



National Institute of Justice

National Inventory of the Collateral Consequences of Conviction User Guide Frequently Asked Questions

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**National Inventory of the
Collateral Consequences of Conviction**
www.abacollateralconsequences.org

**User Guide
Frequently Asked Questions**



This project was supported by Award No.2009-IJ-CX-0102 awarded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice and by the ABA Criminal Justice Section. The opinions, findings, and conclusions or recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect those of the Department of Justice or the American Bar Association. NIJ defines publications as any planned, written, visual or sound material substantively based on the project, formally prepared by the award recipient for dissemination to the public. The information about collateral consequences accessible through this website is solely for educational and informational purposes, and does not constitute legal advice.

**National Inventory of the
Collateral Consequences of Conviction**

**User Guide
Frequently Asked Questions**

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INTRODUCTORY QUESTIONS

1. **What are collateral consequences?**

Collateral consequences are the penalties, disabilities, or disadvantages imposed upon a person as a result of a criminal conviction, either automatically by operation of law or by authorized action of an administrative agency or court on a case by case basis. Collateral consequences are distinguished from the direct consequences imposed as part of the court’s judgment at sentencing, which include terms of imprisonment or community supervision, or fines. Put another

way, collateral consequences are opportunities and benefits that are no longer fully available to a person, or legal restrictions a person may operate under, because of their criminal conviction. The most familiar examples of collateral consequences are being unable to vote or obtain certain licenses or possess a firearm because of a felony conviction. But, as this Inventory reveals, there are many other kinds of collateral consequences affecting many areas of life, that take many different forms, and that are triggered by many forms of unlawful conduct.

For purposes of deciding what laws and rules should be included in the Inventory, we used the definition of collateral consequences in Section 510 of the Court Security Act (CSA) of 2007, the law that authorized this Inventory. (The text of the CSA may be accessed from the Resource section of this website.) We made certain additional judgments about which consequences should be included and which should not, as described in the responses to Questions ## 9 and 10 below.

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2. What is the difference between a direct and a collateral consequence of conviction?

A consequence is direct if it is imposed by the sentencing court as part of the authorized punishment, and included in the court's judgment. It is collateral if it is imposed on a person automatically upon conviction even if it is not included in the court's judgment, or by action of a civil court or administrative agency on grounds related to the conviction. For example, if you are convicted of a misdemeanor for violating the terms of your hunting license, and the sentencing court imposes a fine for your behavior, the fine is a direct consequence of your misdemeanor conviction. But if the rules of the Fish and Game Commission also require suspension of your hunting license for 90 days upon conviction, or authorize the Commissioner to decide whether to suspend your license because of your conviction, those are collateral consequences. If the Commissioner has no choice about whether to suspend your license, the consequence is mandatory. If the Commissioner has discretion to suspend your license or not, or can make an exception to the rule requiring suspension, then the consequence is discretionary.

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3. What is the Inventory and how can it be used?

This Inventory is the first effort to systematically collect in one place the collateral consequences of conviction that exist in the laws and regulations of every state and in the federal system. Municipal ordinances and government agency policies are not included, nor are policies developed and imposed by

private entities that are not authorized or required by law. To some users, this resource represents a way to locate particular collateral consequences that may be of interest, or to determine the range of consequences that may apply as a result of a particular kind of conviction. To others, this resource provides a broad overview of all the collateral consequences contained in a particular jurisdiction's laws and regulations. Still others may wish to compare the laws and rules in different states, or do a national search for consequences affecting particular benefits or opportunities.

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4. How complete and accurate is the Inventory database?

Although we have made every effort to be complete in our collection and accurate in our analysis, in the process of sifting through thousands of statutes we have almost certainly missed some and gotten others wrong. Without knowing for certain how many collateral consequences are actually contained in any given jurisdiction's statutes and regulations, there is no way to tell what might have been missed in compiling the database. Without knowing how these laws and regulations have been interpreted by courts and agencies, we have applied rules of interpretation and coding conventions that may not yield the best result in every situation.

In addition, when faced with unclear text, we have generally interpreted a consequence conservatively to impose more severe rather than less severe penalties. Other interpretations may also be defensible.

It is essential to keep in mind that this website is solely for educational and informational purposes, and does not constitute legal advice. Therefore, users are cautioned to research and verify website information independently at an official source. Links to each state's publicly available database of statutes and regulations are included at the bottom of the Search Results Screen and at the bottom of every Detail Screen, but users are cautioned to rely only on official sources.

Precisely because the law in this area is complex, voluminous, and constantly changing, we welcome comments and suggestions from users about consequences that were missed or interpretations that are problematic. We also welcome information about newly enacted laws or new agency rules, or new interpretations of laws or regulations already in the database.

Anyone with helpful information that will add to the thoroughness and accuracy of the Inventory database is welcome to contact project staff through the "Contact Us" feature on this website.

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5. How current is the Inventory database?

With assistance from LexisNexis, each jurisdiction that has been coded and made available for searching will be actively monitored for changes in the laws and regulations enacted, or revised from session laws. Here again, however, it is important for users to examine the actual statutes or regulations at issue in a current edition of the jurisdiction's laws and regulations, for this is a notoriously volatile area of law. Links to publicly available databases are as noted in the response to Question #4.

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6. When will the Inventory be complete and what is the schedule for adding new states?

The present schedule calls for completing work on all jurisdictions by December 2013. The following is the tentative order for adding the next few states:

New York (regulations)
Rhode Island
Florida
Michigan
Georgia
California
Pennsylvania
Illinois

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QUESTIONS ABOUT THE INVENTORY DATABASE

7. How are collateral consequences identified and how are they included in the Inventory database?

Collateral consequences are identified and coded into the Inventory database in a three-step process:

Step 1: **Identify** statutes or regulations that potentially impose collateral consequences, by searching the LEXIS database with a "search string" developed with the generous assistance of LEXIS researchers. This enables us to examine every law and regulation in a particular jurisdiction containing words that typically indicate a collateral consequence - though

only about 30% of the laws and regulations produced by the search string actually contain a collateral consequence.

Step 2: **Determine** whether a particular law or regulation imposes a collateral consequence (or perhaps several separate consequences of differing type and duration and scope), and identify its characteristics with the aid of a detailed Coding Manual.

Step 3: **Enter** the law or regulation into the database, developing a title that will make it easy to search for and identify the collateral consequence, and determining which of several categories apply: e.g., what category of benefit or opportunity the consequence may affect; whether it is mandatory or discretionary, indefinite or time-limited; whether it specifies relief; and what general category of crime will trigger it.

Lawyers engaged in the technical and demanding coding work try to include enough original text to help users understand unclear or ambiguous laws and rules, though users are cautioned to research a particular law or rule at an original source. Links to the free online sources are provided on the Search Screen and Detail Screen for the user's convenience, but all users are reminded to rely only on official sources.

During the coding process, lawyers entering data typically raise questions with reviewers and with each other. Once statutes and regulations have been coded, a secondary review process occurs, to examine entries for accuracy, consistency, and thoroughness. This quality control process is time-consuming but reassuring.

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8. How can I tell which collateral consequences will result from a particular conviction?

In most cases, the crimes that trigger particular consequences are identified in the database in terms of general categories (e.g., "any felony," "crimes involving moral turpitude," "crimes of violence"), because this is the way most consequences identify their triggering offenses. Another typical general formulation is to identify a triggering offense in functional terms (e.g., crimes "related to the practice of the profession" for license revocation). Where the language and context of the consequence allowed us to identify the triggering offense more precisely, we did so. In many cases, however, the determination of which consequences are triggered by a particular crime is one that must be made on a case-by-case basis, an exercise which exceeded the scope of this project. We

expect that practitioners within each state will build upon the information in the Inventory to construct more detailed guidance about triggering offenses.

Another coding protocol alluded to earlier (see response to Question # 4) is relevant here as well: in deciding which category of offense triggers a particular consequence, we usually chose a broader category even where the language of the statute or regulation defined the triggering offense more narrowly. For example, we coded “arson” as a crime of violence, because we did not account for that as a separate category on the data entry form. Where a consequence was triggered by any felony, we did not separately specify narrower categories of crimes that might include both felonies and misdemeanors, unless that more specific category was mentioned in the text of the collateral consequence. Thus, for example, if a consequence is triggered by “any felony” only, the subsets of crimes are not checked; however, if a consequence is triggered by “any felony or crime involving violence,” both “any felony” and “crimes of violence” will be checked. Additional information about triggering offenses, if relevant and helpful, will be included in the text boxes wherever possible.

Researchers interested in more detailed information about coding protocols are welcome to contact project staff through the “Contact Us” button.

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9. What collateral consequences are included in the Inventory?

Most collateral consequences involve denial of employment or licensing, or tangible benefits like education, housing, or other entitlements. Other less familiar collateral consequences included in the Inventory database are:

- Registration, public notification, and residency requirements
- Bond requirements and other heightened standards for licensure
- Lifetime supervision and civil commitment
- Civil fines and forfeitures
- Alteration of civil liability, i.e., *res judicata* and *collateral estoppel* (claim and issue preclusion)
- Publication of an individual’s criminal record or mandated notification to the general public or to particular private individuals.
- Collateral consequences arising from juvenile adjudications

- Collateral consequences that derive from obligations of others (e.g., laws making a business license or government contract depend upon not employing anyone with a conviction).

In addition to collateral consequences, the database has also collected relief provisions by which a collateral consequence may be avoided or mitigated, such as pardons and expungements.

Consequences that affect corporations rather than individuals are not included in the Inventory database because they are not within the mandate of the Court Security Act.

Additional consequences of conviction that are essentially incidental to the criminal sentence are also not included in the Inventory, even though they may have been treated as “collateral consequences” by some courts for purposes of requiring notice to criminal defendants:

- Prison conditions, including eligibility for prison programming
- Eligibility for or conditions of probation or parole
- Ordinary supervised release or work release
- Collection of DNA
- Sentence enhancements
- Criminal fines and forfeitures

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10. Does the Inventory include background check, disclosure, and good moral character requirements?

Criminal background checks are technically not within the definition of a collateral consequence in the Court Security Act. However, they are the mechanism by which most collateral consequences are imposed, either by an actual check with government records or by self-disclosure. Accordingly, we code background check requirements either as a supplement to a genuine collateral consequence or, if there is no collateral consequence, as a freestanding provision about which people with a conviction ought to be aware. We also include provisions that require applicants for employment or other benefits to disclose their criminal record at the time they apply. These self-disclosure

provisions are no different in kind than provisions authorizing an employer or agency to make inquiry from an independent source (and will in any event probably be confirmed).

In many instances, laws and regulations have imposed a requirement that a criminal background check or disclosure occur prior to the dispensation of a benefit. Problematically, these laws and regulations frequently do not tell us what happens if there is a criminal history. Because of this ambiguity, in keeping with our general policy of selecting the more severe interpretation, background check requirements are identified by the harshest collateral consequence to which they pertain. Thus, a statute that requires a criminal background check in an application for a plumber's license, but nothing more, will be coded and identified in the database as "Ineligible for Plumber's License (background check)."

In situations where a background check appears with a delineated collateral consequence, the collateral consequence is coded and the background check is noted in the appropriate field for that entry. There is no separate background check entry for that collateral consequence.

No distinction is made between criminal background checks that are required by law and those that are merely authorized by law and left to the discretion of the government agency or employer. Both criminal background checks are coded as part of the study.

Although similar in some respects to a background check, we regard as being in a different category provisions requiring law enforcement or some other entity to disclose a conviction to an employer or licensing agency or other decision-maker, to a private individual like a victim, or to the public at large. In contrast to disclosure requirements that apply to new applicants and are thus akin to confidential background checks, the primary purpose of a mandated disclosure of an incumbent's conviction is to enable or encourage an employer or other decision-maker, or the private individual or the public at large, to take some adverse action based upon the information disclosed. Accordingly, we distinguish between disclosure by an applicant (akin to a background check) and disclosure by or about an incumbent (akin to a public posting and thus a true collateral consequence).

Provisions for exchange of criminal justice record information between and among government agencies are generally not included in the Inventory database.

Finally, many statutes and regulations condition a benefit or opportunity on the applicant possessing “good moral character,” or “good character and reputation,” or some variant. We have not entered such vague good character requirements into the inventory unless there is an explicit connection to a criminal conviction via a criminal records check (e.g., “to determine good moral character”) or other reference to criminal activity.

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QUESTIONS ABOUT USING THE WEBSITE

11. How do I use the search features on the website?

There are three ways to search the database: “Search by Keyword,” “Search by Consequence Category,” and “Search by Triggering Offense Category.” Each of these search features can be used individually or in combination. The searches themselves limit results from the database in different ways. The “Keyword” search limits the results to the search word or a search phrase, while the categorical searches limit the search by the selected categories. Users may narrow search results by limiting keyword searches to specific categories of consequence or triggering offense, though the narrower the search the more likely that some relevant consequences may be missed.

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12. What is a keyword search, and how does the “search by keyword” feature work?

A keyword search identifies a specific word or phrase in the title of a consequence, or in the entire record of a consequence in the database. To facilitate multi-jurisdictional searches using consequence titles, we have added a tagging system to deal with the idiosyncratic variation in statutory language for similar laws in different jurisdictions. For example, various alcoholic beverage licensing laws might be termed beer licenses, wine licenses, liquor licenses, malt licenses. For these laws, we have added the tag term “alcohol” to the consequence title. This allows a keyword search to return all entries involving any kind of alcohol-related laws.

The following tags have been used in the study:

- Agriculture
- Alcohol
- Background Check or Background Check/
Disclosure

- Banking
- Domestic Animals
- Driving
- DUI
- Education
- Estates
- Fish/Game
- Food
- Gaming
- Hazardous Materials
- Health care
- Immigration
- Law Enforcement
- Mortuary
- Nurse
- Physician
- Private Security
- Property
- Retirement
- Securities
- Transportation
- Weapons

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13. What are the consequence categories?

Every collateral consequence is coded as a particular variety of consequence, and sometimes in two or even more categories. The following are the 16 consequence categories and a brief explanation of some of the benefits and opportunities they encompass:

- **Employment:** This category includes public employment, appointive office (not elective office), military service, volunteering, publicly regulated private employment, employment by licensed business entities, and employment as a manager or officer of a business (also included in the category of business licensure). Volunteering and eligibility for appointive office are also included in the category of “civic and political participation.”
- **Occupational and professional licenses and certification:** This category includes commercial drivers’ licenses, pilots’ and mariners’ licenses, commercial hunting and fishing licenses, and most professional licensure

requirements. Endorsements to operate school buses, multiple-person vehicles, and any other commercial vehicles on an ordinary driver's license are included in this category.

- **Business licenses and other property rights:** This category includes liquor licenses; livestock, agriculture, and wildlife licenses; lottery and gambling licenses; licenses to operate care-giving or educational facilities; and, licenses to engage in specific industries. It also includes consequences affecting property rights, such as fines and administrative forfeitures, and corporate ownership interests. In many cases the difference between professional and business licensure will not be clear, and a comprehensive search should select both categories.
- **Government contracting and program participation:** This category includes Medicaid/Medicare program participation and general government contracting. Debarments are the most common consequence in this category.
- **Government loans and grants:** This category includes business loans and educational financial aid.
- **Judicial rights:** This category includes any binding legal effect given a conviction in subsequent judicial or administrative proceedings, typically issue or claim preclusion (collateral estoppel and res judicata).
- **Government benefits:** This category includes benefits in the form of welfare, health (Medicaid/Medicare), retirement, workers compensation, veterans, employee benefits, etc. It also includes immigration and travel restrictions.
- **Education:** This category includes educational program eligibility and financial aid (also included in "Government benefits").
- **Political and civic participation:** This category includes voting rights, eligibility for jury service, public office (both elective and appointive office, but not public employment generally), and volunteer activities.
- **Housing:** This includes occupancy in any form of housing, vouchers, housing subsidies, and subsidized housing (which are also "government benefits"). Restrictions on residency in licensed facilities are coded in this category, as well as in the "Registration, notification, and residency restrictions" category.

- **Family/domestic rights:** This category includes parental rights (custody, visitation), foster care, adoption, and name changes.
- **Judicial rights:** This category includes guardianships, executorships, and trusteeships; eligibility to inherit from crime victims; and limitations in subsequent civil proceedings (collateral estoppels, res judicata). Jury service is coded as “political and civic participation” only.
- **Recreational licenses, including firearms:** This category includes all non-commercial hunting and fishing licenses, firearms licenses, and recreational motor vehicle licenses.
- **Registration, notification, and residency restrictions:** This category includes two primary types of mandatory disclosure requirements: registration and mandatory supervision requirements usually applicable to sex offenders, and public notification requirements that involve disclosing criminal history information to the general public or to particular third parties, including victims and employers and schools. It also includes restrictions on residency in licensed community care facilities. (Disclosure provisions requiring an applicant for employment or other benefit to provide criminal history information are akin to background checks and are categorized as such. See response to Question # 10.) Provisions granting public access to records repositories, or involving information exchanges between and among public agencies, were not entered into the Inventory database.
- **Motor vehicle licensure:** This category includes all classes of drivers’ licenses not issued for commercial purposes. Recreational vehicle licenses and commercial drivers’ licenses are not coded in this category.
- **General relief:** This category includes statutes that provide general relief from collateral consequences. The most frequent types of relief are expungement, sealing, set-aside, certificates of relief, pardon, and restoration of rights. Where specific relief applies to a particular collateral consequence, or general relief is referred to in the text of a collateral consequence provision, it is coded as part of the collateral consequence.

Note: Provisions requiring a background check but specifying no particular consequence are identified by the applicable category of consequence. For additional information about how background check and disclosure provisions are coded, see response to Question #10.

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14. What are the triggering offense categories?

There are 15 triggering offense categories consisting of 3 general categories and 12 more specific categories. Whenever there is any ambiguity as to what is encompassed by a triggering offense, there is a standing preference to “code up” to the broader category. There is also a standing preference to place every triggering offense into some category as opposed to simply “Other,” adding more specific information in a text field.

General Triggering Offense Categories

- **Any offense:** This rarely used category is selected when a statute either states that any offense will trigger the collateral consequence, or where a negative criminal history will trigger the collateral consequence, and the statute specifically authorizes consideration of sub-criminal offenses. In every instance in which “any offense” has been selected, “any felony” and “any misdemeanor” have also been selected.
- **Any felony:** This category is selected when any and every felony offense will trigger the collateral consequence. It is not selected if the consequence is triggered only by specific kinds of felonies. In the case of an ambiguous formulation such as “any felony or misdemeanor involving fraud,” where it is unclear whether the qualifier applies to both felony and misdemeanor, our coding protocols dictated that both the “Any felony” and the “Crimes involving fraud etc.” categories would be selected. We do not intend by use of this coding convention to express any opinion whatsoever about the proper construction of such a phrase.
- **Any misdemeanor:** This category is selected when any and every misdemeanor offense will trigger the collateral consequence.

Whenever “any crime,” a common enough formulation in statutory text, triggers a collateral consequence, this is coded as “any felony” and “any misdemeanor,” but not “any offense,” because sub-criminal offenses (traffic infractions, violations, summary offenses) are not considered crimes.

Specific Triggering Offense Categories

- **Crimes of moral turpitude:** This category can mean different things in different jurisdictions, and in different contexts within the same jurisdiction. Though a few states define the concept by statute, in most states it is defined in caselaw. In most cases, crimes of moral turpitude

include crimes of fraud or dishonesty, and so whenever a statute speaks of “crimes of moral turpitude,” we have selected both this category and the following category. This category is also selected when a crime includes as an element disloyalty or breach of fiduciary duty. It does not include treason (see public corruption offenses, below).

- **Crimes involving fraud, dishonesty, misrepresentation or money laundering:** This category is fairly self-explanatory and includes any sort of fraud or theft, including fraud in connection with a regulatory scheme.
- **Crimes of violence, including “person offenses”:** This category includes typical violent crimes, like murder, manslaughter, assault, battery, and arson. Crimes against children or child abuse are included in this category, and also in the “sex crimes” category, unless there is a clear limitation in the statute to encompass only violent crimes.
- **Weapons offenses:** This category includes crimes involving explosives and possession of dangerous weapons. Violations relating to recreational use of weapons, however, are only coded under “recreational license violations.” This category does not include violent offenses in which a weapon was used.
- **Controlled substances offenses:** This category includes scheduled drug violations, along with DWI or DUI offenses (which are also coded as driving offenses), and tobacco-related offenses.
- **Sex Offenses:** This category includes child abuse (which is also coded as a crime of violence), indecent exposure, and lewd conduct.
- **Public corruption offenses:** This category includes conflicts of interest, self-dealing, bribery, and any form of malfeasance or nonfeasance in public office. Breach of confidentiality requirements fall into this category if committed by a public official. It also includes treason, espionage, and other crimes of disloyalty, regardless of whether committed by a public official.
- **Election-related offenses:** This includes any sort of crime related to voting or the operation of an election.
- **Recreational license violations:** This includes crimes involving firearms used recreationally, hunting, fishing and the operation of recreational vehicles that do not require a driver’s license.

- **Motor vehicle offenses:** This includes all offenses involving violations by licensed vehicles, including commercial vehicles, boats and airplanes. Violations involving harm to others (e.g. vehicular manslaughter) will also be coded as crimes of violence. (Note that although the “motor vehicle licensure” consequence category does not include commercial vehicle licenses, this triggering offense category includes commercial (though not recreational) vehicle offenses, as well as offenses involving use of a vehicle to commit a crime.
- **Child support violations:** This category applies in states where violation of a child support order/decree may be charged as a criminal offense, including criminal contempt, specifically triggering collateral consequences. Typically, these include suspension or revocation of drivers’ licenses, professional and recreational licenses.
- **Other:** This is a catch-all category for crimes that do not fit within any of the more specifically identified categories of offenses. Whenever “Other” is selected, then more details will be included in the next text field (“Additional Triggering Offenses”) to explain the “Other” selection. Most typically coded as “Other” are criminal regulatory violations: e.g., “Violations of Environmental Law 123-234, relating to the long-term storage of unprocessed medical waste.” Animal cruelty and gambling-related offenses are also coded as “other” -- though we have come to regret not creating a separate category on the data entry form for the latter category of offense at the outset of the project. *

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15. Can I search for keywords, consequence categories, and triggering offense categories at the same time?

In the consequence category and triggering offense category search fields it is possible to select multiple consequences or triggering offenses. In some instances it is preferable to do so. For example, a user searching for every collateral consequence associated with a felony sex offense conviction should select both “all felonies” and “sex offenses,” because many collateral consequences are triggered by any felony regardless of the nature of the crime. To select multiple items on a PC, use “CTRL” to select each item; on a MAC, use “CMD” to select each item.

* Relatedly, some of us unfamiliar when the project began with the iron imperatives of computer technology believed it would be easy to correct minor mistakes on the coding form, or at least keep said minor mistakes from being replicated on the website. Sadder but wiser, we hope for forgiveness from the spirits of Strunk & White.

All search criteria are cumulative, meaning that only records that fulfill every criterion will be returned. Thus, users can perform more focused searches by using two or three criteria. A secondary keyword search may be performed from the "Search Results" page, which is an alternative (and, for some purposes, preferable) way of focusing search results.

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QUESTIONS ABOUT REVIEWING RESULTS FROM SEARCHES

16. Why do entries not contain the text of the entire statute?

Although it would arguably make the Inventory more complete, including the entire text of every statute would make it less useful. The purpose of the database is to describe and identify collateral consequences. Including all 60+ pages of a complex securities-related regulation would bury the collateral consequence in unrelated data and hinder, not help, our gentle audience.

Users should check every statutory citation used in each entry in this database against the actual citation to read the statutes in context for a proper understanding of the law. We have included in each entry a link to a free web-based resource to facilitate independent verification.

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17. Where can I find the original text of a jurisdiction's laws and regulations?

Typically, every jurisdiction's legislature makes a current collection of statutory laws available online. We have included links to each state's publicly available database of statutes and regulations are included at the bottom of the Search Results Screen and at the bottom of every Detail Screen, but users are cautioned to rely only on official sources. These may be available at your local law library.

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18. Where can I find case law and administrative interpretations of laws and rules?

The surest way to locate relevant case law is through a paid online legal research service such as LexisNexis. Case law is available through free online services as well, but these services typically lack the search engines necessary to find case law that is relevant. Interested users should consult a local law library for assistance.

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19. How can I save my searches?

You can save your search results by exporting the search results into a Microsoft Excel Spreadsheet. These search results will contain all of the information present in a given entry. You can also print out a copy of individual Detail Screens.

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MISCELLANEOUS QUESTIONS

20. Can you recommend attorneys that specialize in issues related to collateral consequences?

Unfortunately, we cannot recommend any attorneys to assist you. If you have a legal problem requiring the assistance of an attorney, you may wish to consult your local bar association. Some legal aid offices or public interest organizations now have specialized units dedicated to assisting clients with criminal records issues.

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21. How do I get relief from a collateral consequence that applies to me?

Each jurisdiction has a different system for avoiding or mitigating collateral consequences, typically through pardon or expungement. Increasingly, jurisdictions are enacting court-administered certificates of relief from disabilities or certificates of good conduct. Descriptions of each state's relief mechanisms are available on the website of the National Association of Criminal Defense Lawyers, www.nacdl.org/reliefandrestoration.

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22. If I move to another state, what collateral consequences will apply to me?

If a person with a conviction moves to a new state, the collateral consequences in that new jurisdiction will typically apply. Some consequences that applied in their former residence may also continue to apply, due to national registries of conviction (e.g. for nurses and mortgage lenders), interstate cooperation agreements, or the requirements of federal law. Collateral consequences contained in federal laws and regulations apply nationwide and will continue to apply regardless of residence. Any consequences in the new jurisdiction that are implemented in conjunction with a disclosure requirement will apply.

The new jurisdiction may not recognize limitations on collateral consequences that applied in the jurisdiction of conviction, and may also not give effect to any relief granted in the jurisdiction of conviction. At the same time, the new jurisdiction may or may not itself afford any sort of relief to a person with an out-of-state conviction. Although specific legal advice on this issue is beyond the scope of this project, in general no one should assume that they can escape a particular collateral consequence, or collateral consequences in general, merely by relocating from the jurisdiction in which they were convicted to another part of the country.

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23. What if I have more questions or comments about the Inventory?

We welcome comments and suggestions from users about how we can make the Inventory a more useful and complete resource. In particular, we welcome information about newly enacted laws or new agency rules, or new interpretations of laws or regulations already in the Inventory database. Please understand that we are unable to respond to all questions, and cannot offer any advice on how a law will apply in a specific situation.

Researchers and others who are interested in further information about the detailed coding conventions and protocols used in constructing the Inventory database are welcome to contact project staff through the “Contact Us” feature on this website for a copy of the project Coding Manual.

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