



## Collateral Consequences of Conviction Model Act in Brief

Traditionally, offenders are sentenced to fines, probation, and jail or prison terms. When this punishment is complete, as far as the criminal justice system is concerned, the offender has repaid his or her debt to society. However, today's offenders often learn after they have served their sentences that they have only begun to suffer the consequences of their convictions. States have imposed additional restrictions on those convicted of crimes. These "collateral consequences" are imposed automatically as a matter of law and are in addition to the criminal penalties. They include, among others, restrictions on employment, housing, occupational licensing, and public benefits; they can be devastating and often last a lifetime. In Minnesota there are over 500 collateral consequences. [Collateral Consequences Inventory | National Inventory of Collateral Consequences of Criminal Conviction \(nationalreentryresourcecenter.org\)](#)

### What the Act Does.

- A. It requires **notice** to a person that collateral consequences may apply to them if they plead guilty or are convicted of a crime and **information** on where to find them.
- B. It requires the state to compile a handy list of collateral consequences for easy reference.
- C. It offers two forms of relief:
  - a. An order from the court for **Limited Relief** from specific collateral consequences that can be asked for at any time during trial or any time thereafter to enable the person to obtain employment, education, housing, an occupational license, or public benefits.
  - b. A **Certification of Restoration of Rights** after meeting the required criteria, such as a waiting time, completion of a sentence, good behavior, and no pending charges.
- D. It restricts imposition of collateral consequences by government entities other than the legislature.
- E. It provides relief from collateral consequences resulting from crimes committed in other states.
- F. It provides defenses to employers who rely on the Order for Limited Relief or the Certification of Restoration of Rights.
- G. It is easy to use and relatively inexpensive. Relief can be obtained pro se.

### Reasons to Enact It.

- A. Public Safety is improved. People with housing and employment recidivate less.
- B. Minnesota has a shortage of workers. It expands the workforce. It expands the job opportunities of the 125,000 people under the jurisdiction of the Department of Corrections and Community Corrections, and those who have completed their sentences, who are subject to collateral consequences.
- C. It improves equity by providing relief to the population that is disproportionately affected. Approximately 40% of prisoners are non-white while this group constitutes only about 19% of the state's population. [Minnesota Department of Corrections Adult Inmate Profile as of 01/01/2004 \(mn.gov\)](#)

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