

# AFTER PRISON: ROADBLOCKS TO REENTRY

## A REPORT ON STATE LEGAL BARRIERS FACING PEOPLE WITH CRIMINAL RECORDS

### Report Card

#### NEW JERSEY

Roadblocks are defined as unfair and counterproductive barriers to the reentry into society of people with criminal records, so the fewer the roadblocks, the better the score. Each of the 7 categories has a maximum of 10 roadblocks, so the highest (and worst) possible score is 70 roadblocks.

#### **EMPLOYMENT: 0 ROADBLOCKS**

Employers and occupational licensing agencies can ask about arrests that never led to conviction. However, New Jersey law limits the collateral consequences of convictions to those that are necessarily incident to the execution of the court-imposed sentence. Occupational licensing agencies may not automatically bar someone from licensure based on convictions or disorderly person adjudication unless the conviction or adjudication disqualifies the individual from public office or relates adversely to the license sought. Opportunity exists for some individuals to get certificates of good conduct from the Parole Board to aid in an individual's rehabilitation efforts.

#### **PUBLIC ASSISTANCE AND FOOD STAMPS: 7 ROADBLOCKS**

Individuals convicted of drug-related offenses involving possession or use only may be eligible for benefits if currently enrolled in or successfully completed treatment. Individuals in treatment must submit to drug testing and, unless participating in a methadone program will have benefits terminated upon a positive test result.

#### **ACCESS TO CRIMINAL RECORDS: 3 ROADBLOCKS**

Arrests that did not lead to conviction may be expunged. Certain convictions can be expunged following completion of the sentence if individual has not been convicted of any prior or subsequent crime and after waiting periods ranging from 2 to 10 years depending on severity of conviction. The individual can deny the existence of an expunged record except when filing for a subsequent expungement. Records of individuals currently incarcerated or on parole available are on the Internet.

#### **VOTING: 5 ROADBLOCKS**

Bars people who are incarcerated or serving probation or parole from voting.

#### **PUBLIC HOUSING: 5 ROADBLOCKS**

The Newark Public Housing Authority makes individual eligibility determinations based on relevance of criminal history, but considers arrests that never led to conviction.

#### **ADOPTIVE AND FOSTER PARENTING: 5 ROADBLOCKS**

Determinations about suitability for a foster or adoptive parent are made individually for non-disqualifying convictions.

**DRIVERS' LICENSES: 4 ROADBLOCKS**

Licenses automatically revoked or suspended for at least 6 months when individuals convicted for all drug offenses, not just those related to driving. No opportunity for those with revoked or suspended licenses to obtain restrictive licenses to attend work, school, or treatment. However, the court may decide not to revoke license if the person can show compelling circumstances warranting an exception.

**TOTAL ROADBLOCKS: 29****Rank: 25<sup>th</sup> best out of 51**