



Overview of the Collateral Consequences of North Carolina Criminal Convictions

Over the last thirty years, the state of North Carolina has experienced an explosion in the number of people who have come in contact with the criminal justice system. For example, approximately 39,000 people are in prison, another 105,000 are on probation, and nearly 1.6 million, 1 in 5 adults, have a criminal record. All of these individuals face formal and informal barriers to successful reintegration into society, irrespective of whether they actually served time in jail or prison.

Generally in criminal cases there are both direct and indirect consequences of an arrest or conviction. The direct consequences are imposed by the criminal court and may include jail, probation, and the imposition of fines. In contrast, indirect or “collateral consequences” are civil penalties imposed by the government or government agencies, licensing boards, or other civil entities. Examples of collateral consequences include felon disenfranchisement, denial of public employment, loss of professional licenses, deportation, and the denial of public benefits, to name a few.

Because collateral consequences are not imposed by the criminal justice system, they are not considered part of the criminal punishment even though they are triggered by an arrest or conviction. Moreover, the criminal statutes associated with a particular offense seldom identify the collateral consequences triggered by a conviction. In addition, the vast majority of low level felonies and misdemeanors are quickly resolved through the plea bargaining process, which results in “assembly line” justice where criminal defendants receive scant attention to their criminal cases. Consequently, judges, prosecutors, defense attorneys, and defendants are often unaware of the specific consequences flowing from a conviction in a particular case.

These unforeseen collateral consequences are often insurmountable obstacles to the successful reintegration of people entangled in the criminal justice system. Equally pernicious are the social stigma and defacto discrimination faced by people with criminal convictions when attempting to gain employment, obtain housing, and meet other basic human needs. Together, these forces act in concert to create an impenetrable wall that marginalizes a significant portion of our citizens from mainstream society, thereby creating a permanently disadvantaged class

The members of this structurally disadvantaged class do not reflect the general demographic makeup of the state. It has been well documented that racial and ethnic disparities exist at every point on the criminal justice continuum. For example, the general population of North Carolina is 68.5% white, 21.5% black and 8.4% Latino; whereas the state’s prison population for drug-related offenses is 28.5% white, 53.2% black and 17.6% Latino. Moreover in 2009, approximately 57% of the people who received felony convictions were African American.

Thus, communities of color are obviously disproportionately represented in the criminal justice system, which makes it more likely these communities will face the harsh, debilitating, and sometimes lifelong collateral consequences triggered by a criminal conviction. Many prominent legal scholars have labeled this phenomenon the *New Jim Crow*. Just as racially discriminatory laws previously barred all people of color from having equal opportunities in education, housing, employment, healthcare and political participation, collateral consequences create legal barriers to equal opportunity for all people with criminal records and those barriers have a disparate racial impact.

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The following list details the broad areas where collateral consequences are triggered by an arrest, indictment, or conviction in North Carolina. For a more detailed analysis of the collateral consequences that may be triggered as a result of your criminal justice involvement please visit the Collateral Consequence Assessment Tool (C-CAT) <http://ccat.sog.unc.edu/>

Broad Categories of Activities, Privileges, and Rights

1. Employment and professional licensure
2. Wildlife
3. Property rights
4. Civic rights
5. Judicial rights
6. Public benefits
7. Firearm rights
8. Domestic rights
9. Education
10. Housing

Specific Categories of Activities, Privileges, and Rights

Employment and Professional Licensure

- ABC
- ABC board
- ABC commission
- ABC permit
- Acupuncturists
- Adult care homes
- Advisory Committee on Religious Ministry in Prisons
- Alarm systems
- Alcohol sales and distribution
- ALE
- Anesthesiologist assistants
- Animal collection
- Animal dealers
- Archeologists
- Architects
- Athletic agents
- Athletic trainers
- Attorneys
- Auctioneers
- Bail bonds
- Barbers
- Beach bingo
- Board of Transportation
- Boxing
- Building code enforcement
- Burial associations
- Business Enterprises Program
- Business ownership
- Cattle market operators
- Certified public accountants
- Check-cashing services
- Child care
- Chiropractors
- Claims adjustors
- Collection agencies
- Commercial fishing
- Commission Appointment
- Company police officers
- Continuing care providers
- Public works
- Contractors
- Contractors' board
- Controlled hunting preserve operators
- Corrections
- Cosmetology
- Counseling
- Court counselors
- Crematory services

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- Criminal justice officers
- Criminal justice professionals
- Dental hygienists
- Dentists
- Department of Health and Human Services
- Department of Juvenile Justice and Delinquency Prevention
- Department of Public Instruction
- Design services
- Developmental disability care
- Diet and nutrition services
- Director of elections to county board of elections
- District attorneys
- Dog handlers
- e-NC Authority
- Economic Investment Committee
- Education
- Electrical contractors
- Electrolysis/ Electrology
- Electronic Commerce
- Emergency management
- Emergency medical services
- Employee assistance
- Engineers
- Environmental health care
- Environmental Management Commission
- Escort drivers
- Estheticians
- Euthanasia technicians
- Fee based pastoral counselors
- Fire departments
- Foster care
- Fund-raising solicitations
- Funeral services
- Fur dealers
- Furbearer Propagation
- Game bird propagation
- General contractors
- Geologists
- Governor's Crime Commission
- Grain dealers
- Grievance Resolution Board
- Health care professionals
- Health care providers
- Hearing aid dealers and fitters
- Home inspectors
- Hospital authority
- Houses of entertainment
- Hunter safety instructor
- Insurance
- Interpreter/ Transliterater
- Investment advisers
- Investment commodity sellers
- Irrigation contractors
- Job Development Investment Grant Program
- Job listing services
- Judges
- Juvenile Crime Prevention Council
- Land development
- Land-disturbing activity
- Landscape architects
- Landscape contractors
- Laser hair practitioners
- Law enforcement officers
- Life insurance
- Lobbyists
- Local government employees
- Local office or employment
- Locksmiths
- Lotteries
- Malt beverage wholesaler agreements
- Manicurists
- Manufactured homes
- Marine Fisheries Commission
- Marriage and family counselors
- Massage therapists
- Medical school faculty
- Membership on State governing body
- Mental health care
- Midwives
- Military sales

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- Military services
- Mining
- Mortgage brokers or lenders
- Mortgage lending course providers
- Motor carriers
- Motor clubs
- Motor fuel suppliers
- Multiple employer welfare arrangement (MEWA) license
- Natural hair care
- Navigation
- North Carolina Board of Dietetics and Nutrition
- North Carolina Board of Transportation
- North Carolina Medical Board
- North Carolina Mining Commission
- North Carolina Parks and Recreation Authority
- North Carolina Psychology Board
- North Carolina Respiratory Care Board
- North Carolina Sedimentation Control Commission
- North Carolina Wine and Grape Growers Council
- Nurse practitioners
- Nurses
- Nursing home administrators
- Nursing homes
- Occupational therapists
- Opticians
- Optometric assistants
- Optometrists
- Paralegals
- Pawnbrokers
- Perfusionists
- Pest control technicians
- Pharmacists
- Pharmacy technicians
- Physical therapists
- Physician assistants
- Physicians
- Podiatrists
- Post-Release Supervision and Parole Commission
- Precious metals dealers
- Prescription drug wholesalers
- Private correctional officer
- Private personnel services
- Private protective services
- Probation/parole officers
- Professional counselors
- Professional employer services
- Proprietary school operators
- Psychologists
- Public adjusters
- Public officers
- Public Officers and Employees Liability Insurance Commission
- Public safety officers
- Public schools
- Public works
- Pyrotechnic display operators
- Real estate appraisers
- Real estate brokers
- Real estate salespersons
- Real estate school operators
- Recreational therapists
- Registered site managers
- Religious sponsored child care
- Remove from state employment
- Residential school personnel
- Respiratory care practitioners
- Secretary of Administration
- Secretary of State
- Securities dealers or salespersons
- Small Business Environmental Advisory Panel
- Social workers
- Soil and Water Conservation Commission
- Soil scientists
- State boards or commissions
- State Criminal Justice Partnership Advisory Board
- State Information Technology Services
- State officers and employees

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- Substance abuse professional
- Substance abuse services
- Taxi drivers
- Taxidermist
- Teachers
- Third party administrators
- Timeshare sales
- Undersea exploration or salvage operations

- Underwriters
- Utility Commission Board
- Utility Commission staff
- Veterinarians
- Water Pollution Control System Operators Certification Commission
- Well Contractors Certification Commission
- WIC vendor

Wildlife

- Amphibian and reptile possession permit
- Captivity license
- Cervid license
- Cervid transportation permit
- Coastal and estuarine license agents
- Collection license
- Combination hunting and fishing license
- Controlled hunting preserve operator license
- Exportation and importation permit
- Fish stocking license
- Fishing license agents
- Fishing license
- Fishing permit
- Fur dealer license
- Fur dealer station license
- Furbearer propagation license
- Game bird propagation license
- Hook and line fishing license
- Hunting and fishing guide license

- Hunting license
- Hunting preserve operator license
- Rehabilitation license
- Special activity license
- Special device fishing license
- Sportsman license
- Taxidermy license
- Taxidermy propagation license
- Trapping license
- Trophy wildlife sale permit
- Trout fishing license
- Wildlife captivity permit
- Wildlife damage control license
- Wildlife depredation permit
- Wildlife exportation and importation permit
- Wildlife possession license
- Wildlife possession permit
- Wildlife resources collection license
- Wildlife transportation permit

Property rights

- Aircrafts
- Animals
- Awards
- Business/occupational/ professional license
- Businesses
- Commercial drivers learners license
- Commercial drivers license

- Credit union memberships
- Drivers license
- Environmental permit
- Equipment
- Inheritances
- Insurances
- Land development
- Motor vehicle license plates

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- Motor vehicles
- Profits
- Property rights
- Real property
- Retirement benefits
- Vehicle registrations

- Vehicles
- Vessels
- Watercrafts
- Weapons
- Workers compensation

Civic Rights

- ABC contracts
- Council of State
- Debtor protection
- Elective office
- Judges
- Jurors
- Land development
- Local government officers or employees
- Magistrates
- Militias

- Notaries
- Public office
- Public officers or employees
- Public records access
- Public works
- Sheriffs
- State contracts
- Voters
- Wrecker service

Judicial rights

- ABC contracts
- Collectors
- Estate administrators
- Executors

- Jury service
- Name changes
- Personal representatives
- Public works

Public benefits

- Insurance
- Subsidized child care
- Supplemental Nutrition Assistance Program (SNAP)

- Unemployment benefits
- Work First/ Temporary Aid to Needy Families (TANF)
- Worker's Compensation

Firearm Rights

- Concealed handgun permit
- Firearm certifications

- Firearms
- Registration permit

Domestic Rights

- Adoption
- Guardianship

- Parental rights

Education

- Attendance
- Financial aid
- Scholarships/ financial aid/ grants

Housing

- Eviction
- Federally assisted housing

For additional information about collateral consequences and the racial and ethnic disparities in North Carolina's criminal justice system please contact:

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