years, and (3) served 12 months of that sentence.

MD. CODE ANN., FAM. LAW § 7-103(a) (4)(i), (ii) (2006).

**GOVERNMENT BENEFITS**

**Social Security**

People with convictions are eligible to obtain Social Security benefits. For those who are incarcerated, the Social Security Administration (SSA) will suspend payments. If a person has been incarcerated too long, he or she might lose benefits altogether and will have to reapply for benefits once s/he gets out by going to the local social services office.

If a person has an open warrant, then the SSA will suspend payments until he or she has resolved the issue.

**Medicaid**

People with convictions are eligible to maintain Medicaid benefits.

Individuals incarcerated over twelve months may lose their Medicaid benefits if the state conducts a reassessment of eligibility while the person is in prison. If one is dropped from Medicaid while incarcerated, he or she will need to go to the local social services office to reapply for benefits.

42 U.S.C. § 1383(m)

**Cash Assistance/Food Stamps**

Maryland imposes drug testing and rehabilitation requirements on applicants who have a felony drug conviction.

In Baltimore City, applicants must participate in drug counseling as a condition of applying. The department has discretion to revoke eligibility of the applicant if the person fails to comply with the conditions imposed.

MD Code, Human Services, § 5-601

A person who is currently receiving benefits and is convicted in a felony drug case may be ineligible for benefits for one year after the date of conviction and is subject to drug testing for two years. The ineligibility begins on the later of either the individual's release from incarceration or the date the individual completes any term of probation or parole.

Fleeing felons are ineligible for food stamps and cash assistance.

**Student Grants and Loans**

A student receiving federal educational or financial aid who is convicted of any federal or state offense involving the possession or sale of a controlled substance will be ineligible to receive a grant, loan, or work assistance for the times specified:

See U.S.C.A. § 1091 (West Supp. 2007).

**Possession of CDS:**

First Offense	1 year
Second Offense	2 years
Third Offense	Indefinite

**Sale of CDS:**

First Offense	2 years
Second Offense	Indefinite

**MISCELLANEOUS**

**Commercial Driver's License (CDL)**

A range of offenses, including drug convictions, can lead to disqualification of a CDL.

MD. CODE ANN. TRANSP. § 16-812(e) (2006) and MD. ANN. CODE art. 41 § 1-105(a)-(b) (2003).

**Jury Service**

A person cannot serve who has had a prison sentence of more than 6 months or is pending a crime that could result in a sentence of more than 6 months.

**Military Service**

A felon can not serve in any branch of the military.

**Firearms**

Maryland law prohibits possession of a firearm if convicted of a felony and conspiracy or attempt to commit a felony. Some convictions can also affect the ability to purchase a firearm.

MD. CODE ANN. CRIM. LAW § 5-622(B) (2006) and MD. CODE REGS. 29.03.01.11(a)(4)(A)-(D) (2007).



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## EMPLOYMENT

### Required Background Checks

- Many licensing agencies are required by law to conduct background checks. The existence of a criminal record can be grounds for a denial. Agencies have enormous discretion in prohibiting individuals from obtaining licenses.
- Some examples of occupations requiring background checks include barbers, beauticians, bus drivers, dry cleaners, physician's assistants, and taxi cab drivers. See the Collateral Consequences folder on the OPD homepage.

## DNA DATABASE

Maryland law currently requires the collection of a DNA sample from an individual who has been charged with a crime of violence, or first, second, or third degree burglary. The DNA sample will be stored in a state database.

The DNA samples and records will be destroyed (expunged automatically) from the state database if one of the following happens in the case:

- A not guilty verdict
- A dismissal
- A conviction is reversed or vacated and no new trial is permitted
- An unconditional pardon

The DNA sample or DNA record may not be destroyed or expunged automatically from the state database if the criminal action is placed on the stet docket or a probation before judgment is granted. Additional steps need to be taken.

## HOUSING IN BALTIMORE CITY

The Housing Authority will deny eligibility for admission for a household member with a conviction beginning on the date of conviction or the release from incarceration, whichever date is later. The period of ineligibility depends on the type of crime:

- Misdemeanor: Up to 18 months
- Felony: Up to 3 years
- Drug-related conviction: Up to 3 years
- Violent crime conviction: Up to 3 years
- Drug-related conviction for the manufacture or production of methamphetamine on the premises of federally assisted housing: Permanent
- Sex offense requiring a lifetime sex offender registration requirement: Permanent

Baltimore City 2009 Annual Plan, available at [http://static.baltimorehousing.org/pdf/hudapproved\\_vol3\\_2009.pdf](http://static.baltimorehousing.org/pdf/hudapproved_vol3_2009.pdf).

## VOTING RIGHTS

- Individuals who have completed their court-ordered sentences for felony convictions can register to vote under the Voter Registration Protection Act, effective July 1, 2007.
- This law eliminates the prior waiting period and lifetime disenfranchisement provisions.
- Individuals on probation or parole for a felony conviction cannot vote and must complete probation or parole to be eligible.

2007 Md. Laws ch. 159, available at [http://mlis.md.state.us/2007RS/chapters\\_noln/Ch+159\\_sb0488T.pdf](http://mlis.md.state.us/2007RS/chapters_noln/Ch+159_sb0488T.pdf).

## IMMIGRATION

Non-U.S. citizens may be deported because of the disposition of a criminal case. Many crimes that may not be serious for U.S. citizens are grounds for deportation. See the Collateral Consequences folder on the OPD homepage.

**This brochure is not intended to be a complete list of collateral consequences.**