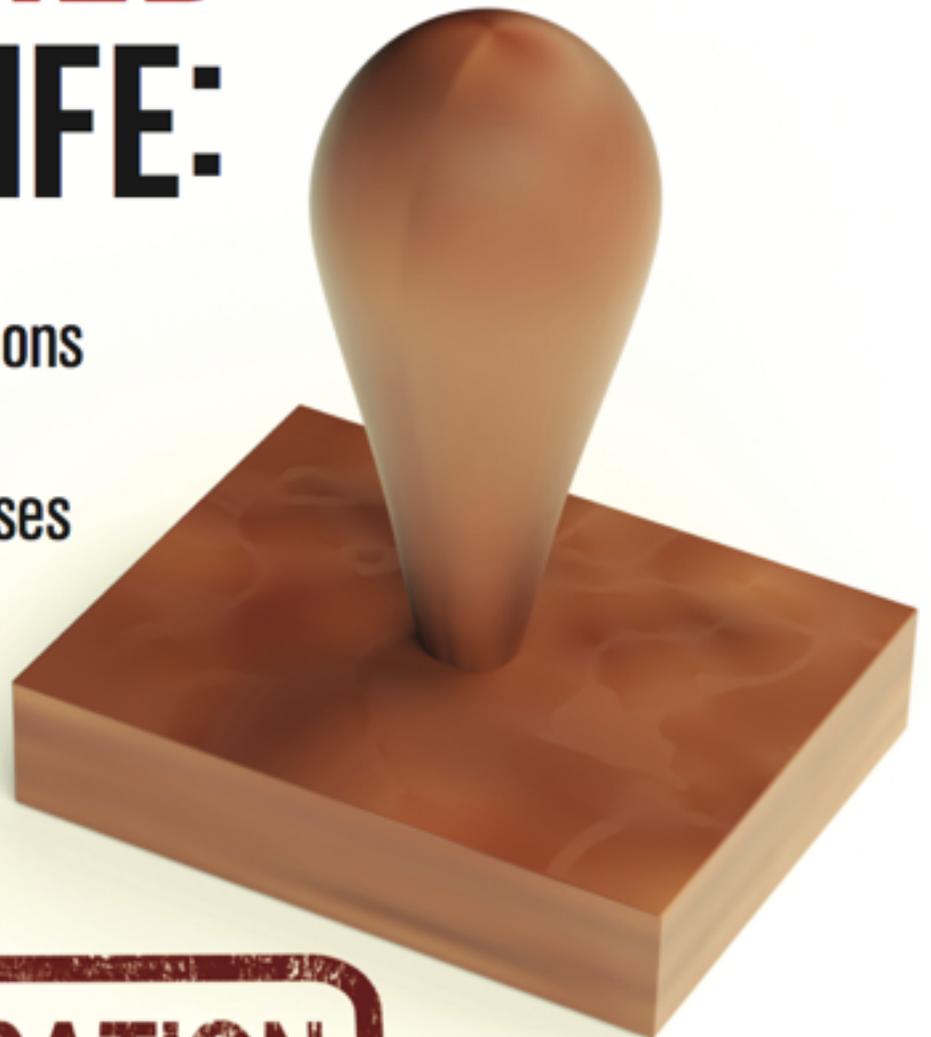


MARKED FOR LIFE:

Collateral Sanctions
Associated with
Marijuana Offenses
in Illinois



**APPLICATION
DENIED**



Marked for Life: Collateral Sanctions Associated with Marijuana Offenses in Illinois

Marijuana Policy Project

Executive Summary

- Between 1975 and 2009, there were over a million marijuana-related arrests in Illinois.
- In 2010, there were 49,904 arrests in Illinois for marijuana possession.
- In addition to statutory penalties such as arrest, jail time, and fines, criminal convictions nearly always result in significant collateral sanctions. These are the many secondary effects of a conviction. While not a part of the actual sentence, they can create enormous challenges to those with a criminal record, even for simple possession of a small amount of marijuana. Collateral sanctions limit access to a wide array of basic human needs — and they can follow a person for life.
- Various public sector jobs bar marijuana misdemeanor offenders, and many of the state's largest employers conduct extensive background checks, which often include criminal records checks. This significantly inhibits the ability of those with even minor marijuana offenses to find employment. A variety of Illinois occupational licenses — including those for law, teaching, and healthcare — may also be unavailable to people with misdemeanor criminal convictions related to marijuana, or they may be suspended or revoked if a person faces a conviction while in possession of such a license.
- A criminal record — and in many cases even a record of an arrest — may seriously undermine an individual's access to employment, education, public assistance, and housing.

- A single conviction for a marijuana-related misdemeanor may result in the deportation of both legal and undocumented non-citizen residents.
- Through the process of civil asset forfeiture, Illinois police officers may seize property on the mere suspicion of marijuana possession.
- The combined effect can seriously limit a person's access to property, a livelihood, and housing. In many instances, that limitation can follow a person for life — long after a person has repaid his or her debt to society.
- An effective solution to alleviate this harsh treatment is to treat simple possession of marijuana as a civil offense rather than a crime. By charging a non-criminal fine and allowing individuals to remove offenses from their records, the devastating and long-term effects of collateral sanctions can be avoided.

I. Introduction

According to a recent study published by the American Civil Liberties Union, there were 49,904 arrests in Illinois for marijuana possession in 2010. That year, in Chicago alone, there were 91 marijuana possession arrests per day.¹ Between 1975 and 2009, there were 1,023,434 arrests in Illinois for marijuana offenses.² Codified in the Cannabis Control Act,³ first offense possession of 30 grams of marijuana, or slightly more than one ounce, carries up to 364 days in jail.⁴

African Americans in Illinois are 7.6 times more likely to be arrested for marijuana possession than whites despite similar rates of use.

To a growing majority of Americans, these penalties alone are unfair and unnecessary.⁵ Forty-eight percent of Americans admit having tried marijuana at some point, including

¹ American Civil Liberties Union. (2013). *The War on Marijuana in Black and White*, pp. 148. New York, NY: Edwards, Bunting, & Garcia.

² Illinois State Police. (2009). *Crime in Illinois*. Retrieved at <http://www.isp.state.il.us/crime/cii2009.cfm>

³ 720 ILCS 550/1, <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1937&ChapterID=53>

⁴ 720 ILCS 550/4

⁵ Pew Research Forum for the People & the Press. (2013). *Majority Now Supports Legalizing Marijuana*. Retrieved at <http://www.people-press.org/2013/04/04/majority-now-supports-legalizing-marijuana/>

the last three United States presidents.⁶ Arresting and imposing criminal records on those who are caught is increasingly seen as arbitrary, sometimes discriminatory, and wasteful.⁷ Studies showing significant racial disparities in enforcement have further called into question existing marijuana policies, as African Americans in Illinois are 7.6 times more likely to be arrested for marijuana possession than whites despite similar rates of use.⁸

For these reasons among others, support for imposing harsh penalties on marijuana offenses has diminished. A March 2014 Public Policy Poll found that 63% of Illinois voters support imposing a civil fine of up to \$100 for possession of up to an ounce of marijuana.⁹ Meanwhile, reform advocates are increasingly concerned with the web of confusing, complex, and often irrelevant collateral sanctions associated with marijuana offenses. The American Bar Association defines collateral sanctions as any “legal penalty, disability, or disadvantage, however denominated, that is imposed on a person automatically upon that person’s conviction for a felony,

Sixty-three percent of Illinois voters support imposing a civil fine for possession of small amounts of marijuana.

⁶ <http://www.mpp.org/outreach/top-50-marijuana-users-list.html>

⁷ Pew Research Forum. (2013). *Marijuana Use Increased Over the Past Decade*. Retrieved at <http://www.pewresearch.org/daily-number/marijuana-use-increased-over-the-last-decade/>

⁸ American Civil Liberties Union. (2013). *The War on Marijuana in Black and White*. New York, NY: Edwards, Bunting, & Garcia.

⁹ www.mpp.org/ILpoll

misdemeanor,¹⁰ or other offense, that is not included in the sentence.”¹¹

Collateral sanctions may come in many forms. Most obvious are the dozens of state statutes making marijuana misdemeanor and felony offenders ineligible for public sector employment, government assistance, and public housing. But less obvious are the millions of jobs, housing, and other opportunities that are not available to qualified individuals simply because they have a misdemeanor marijuana offense on their record. Even beyond professional and financial burdens, collateral sanctions related to a minor marijuana possession conviction may limit an individual's most personal life decisions.

The collateral sanctions associated with a marijuana-related conviction leave an individual marked for life. Once criminal penalties are imposed, convicted individuals find that the consequences of their conviction may affect all aspects of life. In light of growing opposition to the immediate penalties, including possible incarceration, the permanent burden imposed by collateral sanctions on convicted individuals starkly illustrates the need for significant marijuana policy reform. This paper examines the effect of a marijuana conviction on employment, education, public assistance, and housing. It concludes with a brief discussion of potential reforms.

II. Marijuana Offenses in Illinois

As mentioned previously, Illinois marijuana offenses are outlined in the Cannabis Control Act, passed in 1978. Possession of even the smallest amount of marijuana (2.5 grams or less) results in a misdemeanor conviction punishable by

¹⁰ Misdemeanor (n.) — a lesser crime punishable by a fine and/or county jail time for up to one year. Misdemeanors are distinguished from felonies, which can be punished by a state prison term. Gerald N. Hill and Kathleen T. Hill, <http://legal-dictionary.thefreedictionary.com/misdemeanor>

¹¹ American Bar Association. (2013). *Collateral Sanctions and Discretionary Disqualification of Convicted Persons*. Retrieved June 20, 2013 from American Bar Association website: http://www.americanbar.org/publications/criminal_justice_section_archive/crimjust_standards_collateral_blk.html

a jail sentence of up to 30 days.¹² Beginning with a second offense for over 10 grams and up to 30 grams, or a first offense for an amount over 30 grams, marijuana possession becomes a felony with a mandatory minimum sentence of one-year incarceration and fines as high as \$25,000.¹³ Dozens of cities and towns in Illinois have established their own penalties for marijuana possession, and local law enforcement officers may charge a person under either local ordinance — often with lower penalties — or state law. However, even in those cities, police officers continue to regularly enforce state law, treating marijuana offenses as misdemeanors and felonies regardless of local ordinances.¹⁴

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III. Collateral Sanctions Associated with Marijuana Offenses

A. Employment

As an “at-will” employment state, employers in Illinois retain the right to terminate an employee for any reason, including conviction for marijuana-related misdemeanors, even if the offense is unrelated to the work.¹⁵ Employers also have the right to refuse to hire a person based on a record showing a prior conviction, though they cannot discriminate based solely on an arrest record. In effect, employers may use past marijuana misdemeanors to exclude otherwise qualified candidates and may terminate employees even for a minor possession conviction regardless of its relevance to work. This may leave a person with the most minor criminal marijuana offense struggling against the stigma of being a

¹² 720 ILCS 550/4(a), 730 ILCS 5/5-4.5-65(a)

¹³ 720 ILCS 550/4

¹⁴ Mick Dumke. (July 7, 2013). Marijuana busts still costing taxpayers millions. *Chicago Reader*. Retrieved at <http://www.chicagoreader.com/Bleader/archives/2013/06/07/marijuana-busts-still-costing-millions-of-taxpayer-dollars>

¹⁵ 30 ILSCS 580/1

drug offender for decades, forever dealing with the punishment of a long-passed decision to use a substance that about half of all Americans have consumed. If the offense was a felony, the difficulties only increase. In an already tenuous job market, a drug conviction can derail a person's dreams and earning potential.¹⁶

In accordance with the Illinois Drug Free Workplace Act, any employer with over 25 employees receiving \$5,000 or more in state contracts must maintain a "drug-free workplace." This requires a statement by the employer that it intends to keep drugs out of the workplace, but also demands that employees found to be convicted of drug-related crimes either be penalized or forced by their employer to enter rehabilitation.¹⁷ Such requirements often lead to strong background screening, regular drug testing, and harsh anti-drug policies by major employers in Illinois. Of the major employers, including State Farm, Allstate, Abbott Laboratories, as well as many major universities, nearly all have such provisions in place, making it difficult for many marijuana offenders to find employment.¹⁸ Even if a convicted individual is able to obtain and maintain employment, a

¹⁶ Holzer, H. J, Raphael S. & Stoll, M. A. (2003). Employment Dimensions of Reentry: Understanding the Nexus between Prisoner Reentry and Work. *Urban Institute Reentry Roundtable*. Retrieved at http://www.urban.org/UploadedPDF/410855_holzer.pdf

¹⁷ 30 ILSCS 580/1

¹⁸ State Farm (employer for around 46,000 Illinoisans) mandates drug testing for prospective employees: http://www.statefarm.com/careers/emp_process.asp. Prohibition against use of drugs/alcohol related to work place/time: http://www.statefarm.com/_pdf/2013_CodeOf_Cond_US.pdf

Abbott Laboratories: Mainly concerned with drugs as they affect work, but does do some drug screening. http://www.abbott.com/static/cms_workspace/content/document/Investor/COBC/English.pdf

University of Chicago: "For employees, sanctions include but are not limited to, suspension, termination of employment, disqualification from future employment, and prohibition from accessing University property." (Although makes numerous exceptions for alcohol!) <http://commonsense.uchicago.edu/page/appendix-vii-drug-and-alcohol-policies>

University of Illinois at Urbana-Champaign: Requires as policy that all employees respect drug laws. Discipline may include dismissal. <http://cam.illinois.edu/ix/ix-a/ix-A-15.htm>

University of Illinois at Chicago: Employees convicted of drug offenses may be discharged or required to attend rehabilitation. <http://www.uic.edu/depts/wellctr/docs/AOD%20Policy.pdf>

Allstate (employer for around 23,000 Illinoisans): Requires drug screening for all prospective employees. <https://allstate.taleo.net/careersection/10140/jobsearch.ftl?lang=en>. Prohibition against unprescribed consumption of controlled substances in company Code of Ethics: http://media.corporate-ir.net/media_files/IROL/93/93125/Code_of_Ethics.pdf

conviction can lead to a one-year driver's license suspension.¹⁹ Particularly in rural areas of Illinois, such a limitation can seriously limit employment opportunities for individuals convicted of marijuana misdemeanors.

In addition to the hurdles faced in the private sector, individuals convicted of a

Beyond public and private employment discrimination, a marijuana conviction may also result in a suspension or revocation of an individual's occupational license, taking away an offender's livelihood.

marijuana offense face numerous restrictions when seeking public sector employment. A dizzying array of sanctions prevents even misdemeanor marijuana offenders from eligibility for many public sector positions. Certain marijuana misdemeanors can disqualify otherwise qualified applicants for employment with the parks department,²⁰ public transportation,²¹ the public school system,²² civil service under the Secretary of State,²³ and police work.²⁴ While many of these make exceptions for the most

minor of marijuana misdemeanors, often a conviction for possession of more than 2.5 grams automatically results in ineligibility for employment. In many of the statutes detailing these sanctions, drug misdemeanors are usually included alongside serious crimes such as violent felonies and crimes that are sexual in nature.

¹⁹ 625 ILCS 5/6-201

²⁰ 70 ILCS 1205/8-23 for state, 70 ILCS 1505/16a-5 for Chicago

²¹ 70 ILCS 3605/28b

²² 105 ILCS 5/10-21.9

²³ 80 Ill. Adm. Code 420.310

²⁴ 50 ILCS 705/6-6.1

Beyond public and private employment discrimination, a marijuana conviction may also result in a suspension or revocation of an individual's occupational license, taking away an offender's livelihood. Occupational licenses, often issued by government regulatory boards, are required for a person to engage in some specialized occupations. Some marijuana-related misdemeanor convictions will prevent a person from working in a nursing home,²⁵ mental health care facility,²⁶ or developmental disabilities community care home.²⁷ They can also prevent a person from working as a psychiatric rehabilitation aid,²⁸ health care provider,²⁹ nursing assistant,³⁰ Live Scan technician,³¹ or childcare provider.³² Most notably, certain marijuana misdemeanors, including possession, may result in a permanent suspension of a teaching license, a punishment reserved for drug-related crimes, sex-related crimes, and felonies.³³

As mentioned above, actions that would typically be small marijuana offenses can be charged as felonies when a person has prior offenses on record. Upon conviction of a felony, a wide range of occupational licenses may be revoked. Among the hundreds of occupations whose licenses in Illinois may be revoked are physicians,³⁴ pharmacists,³⁵ nurses,³⁶ childcare workers,³⁷ barbers,

²⁵ 210 ILCS 45/3-206.01

²⁶ *Id.*

²⁷ *Id.*

²⁸ 77 Ill. Adm. Code 300.6090

²⁹ 225 ILCS 46/25

³⁰ 77 Ill. Adm. Code 225.2020

³¹ 77 Ill. Adm. Code 955.285

³² 89 Ill. Adm. Code 385. Appx. A

³³ 105 ILCS 5/21B-15

³⁴ 225 ILCS 60/22

³⁵ 225 ILCS 85/30

³⁶ 225 ILCS 65/70-5

³⁷ 225 ILCS 10/4.2

cosmetologists,³⁸ dentists,³⁹ and lawyers.⁴⁰ An individual may no longer be able to practice an occupation for which he or she spent tens of thousands of dollars and years of life studying to practice, all for marijuana convictions. The effect of a conviction extends far beyond an arrest, a fine, and possibly a short stay in jail.

B. Academics

While Illinois does not suspend state student aid due to a marijuana conviction, federal aid may be revoked for up to a year following a conviction for any marijuana misdemeanor for individuals who were receiving federal aid at the time of the conviction.⁴¹ A student may become permanently ineligible for multiple misdemeanor convictions.⁴² With a substantial percentage of students relying on federal student aid and steadily rising tuition costs, the ability to receive federal aid may be the difference between getting a degree and dropping out — assuming there is even an option.

A marijuana conviction may also derail a student's pursuit of an education in other ways. The Common Application, which is used by 16 colleges and universities in Illinois, asks if the applicant has “ever been adjudicated guilty or convicted of a misdemeanor, felony or other crime?” In addition, many of the

³⁸ 225 ILCS 410/4-7

³⁹ 225 ILCS 25/23

⁴⁰ Disbarment ultimately lies with the Illinois Supreme Court, although conviction of a marijuana offense could be (and has been) seen as violating the ABA “Model Rules for Professional Conduct.”

http://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_8_4_misconduct.html

<http://iln.isba.org/blog/2013/03/18/illinois-supreme-court-disbars-6-suspends-11-latest-disciplinary-filing>

⁴¹ 20 U.S.C. § 1091(r) (2006)

⁴² 20 U.S.C. § 1091(r) (2006)

major universities in Illinois have strong anti-drug policies, and students may be suspended or expelled upon conviction.⁴³

Under current policies, a student convicted of even the most minor marijuana possession offense could lose both federal aid and be suspended from his or her university. In light of the fact that young adults aged 18 through 24 make up 46% of all marijuana possession arrests, a similar scenario very likely unfolds in Illinois far more often than is generally publicized.⁴⁴

C. Public Assistance and Housing

With more limited prospects for employment and education, individuals convicted of a marijuana offense may find themselves in a position of needing public assistance. However, conviction of any one of the previously mentioned felonies — including for second offense possession of more than 10 grams of marijuana — may result in ineligibility for any number of the benefits. For example, following a conviction of a drug felony, a person is ineligible for the Temporary Assistance for Needy Families program, or TANF, for two years.⁴⁵ Illinoisans with significant drug felonies are permanently ineligible for food stamps.⁴⁶

Whitney Scherrinsky, now a 33-year-old Illinois resident, was 16 when he was convicted of possession of less than 2.5 grams of marijuana. Later, when Mr.

⁴³ University of Chicago: “Alcohol and Other Drugs” “sanctions include removal from the University House System; discharge from student employment; and probation, suspension, or expulsion from the University.” <http://studentmanual.uchicago.edu/alcohol>

University of Illinois Chicago: Disciplinary action may range from warning, to counseling, to expulsion. <http://www.uic.edu/depts/dos/docs/StudentDisciplinaryPolicy0809withpagenumbersandcov.pdf>

University of Illinois at Urbana-Champaign: Student Code of Conduct states that violations of drug policy (prohibiting possession and trafficking) may result in suspension/expulsion. See I-305 Policy on Drugs. http://www.admin.illinois.edu/policy/code/Pocket_Code_web2012.pdf

⁴⁴ American Civil Liberties Union. (2013). *The War on Marijuana in Black and White*, pp. 38. New York, NY: Edwards, Bunting, & Garcia.

⁴⁵ 305 ILCS 5/1-10, b-c

⁴⁶ *Id.*

Scherrinsky was 29 years old, he applied for Section 8 housing in Clark County, a sparsely populated county along the Indiana border in southern Illinois. He was turned down for one of the few housing options in the area, due to a conviction for the lowest possible misdemeanor, which had taken place 13 years previously.

Restrictions on public assistance eligibility go even further. A short-lived plan to institute annual drug testing of Chicago public housing occupants quickly failed in the face of public uproar. Yet similar to public sector employment, less apparent collateral sanctions already restrict individuals convicted of a marijuana offense from occupying public housing. Illinois public housing authorities may deny housing to any citizen who has ever been convicted of any drug-related crime, even the most minor misdemeanor.⁴⁷ Further, the Chicago

The Chicago Housing Authority, which provides housing to over 50,000 families in Chicago, refuses to consider anyone who has even been arrested for the most minor marijuana misdemeanor for five years, without even a finding that the person was guilty of the charge.

Housing Authority, which provides housing to over 50,000 families in Chicago,⁴⁸ refuses to consider anyone who has even been *arrested* for the most minor marijuana misdemeanor for five years, without even a finding that the person was guilty of the charge.⁴⁹

Individuals convicted of a marijuana-related offense may face further difficulties attempting to find private housing. Illinois specifically singles out controlled

⁴⁷ 24 CFR 5.855(a)

Expectations of occupations are further detailed in the HUD Occupancy Guidebook: <http://www.hud.gov/offices/pih/programs/ph/rhiip/phguidebooknew.pdf> (p. 62)

⁴⁸ http://www.thecha.org/pages/about_cha/18.php

⁴⁹ Chicago Housing Authority. (2012, November 19). *Administrative Plan for the Housing Choice Voucher Program*. Retrieved on June 20, 2013 from Chicago Housing Authority's website: http://www.thecha.org/filebin/hcv/11.19.12_HCV_Administrative_Plan_Final_Nov_2012_Board_Approved.pdf

substance convictions as grounds for acceptable tenant discrimination.⁵⁰ Acting fully within the law, landlords can and do often require background checks for tenants, as illustrated in the applications for large apartments,⁵¹ or even a casual search of popular real estate posting sites like Craigslist. As affordable housing in places like Chicago becomes increasingly scarce, landlords will become more likely to screen potential tenants for even the most irrelevant prior conviction, marijuana misdemeanors included.⁵² Without access to public housing, and being repeatedly denied housing in a landlord's market, a marijuana conviction may result in homelessness.

D. In the Home

As we have seen, collateral sanctions may drastically affect the professional and academic opportunities of convicted individuals. But a number of sanctions affect even the most personal decisions, ranging from adoption to owning a firearm. In accordance with federal law, individuals convicted of any marijuana-related felony may not adopt a child for five years.⁵³ Under current sanctions, a young couple's hope of starting a family — and their ability to provide a stable home to children who need one — may be significantly delayed after being caught using a substance that nearly half of American adults admit having used.⁵⁴

Sanctions may also affect certain basic constitutional liberties, such as the right to own a firearm. If convicted of a marijuana felony, an individual will

⁵⁰ 775 ILCS 5/3-106

⁵¹ In addition to Craigslist, a few examples of complexes checking all criminal history can be seen here:

<http://www.hunterprop.com/LeaseApplication.pdf>

<http://www.cagan.com/Cagan/media/Cagan-Forms/Cagan-Rental-Application.pdf>

<http://www.peoria-apartments.com/includes/docs/application.pdf>

⁵² Institute for Housing Studies. (2013). *The State of Rental Housing in Cook County*. Retrieved June 21, 2013 from http://www.housingstudies.org/media/filer_public/2013/04/22/ihs_2013_cookcounty_state_of_rental_housing.pdf

⁵³ 42 U.S.C. § 671 (a)(20)(A)(ii) (2006), 20 ILCS 505/5

⁵⁴ Pew Research Center. (2013). *Marijuana Use Increased Over Last Decade*. Retrieved at <http://www.pewresearch.org/daily-number/marijuana-use-increased-over-the-last-decade/>

automatically lose his or her right to obtain an Illinois Firearm Owner Identification Card, which is required for gun-owners in the state.⁵⁵ This is further affirmed in federal law as part of the Federal Gun Control Act.⁵⁶

Beyond merely affecting it, a marijuana misdemeanor conviction may permanently break up the homes of non-citizens. In any of the 26 Illinois counties participating in the Department of Homeland Security's Secure Communities program, a marijuana-related arrest may very likely result in deportation. As of 2010, about 26% of Illinois deportations were individuals convicted of *minor* crimes (along with 53%, who committed *no* crime).⁵⁷ Even non-citizens who are legally residing in the U.S. may be deported for misdemeanors.⁵⁸ For Adrian Moncrieffe, a law-abiding resident of the United States for nearly 30 years, what began as a conviction for the smallest possible marijuana possession offense very nearly led to his deportation. While prevented recently by the Supreme Court of the United States, he was saved only by procedural concerns specific to his case.⁵⁹ With a reported 40,448 deportations of individuals convicted of drug crimes in 2012, chances are such scenarios are not uncommon.⁶⁰

Even if criminal sanctions don't destroy the home, they may lead to it being taken away. Codified in the Drug Asset Forfeiture Procedure Act, Illinois police may seize one's property by a process known as civil asset forfeiture.⁶¹ Unlike

⁵⁵ Illinois State Police. (2013) FOID Frequently Asked Questions. Retrieved from <http://www.isp.state.il.us/foid/firearmsfaq.cfm>

⁵⁶ (18 U.S.C. § 922(g) (2006))

⁵⁷ Medill Reports Chicago. (2011). *Cook County, an immigrant sanctuary at risk*. Retrieved from <http://news.medill.northwestern.edu/chicago/news.aspx?id=181560>

⁵⁸ 8 U.S.C. § 1227(a)(2)(B)(i)

⁵⁹ *Moncrieffe v. Holder, Attorney General* (2013). Retrieved from http://www.supremecourt.gov/opinions/12pdf/11-702_9p6b.pdf

⁶⁰ U.S. Immigrations and Customs Enforcement. (2012). FY 2012: ICE announces year-end removal numbers, highlights focus on key priorities and issues new national detainer guidance to further focus resources. Retrieved at <http://www.ice.gov/news/releases/1212/121221washingtondc2.htm>

⁶¹ 725 ILCS 150

criminal forfeiture, which requires a criminal conviction to seize property, the Drug Asset Forfeiture Procedure Act gives Illinois police the ability to seize property solely on the suspicion that the property is involved in a drug-related offense. In Illinois, with little more than probable cause (one of the lowest standards of proof), police may seize and subsequently sell property, keeping 90% of the proceeds.⁶² In the past decade, police forces have seized nearly \$100,000,000 in assets.⁶³ On little more than the suspicion of possessing marijuana, one's car, home, cash, or computer may be seized.

IV. Conclusion

Collateral sanctions have the potential to derail careers, cut education short, and leave families without shelter or assistance. Under the current system, efforts to start and maintain a family may be undermined for conviction of a crime that amounts to little more than possessing a small amount of a substance that is safer than alcohol.⁶⁴

The reality is that the Illinois system of collateral sanctions has made marijuana-related convictions far more punitive than they would seem. Considering a growing majority of Americans are already opposed to penalizing marijuana with brief jail time, the life sentence created by collateral sanctions seems even more excessive. But with sanctions firmly imbedded in the existing system, no substantive change will occur unless Illinois stops treating marijuana possession as a criminal offense, as Ohio and 12 other states have done.⁶⁵ Treating marijuana offenses as non-criminal offenses and eliminating convictions from

⁶² Williams, Holcomb & Kovandzic. (2010). *Policing for Profit*. Institute for Justice. Retrieved at <http://www.ij.org/part-i-policing-for-profit-2>

⁶³ Same study as above. Retrieved at <http://www.ij.org/asset-forfeiture-report-illinois>

⁶⁴ Fox, S., Armentano, P. & Tvert, M. (2009). *Marijuana is Safer*. White River Junction, VT: Chelsea Green Publishing.

⁶⁵ In addition to those 13 states, three states impose a criminal penalty that does not include jail time, and in Alaska, possession of marijuana in one's home is protected by the state constitution's right to privacy. For details, see: <http://www.mpp.org/assets/pdfs/library/State-Decrim-Chart.pdf>

criminal records spares individuals convicted of possession the life-long stigma of a having a drug-related misdemeanor or felony on their record. Otherwise, even the most minor offenders will continue to be marked for life.