

AMENDMENTS TO UNIFORM COLLATERAL CONSEQUENCES OF CONVICTION ACT*

Drafted by the

NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

and by it

APPROVED AND RECOMMENDED FOR ENACTMENT
IN ALL THE STATES

at its

ANNUAL CONFERENCE
MEETING IN ITS ONE-HUNDRED-AND-NINETEENTH YEAR
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By

NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

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*The following text is subject to revision by the Committee on Style of the National Conference of Commissioners on Uniform State Laws.

**AMENDMENTS TO
UNIFORM COLLATERAL CONSEQUENCES OF CONVICTION ACT**

Amendment 1

Section 4 is amended to read:

**SECTION 4. IDENTIFICATION, COLLECTION, AND PUBLICATION OF
LAWS REGARDING COLLATERAL CONSEQUENCES.**

(a) The [designated governmental agency or official]:

(1) shall identify or cause to be identified any provision in this state's Constitution, statutes, and administrative rules which imposes a collateral sanction or authorizes the imposition of a disqualification, and any provision of law that may afford relief from a collateral consequence;

(2) not later than [insert number of] days after [insert the effective date of this [act]], shall prepare or cause to be prepared a collection of citations to, and the text or short descriptions of, the provisions identified under paragraph (1);

(3) shall update or cause to be updated the collection within [insert number of] days after each [regular session] of the [legislature]; and

(4) in complying with paragraphs (1) and (2), may rely on the study of this state's collateral sanctions, disqualifications, and relief provisions prepared by the National Institute of Justice described in Section 510 of the Court Security Improvement Act of 2007, Pub. L. 110-177.

(b) The [designated governmental agency or official] shall include or cause to be included the following statements in a prominent manner at the beginning of the collection

required by subsection (a):

(1) This collection has not been enacted into law and does not have the force of law.

(2) An error or omission in this collection, or in any reference work cited in this collection, is not a reason for invalidating a plea, conviction, or sentence or for not imposing a collateral sanction or authorizing a disqualification.

(3) The laws of ~~the United States~~, other jurisdictions, and [insert term for local governments] which impose additional collateral sanctions and authorize additional disqualifications are not ~~listed~~ included in this collection.

(4) This collection does not include any law or other provision regarding the imposition of or relief from a collateral sanction or a disqualification enacted or adopted after [insert date the collection was prepared or last updated].

(c) The [designated governmental agency or official] shall publish or cause to be published the collection prepared and updated as required by subsection (a). It shall also publish, as part of this collection, the title and Internet address, if available, of:

(1) the most recent collection of collateral consequences imposed by federal law;
and

(2) any available relief provisions.

(d) The collection described in subsection (c) must be available to the public on the Internet without charge not later than [insert number of] days after it is created or updated.

Amendment 2

Section 5 is amended to read:

SECTION 5. NOTICE OF COLLATERAL CONSEQUENCES IN PRETRIAL PROCEEDING AND AT GUILTY PLEA.

(a) When an individual receives formal notice that the individual is charged with an offense, [the designated government agency or official] shall cause information substantially similar to the following to be communicated to the individual:

NOTICE OF ADDITIONAL LEGAL CONSEQUENCES

If you plead guilty or are convicted of an offense you may suffer additional legal consequences beyond jail or prison, [probation] [insert jurisdiction's alternative term for probation], periods of [insert term for post-incarceration supervision], and fines. These consequences may include:

- being unable to get or keep some licenses, permits, or jobs;
- being unable to get or keep benefits such as public housing or education;
- receiving a harsher sentence if you are convicted of another offense in the future;
- having the government take your property; and
- being unable to vote or possess a firearm.

If you are not a United States citizen, a guilty plea or conviction may also result in your deportation, removal, exclusion from admission to the United States, or denial of citizenship.

The law may provide ways to obtain some relief from these consequences.

Further information about the consequences of conviction is available on the Internet at [insert Internet address of the collection of laws published under Section 4(c) & (d)].

(b) Before a court accepts a plea of guilty [or nolo contendere] from an individual, the

court shall confirm that the individual received and understands the notice required by subsection (a) and has had an opportunity to discuss the notice with counsel.

Legislative Note: The legislature should designate an appropriate agency or official to give the notice provided by ~~this~~ Section 5(a). Appropriate actors to give notice, depending on state procedure, could include the court or court clerk, pretrial services, jail authorities, or the prosecution. Section 5(b) may be adopted as a court rule rather than a statute if appropriate under state law or practice.

Amendment 3

Section 12 is amended to read:

SECTION 12. COLLATERAL SANCTIONS NOT SUBJECT TO ORDER OF LIMITED RELIEF OR CERTIFICATE OF RESTORATION OF RIGHTS. An order of limited relief or certificate of restoration of rights may not be issued to relieve the following collateral sanctions:

(1) requirements imposed by [insert citation to state's "~~Megan's Law~~" sex offender registration and notification act enacted pursuant to 42 U.S.C. Section 14071, 42 U.S.C. Section 16901 et seq., or ~~its~~ their associated regulations];

(2) a motor vehicle license suspension, revocation, limitation, or ineligibility pursuant to [insert citation to state DWI laws], or [insert citation to provision for motor vehicle license suspension, revocation, limitation, or ineligibility based on traffic offenses], for which restoration or relief is available pursuant to [insert citation to occupational, temporary, and restricted licensing provisions]; or

(3) ineligibility for employment pursuant to [insert references to laws restricting employment of convicted individuals by law enforcement agencies, including the attorney general, prosecutor's office, police department, sheriff's department, state police, or department of corrections].