

## **SENATE BILL 337 – COLLATERAL SANCTIONS**

- EFFECTIVE SEPTEMBER 28, 2012

### **CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (CQE)**

- THE CQE WILL ALLOW PERSONS LIVING IN THE COMMUNITY WHO HAVE A PREVIOUS FELONY OR MISDEMEANOR CONVICTION TO APPLY TO THE COURT TO LIFT THE COLLATERAL SANCTION THAT BARS THEM FROM BEING CONSIDERED FOR EMPLOYMENT IN A PARTICULAR FIELD.
- THE BILL DOES NOT LIFT THE BARRIER TO A CONVICTION, WHEN IT IS DIRECTLY RELATED TO THE OCCUPATION.
- FOR EXAMPLE, THE BILL WOULD NOT ELIMINATE BARRIERS TO EMPLOYMENT FOR SOMEONE CONVICTED OF CHECK FRAUD WHO THEN APPLIES FOR A JOB AT A BANK.
- THE BILL ALLOWS EMPLOYERS FREE TO CONSIDER ON A CASE BY CASE BASIS WHETHER IT IS APPROPRIATE TO GRANT OR DENY A JOB OPPORTUNITY, WITHOUT BEING HELD LIABLE FOR NEGLIGENT HIRING OF AN EX-OFFENDER.

### **DRIVER LICENSE SUSPENSIONS AND REINSTATEMENT**

- ALLOWS IMMEDIATE REINSTATEMENT OF A DRIVER'S LICENSE OR CDL ONCE CERTAIN CONDITIONS HAVE BEEN MET.
- ALLOWS COURTS TO SUBSTITUTE COMMUNITY SERVICE SANCTIONS IN LIEU OF DRIVING SUSPENSIONS FOR CERTAIN OFFENSES.
- ALLOWS THE BMV TO ESTABLISH A REINSTATEMENT FEE PAYMENT PLAN IN ORDER FOR INDIVIDUALS TO MAINTAIN DRIVING PRIVILEGES WHILE PAYING FEES.

### **SEALING OF CRIMINAL RECORDS (EXPUNGEMENT)**

- THE BILL REFORMS THE SEALING OF ADULT RECORDS BY ALLOWING THE SEALING OF ONE (1) FELONY AND ONE (1) MISDEMEANOR COMMITTED AT DIFFERENT TIME PERIODS, **OR**
- TWO (2) MISDEMEANOR OFFENSES SO LONG AS THEY ARE NOT THE SAME OFFENSE.

### **NON-PAYMENT OF CHILD SUPPORT**

- THE BILL ALLOWS THE COURT DISCRETION IN SEALING NON-SUPPORT CONVICTIONS IF AN INDIVIDUAL IS CURRENT IN HIS OR HER CHILD SUPPORT PAYMENTS.
- THE BILL ALLOWS COUNTY (CSEAs) TO MODIFY SUPPORT ORDERS BASED ON ACTUAL EARNING POTENTIAL FOR AN INDIVIDUAL WHILE INCARCERATED AND AFTER BEING RELEASED FROM PRISON.
- ALLOWS THE COURTS TO GRANT LIMITED DRIVING PRIVILEGES TO DRIVERS UNDER A NON-PAYMENT OF CHILD SUPPORT LICENSE SUSPENSION.