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A Brief Overview of Collateral Consequences in Alaska**

by

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Deborah Periman

“It is not, as a rule, the good people who commit crime.”

Justice David J. Brewer, *Hawker v. New York*, 170 U.S. 189 (1898)

“Still, the prisoner is a person; still, he or she is part of the family of humankind.”

Justice Anthony M. Kennedy, Speech to the ABA (August 2003)

The quotations above encapsulate the historic tension in our justice system between condemnation and reintegration. With the expansion of the war on drugs and the war on terror, reintegration has increasingly taken a backseat to other concerns. The recent case of a former UAA student denied admission to the University’s School of Social Work highlights the difficulties faced by former offenders seeking reentry into mainstream society. M.P. enrolled at the University after serving 20 years for a murder he committed as a teenager. Although Mr. P. was successful in his foundational courses and, for a time, served as president of the school’s Social Work Club, the School of Social Work twice denied him admission into the social work degree program. In April 2007, Mr. P. gave up his appeal of a superior court decision holding that the University was within its rights in denying his application. See generally, 3AN-05-09374 CI; Lisa Demer, *Murderer Ends Pursuit of Social Work Degree from UAA*, Anchorage Daily News, Apr. 4, 2007, at B2.

Although the case received extensive media coverage, most reports of the story omitted any discussion of Alaska’s regulatory framework controlling licensure of social workers. Those statutes and regulations provide that a felony or misdemeanor conviction is grounds for the state to deny an otherwise qualified applicant a license to practice social work. See, e.g., 12 AAC 18.140. This licensing scheme, and its indirect impact on M.P., is a classic example of the phenomenon labeled “collateral consequences.” The term refers to the myriad, often unforeseen, ways in which state and federal laws disadvantage those with criminal convictions as they seek to engage in the ordinary activities of American life.¹ In Alaska, these laws run the gamut from

¹ The term collateral consequences is used here to refer generally to the effect of any measure that might increase the negative consequences of a criminal conviction. Note, however, that in proceedings for post conviction relief the term carries a specific meaning. In the Alaska courts, “a collateral consequence is one originating outside of the trial court.” *Peterson v. State*, 988 P.2d 109, 115 (Alaska App.1999). Thus, a consequence that will flow

impairing the right to vote to limiting access to food stamps to barring an individual from working as a fisheries observer. At the federal level, these laws may impair access to public housing, render students ineligible for financial aid, bar individuals from various forms of federal employment, and, for noncitizens, trigger deportation proceedings.

At both the state and federal level, the collateral consequences of a criminal conviction fall roughly into three categories. The first is impaired access to, or enjoyment of, the ordinary rights and benefits associated with citizenship or residency, such as voting or driving. The second is impaired economic opportunity, primarily through reduction of the range of available employment. The third is increased severity of sanctions in any subsequent criminal proceeding brought against the offender.²

These indirect but significant consequences of a felony or misdemeanor conviction are receiving increasing attention from policy makers, ethicists, and the bar. Setting aside issues of constitutional or statutory rights, the growing web of civil disabilities triggered by a criminal conviction raises fundamental questions about what makes sense as a matter of public policy. The questions encompass both economic considerations and our values as a democratic people.

Policy Considerations: Criminal Administration, Economics, and Public Safety

Alaska's Constitution spells out the policies underlying administration of our criminal justice system. They are: "the need for protecting the public, community condemnation of the offender, the rights of victims of crimes, restitution from the offender, and the principle of reformation." Alaska Const. art. I, § 12. Of these, the need for protecting the public, community condemnation, and reformation or rehabilitation figure most significantly in the collateral consequences debate. There is, of course, an inherent tension between the community's interest in public safety and the criminal defendant's interest in full restoration of civic rights. Legislators and regulatory agencies seeking to adjust this tension must strike a difficult balance

inevitably from a conviction may be deemed collateral, provided it does not originate in the original trial court proceeding, to the same extent as those consequences that are mere possibilities. Sex offender registration, for example, is deemed a civil regulatory matter collateral to the imposition of an offender's sentence. *Id.*

² Alaska's court has summarized the cumulative effect of these measures thus: "[A] person with a criminal record is often burdened by a social stigma, subjected to additional investigation, prejudiced in future criminal proceedings, and discriminated against by prospective employers." *Journey v. State*, 895 P.2d 955, 959 (Alaska 1995).

between those measures that truly advance public safety, those that are merely punitive or reflect “community condemnation,” and those that, despite the legitimacy of the foregoing policies, unduly impede the defendant’s reformation.

In M. P.’s case, the trial court recognized that an Alaskan offender’s constitutional *right* to rehabilitation does not extend beyond release from custody. *See Memorandum Decision and Order*, Oct. 17, 2006, 3AN-05-09374 CI (citing *Goodlataw v. Dep’t of Health and Social Services*, 698 P.2d 1190, 1194 (Alaska 1985)). Nevertheless, Alaska law does recognize that both the offender and the public have an *interest* in establishing the offender as a productive, noncriminal member of society. *Abraham v. State*, 585 P.2d 526, 531 (Alaska 1978). From a public policy standpoint then, the appropriate question is not, “Does the offender have a right to post-release rehabilitation?”, but rather, “What opportunities should be available to the released offender that will advance the interests of the community as a whole?” Certainly, the community’s interests are advanced when former offenders are reintegrated as working, tax-paying members of society, with adequate resources to provide for themselves and their families. It should be noted, in this regard, that the majority of those incarcerated are parents of children under the age of 18. Christopher J. Mumola, U.S. Dep’t of Justice, *Bureau of Justice Statistics Special Report: Incarcerated Parents and Their Children* (2000), <http://www.ojp.usdoj.gov/bjs/pub/pdf/iptc.pdf>. Thus, a released offender’s inability to find work often further impoverishes his or her family, and places a concomitant burden on the social welfare system.

In addition to boosting the tax rolls and decreasing the welfare burden, providing released offenders with adequate opportunity for employment also serves the interest of public safety. Studies show a statistical relationship between lack of employment and increased risk of recidivism. (There is obviously an economic aspect to this as well. Increased recidivism translates into increased public expense associated with court administration, prosecutors, public defenders, incarceration, probation, and parole.)

For all of these reasons, unduly restricting an offender’s access to employment is antithetical to the public interest. This is not to suggest that restrictions on post-offender employment are never warranted. Few would argue, for example, that there is no legitimate public safety interest in keeping serial DUI offenders from behind the wheel of school busses. *See* AS 28.15.046. But, this does suggest that any regulatory measure that excludes an offender from a given form of employment should be carefully calibrated to ensure there is a reasonable relationship

between the requirements of the job, public safety, and the scope of the exclusion.³ While many Alaska statutes already meet this standard,⁴ others do not.

Policy Considerations: Ethics and Fundamental Fairness

Fundamental fairness is a recurring theme in our constitutional doctrines. It encompasses both notice and proportionality. The tangled web of collateral consequences presently existing under state and federal law raises troubling questions on both fronts.

Notice

Plea bargaining is indispensable to the “machinery of justice” in the United States, *Tafoya v. State*, 500 P.2d 247, 255 (Alaska 1972) (Rabinowitz, J., dissenting) (quoting Professor Moore), where approximately 90% of the criminal cases are resolved without trial. Its legitimacy in our system is premised on the defendant’s informed choice regarding his fate. Thus, under Alaska’s criminal rules, a court may not accept a plea of guilty or nolo contendere (no contest) without first determining that the defendant understands the nature of the charge. Alaska R. Crim. P. 11(c). The court must also inform the defendant of the “maximum possible punishment provided by the statute defining the offense to which the plea is offered.”⁵

However, because collateral consequences laws are so widespread and so varied, and because they are largely buried in regulatory schemes unrelated to the criminal code under which an individual is prosecuted, they pose a special danger in this area. The absence of a central repository for all of these statutes and regulations makes it is entirely possible that with respect to

³ For purposes of equal protection analysis, neither the federal nor Alaska courts recognize the ability to pursue a particular occupation without hindrance as a fundamental right. The federal courts apply the rational basis test to equal protection challenges to regulations affecting access to occupations or professions. Under Alaska’s Constitution, the Court will examine whether the statute’s purpose is legitimate and whether the methods employed “substantially further that purpose,” balancing the state’s interest in the statutory restrictions against the right infringed. *Weidner v. State*, 764 P.2d 717, 720 (Alaska App. 1988).

⁴ See, for example, AS 08.68.270, which requires that the Board of Nursing find that a felony or other crime “is substantially related to the qualifications, functions or duties of the licensee” before imposing disciplinary sanctions.

⁵ “A guilty plea is ‘knowing’ and ‘voluntary’ for due process purposes if ‘the record, taken as a whole, . . . show[s] [the defendant’s] understanding of the nature[s] of the offense charged and [the] voluntar[iness] [of the] plea.’ A plea meets the standards of due process even though the defendant is not ‘informed about every conceivable collateral effect the conviction might have.’ A plea remains constitutionally valid even though the court may fail to comply with one or more provisions of Criminal Rule 11(c).” *Peterson v. State*, 988 P.2d 109, 115 (Alaska App.1999) (cit. omitted).

a given proposal, neither the prosecutor, defense counsel, nor judge (not to mention the defendant) will fully understand all the consequences triggered by a guilty or nolo plea.⁶ Notwithstanding this fact, in Alaska, as in the vast majority of jurisdictions, there is no obligation under the rules to inform a defendant of all of the possible collateral consequences of a guilty or nolo plea. *See, e.g., Tafoya*, 500 P.2d at 250.

The courts' refusal to hold that defendants have a right to be notified of all the potential consequences of a plea makes sense, given the enormous range of possibilities and the fact that many of these potential disabilities are essentially hidden in statutory schemes far removed a jurisdiction's penal code. A contrary holding would set a standard virtually impossible to meet under the extant system, with concomitant implications for establishing knowing and voluntary pleas and effective assistance of counsel. Nevertheless, whether or not they have a *right* to know, the desirability of providing all defendants with as much information as is reasonably possible is indisputable. Rule 11 itself recognizes that certain collateral consequences are sufficiently grave that they must form part of the court's colloquy with the defendant. If the defendant is not a U.S. citizen, the court must advise that conviction may result in "deportation, exclusion from admission to the United States, or denial of naturalization pursuant to federal law." In addition, the court must provide written notice of Alaska's sex offender registration requirements to defendants charged with a statutorily defined sex offense or child kidnapping. AK. R. Crim. P. 11(c).

Taken together, the provisions of Rule 11 reflect that expectation of fair play on which our constitutional doctrines rest. Simply put, the failure to provide defendants with complete knowledge of the consequences of their plea "is contrary to our basic concepts of notice and fairness." *Shaulis v. Com., Dept. of Transp., Bureau of Driver Licensing*, 638 A.2d 362 (Pa. Cmmw. Ct. 1994) (J. Kelley dissenting). Given this standard, the fact that it is presently so difficult to find all of the information necessary to provide such notice casts a shadow of unfairness over the entire plea bargaining process.

⁶ In most instances, any consequence that would flow from a guilty plea will follow a nolo plea as well. In Alaska, "the nolo plea is for nearly all purposes the equivalent of a guilty plea." *Wilson v. MacDonald*, 168 P.3d 887, n. 7 (Alaska 2007). A number of Alaska statutes and regulations similarly define a conviction to include a nolo plea. *See, e.g.*, 12 AAC 18.990 (for purposes of social work licensing, conviction "means an adjudication that a person is guilty of a crime based upon a verdict or upon a plea of guilty or nolo contendere").

Proportionality

Just as troubling as the absence of complete notice is the lack of proportionality resulting from the vast network of regulatory measures barring offenders from full civic and economic participation. In many cases, the conflation of collateral consequences with the actual sentence imposed results in punishment far beyond what most would consider just.

First, the collateral consequences of a conviction may impose on the defendant lifelong stigmatization, a result contrary to the policy of rehabilitation underlying Alaska's criminal administration. Nearly 30 years ago, Justice Dimond explained the cultural values underlying this policy. He wrote: "[T]o the extent [the offender] is rehabilitated into a law-abiding person, his inherent dignity as a human being will be enhanced. He will be the object of respect, rather than of fear or loathing by his fellow citizens, and to that extent, will benefit from the sense of personal satisfaction enjoyed by those who live decent lives, unsullied by disobedience and rebellion against the laws by which we govern ourselves in a peaceful and tranquil society." *Abraham v. State*, 585 P.2d 526, 531 (Alaska 1978). Conversely, laws that establish unnecessary classifications between released offenders and non offenders devalue the inherent dignity of the individual.

In addition, collateral consequences are associated with a diminution of overall life chances — the ability to obtain safe housing, adequate nutrition and medical care, higher education, and economic independence. The combined effect of the regulatory barriers triggered by a criminal conviction may include, as noted above, ineligibility for public housing assistance and food stamps, denial of student loans, revocation of driver's license, destruction of family bonds, and a host of employment limitations. The financial impact of a criminal conviction, moreover, is not limited to the employment limitations imposed by statute or regulation. Private employers in all sectors of the economy have historically discriminated against those with a criminal history. (For some employers, the potential threat of a negligent hire lawsuit adds economic impetus to this practice.) Thus, for as long the law continues to permit private employment discrimination on the basis of criminal history, the actual percentage of the job pool unavailable to former offenders will be far larger than that represented by those jobs placed off limits by statute or regulation. Moreover, the recent practice of providing public access to criminal prosecution information over the internet means that, with next to no effort, every potential employer may

review an applicant's local criminal history. The Alaska Court System's CourtView program, for example, provides information about criminal (and civil) cases, including traffic cases and other minor offenses, in Anchorage, Barrow, Fairbanks, Kotzebue, Nome, Palmer, and Unalakleet. *See* CourtView, <http://www.courtrecords.alaska.gov>. In sum, the combined effect of jobs that are unavailable by operation of law, and the reluctance of employers to hire offenders even for those jobs for which they are legally qualified, creates a formidable barrier to economic success and life satisfaction. The net effect on overall life chances will be, for many offenders, a far harsher penalty than that imposed under the state's penal code.

More disturbing than all of the foregoing, however, is the disproportionate impact of collateral consequences on certain ethnic groups. Throughout the country, a complex network of economic and political disadvantages have led to the overrepresentation of discrete groups in the incarcerated population. Statistically, Alaska Natives/American Indians and African-Americans are disproportionately represented in Alaska's offender population. Thus, to the extent the civil disabilities imposed on former offenders unduly impede their economic success and civic involvement, these groups as a whole are impoverished and disenfranchised to a greater extent than ethnic groups with lower levels of representation in the offender population.

Challenges for the Bar and the Movement toward Change

As the number of statutory and regulatory measures negatively affecting offender re-entry continues to grow, the bar has begun examining its role in shaping a more just and humane system. To facilitate these efforts, the American Bar Association's Criminal Justice Section established the Re-entry & Collateral Consequences Committee to "focus specifically on trying to assist offenders to rebuild their lives and re-enter society with the goal of achieving a productive future." American Bar Association Criminal Justice Section: Re-Entry & Collateral Consequences Committee, *Message from the Co-chairs*, www.abanet.org/dch/committee.cfm?com=CR206500.

Justice Anthony Kennedy of the U.S. Supreme Court gave considerable impetus to this movement in an August 2003 speech to the American Bar Association (ABA), in which he addressed the justice system's failure to concern itself with the post-incarceration fate of offenders. He observed that a criminal justice system, the purpose of which is "to degrade or

demean individuals is not acceptable in a society founded on respect for the inalienable rights of the people.” He urged lawmakers and lawyers in both civil and criminal practice to turn their attention to what happens to prisoners after they are locked away, “to help find more just solutions and more humane policies for those who are the least deserving of our citizens, but citizens nonetheless.” *Speech at the American Bar Association Annual Meeting: An Address by Anthony M. Kennedy Associate Justice, Supreme Court of the United States*, http://meetings.abanet.org/webupload/commupload/CR209800/newsletterpubs/Justice_Kennedy_ABA_Speech_Final.pdf.

During the same month Justice Kennedy issued his call for action, the ABA House of Delegates approved standards designed to provide a legislative model for mitigating the overly harsh effect of extensive federal and state restrictions on the civic participation of former offenders. The standards include recommendations for limiting the sheer number of restrictions; ensuring that restrictions bear a legitimate relationship to the risks posed by the offenders’ criminal conduct; gathering restrictions in one place so that legal professionals, offenders, and the public may find them; requiring notice of collateral restrictions in the sentencing process; prohibiting unreasonable public and private discrimination against former offenders; and increasing the availability of methods for obtaining relief from extant restrictions. *See, ABA Standards for Criminal Justice (Third Edition) Collateral Sanctions and Discretionary Disqualification of Convicted Persons* (August 2003), http://www.abanet.org/crimjust/standards/collateral_toc.html.

Of these, the standard calling for collection and identification of collateral consequences statutes and regulations, Standard 19-2.1, has received the most ready, albeit informal, response. Standard 19-2.1 calls upon state legislatures to “collect, set out or reference all collateral sanctions in a single chapter or section of the jurisdiction’s criminal code.” It further specifies that the “chapter or section should identify with particularity the type, severity and duration of collateral sanctions applicable to each offense, or to a group of offenses specifically identified by name, section number, severity level, or other easily determinable means.” In lieu of, or as a prelude to legislative action, a number of local bar groups around the country have begun compiling lists and tables of these collateral sanctions. *See, e.g., Jennifer L. Bahnson & Robert J. Dieter, Collateral Effects of a Criminal Conviction in Colorado*, 35 Colo. Law. 39 (June 2006).

Note that by its terms, Standard 19-2.1's call for identification and collection of collateral consequences is limited to those disabilities that are imposed automatically upon a conviction. *See* Standard 19-1.1(a) (distinguishing "collateral sanctions" and "discretionary disqualifications"). However, for a great many defendants, as noted above, discretionary disqualifications — those disabilities that do not flow automatically from a conviction, but which may be imposed by virtue of an individual's particular circumstances — may be even more devastating. Consider, for example, the recent case of J. P., a young Kenai Peninsula resident, who was sentenced to six months in jail, five years probation, and payment of restitution after pleading no contest to forgery and theft. Approximately four years after her sentencing, Ms. P. applied for certification as a nurse's aide. Her probation officer supported the application, stating that she had made "noted progress" during probation. *State Div. of Corp's., Bus. and Prof'l. Licensing v. Platt*, 169 P.3d 595, n.2 (Alaska 2007). However, the Board of Nursing denied the application, finding, pursuant to its statutory authority, that the facts surrounding Ms. P.'s criminal conduct were incompatible with the duties of a nursing assistant. For Ms. P., the inability to work in her chosen profession may well be a greater penalty than her actual sentence. To take this example one step further, assume hypothetically that Ms. P. someday finds herself unable to bear children, and she and her husband decide to adopt. Under current Alaska law, her criminal history may prevent her from ever adopting a child or serving as a legal guardian.

It may be that in the foregoing example, Alaska's professional licensing system worked exactly as it should. The board reasoned that, because Ms. P.'s criminal conduct victimized older persons, vulnerable to her actions, she should not be "in frequent contact with persons who, by reason of their medical condition," are "extremely vulnerable to their caregivers." *Id.* at 601. But, even if this particular case struck the right balance between public safety and reintegration, it is doubtful that Ms. P. understood the full range of career options that would be potentially unavailable following her plea, or the potential ramifications the plea might carry for her in the future, such as posing a barrier to adoption or guardianship. For that reason alone, jurisdictions should make every reasonable effort to increase the visibility of both automatic and discretionary or potential collateral consequences. Leaving in place a complex system of regulatory penalties that is essentially hidden from most defendants contravenes our basic ideals of fair play and justice.

Locating Collateral Consequences in Alaska

In Alaska, statutes and regulations potentially affecting an offender's civic and economic reintegration occupy well over one hundred different sections of the Alaska Statutes and Alaska Administrative Code.⁷ Other limitations imposed on offenders are omitted from these sources entirely, and instead may be found only through careful perusal of the rules of evidence, rules of court, or unpublished agency policies. In this, Alaska is like every other state — the task of identifying all of the legal disabilities potentially triggered by a criminal conviction is enormously difficult. For an individual without time, resources, or training, it is likely to be impossible.

The accompanying tables represent a preliminary effort to pull together in one place all of these state statutes and regulations. Federal statutes and regulations are thoroughly treated elsewhere, and are omitted here, except to the extent that Alaska's rules incorporate the federal.

Please note that this is the first of a series of articles looking at this issue, and is intended merely as a starting place for analysis.⁸ Any legislative reform in this area will require a difficult balancing of public safety concerns and the community's legitimate interest in voicing condemnation of anti-social behavior, against preserving the offender's inherent integrity as a human being, and promoting the public's interest in restoring him as a productive member of the community. A thorough review of the complex questions of public policy associated with striking this balance is well beyond the scope of this piece. Pending such review, however, it may be well to remember Justice Kennedy's admonishment that "a people confident in its laws and institutions should not be ashamed of mercy."

⁷ Similar restrictions are embedded in local ordinances throughout the state.

⁸ For further reading, see the accompanying bibliography of suggested resources.

Collection of Collateral Consequences Statutes and Regulations in Alaska

The following is a preliminary effort to pull together in one place all of the provisions of state law that may diminish in some respect the opportunities available to an individual with a criminal conviction in his or her background. This listing is intended to serve a notice function only. The laws listed are summarized in general terms, but the list is not intended to serve as a complete description of the measures' legal effect or scope. Readers are cautioned to review the entire text of any authority on which they intend to rely. In addition, please note that the laws listed were current as of October, 2007. Changes published since that time will not be reflected here.

At present, this list includes only those measures that have been enacted or apply at the state level. Federal laws are omitted, as are the multitude of provisions that have been enacted by local governments. *Cf.* Soldotna Municipal Code § 2.28 (providing, *inter alia*, that an employee charged with a felony or misdemeanor of moral turpitude may be summarily suspended or terminated).

Although every effort has been made to identify all of the measures currently in effect, it is inevitable that some have been overlooked. The author invites reader contact regarding omissions or other suggestions for improving the list.

Table 1. General Civil Disabilities

The table below collects those provisions of Alaska law that automatically affect or have the potential to affect adversely an offender's ability to enjoy the ordinary benefits of American citizenship or residency. It includes both those adverse consequences triggered by any conviction, and those associated only with particular crimes.

Voting	A conviction for felony involving moral turpitude under either state or federal law will suspend voting rights in federal, state and municipal elections until the date of unconditional discharge.	Alaska Const. art. 5, Sect. 2; AS 15.05.030(a); AS 33.30.241(a). See also AS 15.60.010(9) (defining felony of moral turpitude); AS 12.55.185 (defining unconditional discharge); AS 15.07.135 (cancellation of registration of convicted persons).
Jury service	A felony conviction will disqualify an individual from serving as a juror until the conviction is unconditionally discharged.	AS 09.20.020(2); 33.30.241(b). See also AS 12.55.185 (defining unconditional discharge).
Permanent Fund eligibility	An individual is not eligible for a dividend if during the qualifying year the individual was sentenced on a felony conviction or was incarcerated on a felony conviction or a misdemeanor following a prior felony or two or more prior misdemeanors.	AS 43.23.005(d); AS 43.23.028 (public notice).
Inclusion of record in state central repository of criminal justice information / disclosure to third parties	The state maintains a central repository of criminal history record information. The information is available to third parties under various conditions and subject to various levels of protection.	AS 12.62.110. See also 13 AAC 68.310 (disclosure to any person); 13 AAC 68.315 (disclosure to interested persons); 13 AAC 68.320 (disclosure pursuant to state or federal law); AS 12.62.900 (definitions).
Inclusion of information in court system online public records	Basic information related to a conviction is available to the general public through the Alaska Court System's online public records system. Availability of records varies by jurisdiction.	See CourtView, www.courtrecords.alaska.gov .
Loss of parental rights	Incarceration of a parent may, under some circumstances, be grounds for determination that a child is a child in need of aid. Conviction for sexual assault or sexual abuse of a minor may result in termination of parent rights.	AS 47.10.080 (o); AS 25.23.180(c). See also AS 47.10.011 (conditions that may lead to state intervention include incarceration of parent without adequate arrangement for child, sexual abuse of child, leaving child alone with convicted sex offender and exposing the child to specified offenses against the person by one household member against another).

Table 1. General Civil Disabilities

Ability to adopt a child or serve as guardian	The state’s home study will include the results of a criminal background check of all adults living in the home and suitability of the home in light of such history. A home will not ordinarily be approved where a person in the home appears on the Department of Health and Social Services Centralized Registry.	7 AAC 56.660.
Eligibility for food stamps and temporary assistance to needy families	Under federal guidelines, individuals convicted of certain felony drug offenses are ineligible for food stamps and temporary assistance to needy families.	See AS 47.05.040; 21 U.S.C. 862a.
Housing assistance	Alaska Housing Finance Corporation Public Housing Division policies governing eligibility and admissions limit access to programs by persons on a sex-offender registry, persons convicted of manufacturing methamphetamine on the premises of federally assisted housing and (for three years following the later of the date of conviction or release from incarceration) persons who are convicted of drug or alcohol related crimes, in accordance with federal law.	See 42 USC § 13661-63; 24 C.F.R. § 960.204; AHFC Public Housing Division Streamlined 5-Year Plan for Federal Fiscal Years 2005-2010 at 44, 49 161 at www.ahfc.state.ak.us/iceimages/reference/public-housing-plan-fy05.pdf .
Student loans	Postsecondary students convicted of a drug offense while receiving student financial aid are ineligible to participate in the AlaskAdvantage loan program for a minimum of one year following a first offense; eligibility will resume following successful completion of a rehabilitation program and two unannounced drug tests; period of suspension increases for subsequent offense.	AS 14.43.162; 20 AAC 15.087; 20 U.S.C. § 1091(r).
School board service – unorganized borough	The seat of an individual serving on the regional school board of the Unorganized Borough shall be declared vacant when the person elected to the seat is convicted of a felony involving moral turpitude.	AS 14.08.045.
Suspension / denial of admission to public school	A school age child may be suspended from or denied admission to public school on conviction of a felony that the District determines will cause child’s attendance to be inimicable to other pupils.	AS 14.30.045; AS 14.03.160.
Service in public office	A felony or misdemeanor conviction for corrupt practice may vitiate eligibility for a seat on the legislature, borough assembly, or city council or to serve as borough or city mayor.	AS 15.56.110; Alaska Const. art. II, Sect. 12; (legislature); AS 29.20.170(6) (borough assembly); AS 29.20.280(6) (borough mayor); AS 29.20.170(6) (city council); AS 29.20.280(6) (city mayor)
Inclusion in DNA registration system	The Department of Public Safety is required to collect for inclusion into the DNA Registration System blood samples from persons convicted of a crime against the person or various felonies involving crimes against the person or property or offenses involving motor vehicles.	AS 44.41.035.

Table 1. General Civil Disabilities

Service on state boards of fisheries and game	A felony conviction or a misdemeanor conviction related to violation of a fish or game statute or regulation is grounds for removal from the board.	AS 16.05.280; 5 AAC 96.060(n)(2).
Sport hunting / fishing license revocation	Felony or misdemeanor convictions for violation of state or federal fish and game laws may lead to revocation of license; enhanced penalties apply to subsequent offenses.	AS 16.05.410.
Registration as patient caregiver under medical marijuana provisions	An individual may not be listed as a primary or alternate caregiver if he or she has been convicted of a felony involving controlled substances or is on probation or parole.	AS 17.37.010(d).
Sex offenses registration	Persons convicted of sex offenses or child kidnapping are required to register with the Department of Public Safety, which maintains a central registry of sex offenders and child kidnappers; the registry is available to the public.	AS 12.63.010; AS 18.65.087. See also AS 12.63.020 (duration of registration requirement, including lifetime requirement for designated offenses); AS 12.63.030 (provision for notification of FBI and for notification of officials in new home state upon notice an offender intends to move from Alaska).
Public disclosure of juvenile records	Conviction of a minor for felony offense against a person or for various other crimes committed may provide the basis for public disclosure of criminal history information in a subsequent proceeding.	AS 47.12.315.
Eligibility to carry concealed handgun	An individual is not eligible for a concealed handgun permit if he or she has been convicted of two or more class A misdemeanors or similar laws in another state within the six years preceding application.	AS 18.65.705; AS 18.65.740 (revocation of existing permit). See also AS 11.61.200 (crime of misconduct involving weapons is committed by possession after conviction of a felony or adjudication as a delinquent minor for conduct that would be felonious if committed by an adult).
Grounds for divorce	Conviction of a felony is grounds for divorce.	AS 25.24.050.
Eligibility for unsecured veterans' loans	Where collateral is unavailable, the commissioner may make loans on the basis of good character.	AS 26.15.040.

Table 1. General Civil Disabilities

Loss of driving privileges	Conviction of various offenses associated with use of a motor vehicle, including vehicle theft, is grounds for driver’s license revocation. Prior convictions will increase length of the revocation period.	AS 28.15.181 See also AS 28.35.030 (conviction for driving under the influence of alcohol, inhalants or controlled substances will result in license revocation; a subsequent criminal offense during the period of revocation is grounds for refusal of reinstatement.); 2 AAC 90.440 (habitual users of alcohol or drugs).
Past convictions as evidence to prove similar conduct in later proceeding	Prior convictions may be admissible in a later trial to prove motive, opportunity, intent, preparation, plan, knowledge, identity or absence of mistake or accident. In addition, prior crimes of physical or sexual assault of a minor, sexual assault, sexual abuse or domestic violence may be admissible to prove conduct in conformity with the prior crime under limited circumstances.	AK R. Evid. 404(b).
Vulnerability to impeachment of testimony in subsequent trial	Conviction of crime involving dishonesty or false statement is admissible to attack credibility; admissibility is generally limited to five years following conviction.	AK R. Evid. 609.
Prior convictions as bar to denial of essential facts in later civil proceeding	Persons who plead guilty or no contest to a felony, or who are tried and found guilty, are later barred from contesting the facts of the essential elements of the crime in a later civil proceeding, whether the person appears as plaintiff or defendant. The bar may extend to related criminal proceedings as well.	<i>Douglas v. State</i> , 166 P.3d 61, 85 (Alaska Ct. App. 2007) (considering effect of AK R. Evid. 803 (22) and general principles of collateral estoppel). See also <i>Wilson v. MacDonald</i> , Op. 6175 (Oct. 19, 2007).
Conviction for sexually violent offense as grounds for civil commitment in some states	A number of states have statutes authorizing involuntary civil commitment of sexually violent persons; conviction of sexually violent offense may trigger commitment proceedings of an individual relocating to one of those states.	See, e.g., <i>Watrous v. Florida</i> , 793 So.2d 6 (Fla. Ct. App. 2001).

Table 2. Occupational / Enterprise Disabilities

A criminal conviction carries with it a significant limitation on the kinds of employment subsequently available to the offender. In Alaska, as in most states, these occupational limitations generally fall into one of three categories: those that require evidence of “good character” as a prerequisite to employment, those that prohibit employment following conviction of a crime of “moral turpitude,” and those that prohibit employment following conviction of a crime (including misdemeanors) arising from behavior deemed incompatible with the requirements of a given profession. Some of these regulatory prohibitions are limited to relatively recent offenses; others encompass criminal conduct no matter how dated. Some flow inevitably from the conviction, others are subject to provisions allowing for a variance or exemption.

Small business loans	Eligibility for Small Business Loan turns on demonstrating “good character.”	AS 45.81.260.
State employees generally	Application forms require applicants to report misdemeanor convictions within the preceding five years, and felony convictions regardless of date. The conviction may disqualify the applicant; factors include the seriousness and date of the offense and requirements of the position.	2 AAC 07.086; 2 AAC 07.091. See also 2 AAC 07.416 (employee who violates federal or state law may be subject to disciplinary action, including dismissal, if there is a clear nexus between the offense and the employee’s duties or the violation impairs the employee’s ability to perform; employees must report citations requiring court appearance and arrests or convictions for misdemeanor or felony).
Persons licensed by departments or boards under Title 8 of the Alaska Statutes	Conviction for failure to submit a report of harm regarding a vulnerable adult under AS 47.24.010 is cause for disciplinary proceedings or sanctions.	AS 08.01.077.
Accountants	Accountant’s license may be suspended or revoked for conviction of a felony or conviction of any crime of dishonesty or fraud. Applicant for license must be of good moral character.	AS 08.04.450(5),(6); AS 08.04.110. See also 12 AAC 04.520; 12 AAC 04.990 (good moral character means no incident of a dishonest or felonious act within five years preceding application).
Acupuncturists	Disciplinary sanctions may be imposed where licensed acupuncturist is convicted of felony or other crime that affects licensee’s ability to practice competently and safely. Applicant for license must be of good moral character.	AS 08.06.070(4); AS 08.06.030.
Alaska Housing Finance Corporation energy rater	Applications for authorization to perform energy ratings for AHFC must include a statement that the applicant is not under indictment for forgery, theft, extortion, conspiracy to defraud or any felony involving moral turpitude, and a statement whether the applicant has ever been convicted of the same. Said convictions are grounds for termination or suspension of an energy rater agreement.	15 AAC 155.530; 15 AAC 155.560.

Table 2. Occupational / Enterprise Disabilities

Alcohol Control Board licensees (license to sell or dispense alcoholic beverages)	Factors the Alcohol Control Board will consider in deciding whether to grant, suspend, revoke, renew or transfer a license include whether the applicant or applicant’s affiliates have a history of commission of a crime involving moral turpitude or a felony during the 10 years preceding. A license or permit may be suspended or revoked on conviction of a licensee for liquor law violations or a conviction related to gambling.	13 AAC 104.180; AS 04.11.370. See also 13 AAC 104.105 (application disclosure requirements); 13 AAC 104.535 (felony conviction as grounds for suspension or revocation of license).
Architects, engineers, land surveyors, landscape architects	Applicants for registration must be of “good character and reputation.”	AS 08.48.171.
Assisted living homes	Operators of assisted living homes are subject to criminal records check and barrier crimes prohibitions.	7 AAC 75.215. See also 7 AAC 75.340 (reporting requirements).
Attorneys	An individual may be deemed ineligible for the bar examination based on conduct manifesting significant deficiency in the applicant’s honesty or trustworthiness; criminal convictions other than minor traffic offenses are cause for inquiry. A felony conviction and convictions for certain other offenses are grounds for suspension or other disciplinary proceedings against a practicing attorney.	AK Bar R. 2(1)(d) (eligibility for bar exam); AK Bar Rules 15(a), 26 (disciplinary proceedings). See also AK R. Prof. C. 8.4 (commission of a crime reflecting on lawyer’s honesty or trustworthiness or fitness as a lawyer is grounds for discipline); Alaska Bar R. 44.1 (eligibility to provide legal services as Foreign Law Consultant requires good moral character).
Audiologists, speech pathologists, and speech pathologist assistants	Disciplinary sanctions may be imposed on audiologists, speech-language pathologists and registered speech-language pathologist assistants for conviction of a felony or other crime that affects the person’s ability to practice.	AS 08.11.080 (audiologist); AS 08.11.085 (speech pathologist); AS 08.11.083 (assistants).
Bankers, trust companies and financial institutions	Prior conviction will bar employment in a variety of capacities associated with finance. For example, a felony conviction or conviction for crime involving moral turpitude or breach of trust will bar work as director of a trust company unless the Department of Commerce and Economic Development consents in writing.	AS 06.26.510. See also AS 06.05.344 (state bank officers must be of good character); 06.05.435 (state bank director may be removed on indictment for felony or other crime involving moral turpitude or breach of trust); AS 06.50.310 (disclosure requirement for deferred deposit advances licensees); AS 06.15.040 (Mutual Savings Bank incorporators must be of good character); AS 06.26.510 (person convicted of a felony or another crime involving moral turpitude or breach of trust may not serve as director of trust company absent written consent of the Department of Commerce and Economic Development).

Table 2. Occupational / Enterprise Disabilities

Child care providers and relative child care providers in state child care assistance program	Child care providers and relatives seeking approval as relative providers are subject to a criminal history check and barrier crimes limitation.	7 AAC 41.205.
Child care (residential) and foster parents	Foster parents and administrators of child care facilities must be of good character and reputation. Individuals having regular contact with children are child care is provided are subject to a criminal records check and barrier crime prohibitions	7 AAC 50.200; 7 AAC 50.210. See also 7 AAC 56.550 (applicants for foster home license subject to criminal background check of all adults living in home and evaluation of suitability in light of results).
Child caregivers and persons having regular contact with children in a facility	Individuals having regular contact with children in a facility where child care is provided are subject to a criminal records check and barrier crime prohibitions.	7 AAC 50.210. See also 7 AAC 57.300-500 (criminal records, barrier crimes provisions applicable to persons associated with child care facilities).
Child placement agencies	Administrators and anyone working or volunteering with a child placement agency are subject to the criminal history check and barrier crime prohibition.	7 AAC 56.200; 7 AAC 56.210. See also 7 AAC 56.200 (administrator of child placement agency must be of good character and reputation).
Chiropractors	Licensure may be refused or disciplinary sanctions imposed for felony conviction or other crime that affects the ability to practice.	AS 08.20.170. See also AS 08.20.141 (felony conviction within last five years impairs eligibility for licensure by credentials); AS 08.20.163 (felony conviction within last five years impairs eligibility for locum tenens practice).
Collection agency operators	Applicants must be of good moral character. Conviction of a felony, or crime of larceny or embezzlement, or crime of moral turpitude bars issuance of license and constitutes grounds for revocation or suspension of existing license.	AS 08.24.110; AS 08.24.290.
Counselors (licensed, professional)	Conviction of felony is grounds for denial of license or disciplinary proceeds against license, subject to proof of sufficient rehabilitation to merit public trust.	AS 08.29.400.
Dental hygienists	Conviction of felony or other crime affecting ability to continue practicing is grounds for denial, revocation, or suspension of license.	AS 08.32.160. See also 12 AAC 28.910 (Conviction of a felony in the five years preceding application is evidence of unacceptable moral character and grounds for denial of license).

Table 2. Occupational / Enterprise Disabilities

Dentists	Conviction of felony or other crime affecting ability to continue practicing is grounds for denial, revocation, or suspension of license.	AS 08.36.315. See also 12 AAC 28.910 (conviction of a felony in the five years preceding application is evidence of unacceptable moral character and grounds for denial of license).
Dietitians and nutritionists	Conviction of felony or other crime affecting ability to continue practicing is grounds for denial, revocation or suspension of license.	AS 08.38.040.
Driving schools (operation of driver training school / driver training instructors)	Conviction of a felony or of a misdemeanor that affects the ability to provide services is grounds for denial, suspension or revocation of a license to operate a school or instruct. Applicants for instructor’s license or driver training school license must be of good moral character.	2 AAC 91.030; 2 AAC 91.060; 2 AAC 91.020; 2 AAC 91.010.
EMT / EMT instructors	A variety of criminal convictions provide grounds for denial, suspension or revocation of certification.	7 AAC 26.950.
Employment agencies	Permits to operate employment agencies may be refused if there is reasonable ground to believe the applicant is of unfit moral character or is irresponsible. Permits may be suspended or revoked if the permittee has stopped being of good moral character.	AS 23.15.380; AS 23.15.410. See also 8 AAC 10.020 (application must state whether officer, director, manager or owner has been arrested or convicted of a felony or misdemeanor constituting a crime involving moral turpitude); 8 AAC 10.915 (“person of good moral character” means a person who has not been convicted of a crime involving moral turpitude within the 10 years immediately preceding application or renewal).
Explosives handlers	Applicant for a certificate of fitness must submit to a national criminal history record check. Criminal history is considered in evaluation of competency.	AS 08.52.035; AS 08.52.040.
Fish buyers (suspension / revocation of license to purchase fish)	Conviction of three offenses for unlawful purchase of fish is grounds for suspension or revocation of license to engage in the business of processing or buying raw fish.	AS 16.10.265.
Fisheries observers (Department of Fish and Game)	An observer may not have been convicted of a misdemeanor or felony involving fraud, dishonesty, an offense against the person, arson or a fish and game misdemeanor in the seven years preceding.	5 AAC 39.142.
Fishing (commercial license / entry permit)	Violation of state commercial fishing law may lead to suspension of commercial fishing privileges; enhanced penalties apply for subsequent offenses; transfer of limited entry permit may be prohibited or voided.	AS 16.05.710. See also AS 16.05.690.

Table 2. Occupational / Enterprise Disabilities

Fishing guides (Kenai River sport)	Individuals are ineligible for a sport fishing guide permit if they have been convicted of a felony within the past five years or convicted of more than one misdemeanor fish and game violation within the past five years.	11 AAC 20.885.
Games of chance licensees	Felony conviction or conviction for crime involving theft or dishonesty or violation of gambling laws will disqualify applicant for license to operate games of chance and will bar employment in managerial capacity by licensee to operate the same for ten years following conviction.	AS 05.15.105; AS 05.15.140 (permit application disclosure requirements). See also 15 AAC 160.880 (conviction of a felony or crime involving theft or dishonesty, or a violation of gambling laws as grounds for suspension or revocation of license); 15 AAC 160.992 (termination of disqualification ten years after conviction).
Guardians and conservators (private, professional)	Required criminal record check may not show conviction of crime less than ten years old that would affect the individual's ability to provide services.	AS 08.26.020-030. See also AS 08.26.040 (organizational license also requires criminal history check); AS 08.26.130 (conviction of felony or other crime affecting person's ability to provide services is grounds for disciplinary action).
Guides and outfitters (big game)	Individuals are ineligible to receive or renew guide-outfitter licenses and related licenses if they have been convicted of a felony within the last five years or of a felony offense against a person within the last ten years or of various state or federal hunting or guiding offenses. Existing license may be suspended or revoked if the licensee is convicted of hunting, guiding or transporting violations.	AS 08.54.605; AS 08.54.710.
Health and Social Services (individuals seeking licensure, certification, approval, employment or eligibility to receive payments from the Department of Health and Social Services)	The Department of Health and Social Services has identified a series of "barrier crimes," offenses deemed inconsistent with departmental licensure and certification standards; the barrier to employment may be permanent or for a ten year, five year, three year or one year period depending on the nature of the offense. A variance may be available.	7 AAC 10.905. See also 7 AAC 10.900 (barrier crime scope and statement of purpose; bar extends to employees of providers); 7 AAC 10.925 (monitoring and notification requirements); 7 AAC 10.955 (creating centralized registry); 7 AAC 10.925 (monitoring and reporting requirements); 7 AAC 10.930 (available variances); 7 AAC 10.935 (evaluation of variance requests); 7 AAC 10.990 (definitions).
Hearing aid dealers	Conviction of a felony or other crime that affects an individual's ability to practice is grounds for suspension, revocation or refusal to issue a license.	AS 08.55.130. See also AS 08.55.010 (application disclosure requirements).

Table 2. Occupational / Enterprise Disabilities

Home health care workers	Agencies must screen potential employees and contractors to prevent employment of an individual who has been convicted of abuse, neglect or mistreatment of another, or misappropriation of the property of a patient under the individual's care.	7 AAC 12.541.
Home inspectors, associate home inspectors, residential contractors	Sentence for offense related to forgery, theft in the first or second degree, extortion or defrauding creditors, or for a felony involving dishonesty within the seven years preceding application renders applicant ineligible for certificate of registration as a home inspector.	AS 08.18.022(a)(4). See also AS 08.18.022(b)(1) (associate home inspectors); AS 08.18.025 (eligibility for residential contractor endorsement).
Industrial Development Corporation (BIDCO) control groups	Directors, officers and controlling persons must be of good character; conviction of crime involving fraud or dishonesty is basis for finding absence of good character.	AS 10.13.050. See also AS 10.13.410; AS 10.13.420 (good character required to acquire control of licensee; crime involving fraud or dishonesty may stand as bar).
Insurers	An individual who has been convicted of a felony involving dishonesty or breach of trust may not participate in the business of insurance without prior written consent of the director of the Division of Insurance.	AS 21.36.355. See also AS 21.27.410 (revocation or denial of license for conviction of felony); AS 21.09.100 (good character required of management personnel); AS 21.09.150 (officer or director convicted of felony involving fraud, dishonesty or moral turpitude); AS 21.22.020 (disclosure of felony convictions and misdemeanor convictions involving moral turpitude in merger and acquisition statements); AS 21.27.410 (authorization to deny issuance or renewal or to suspend or revoke license for conviction of a felony); AS 21.27.640 (notification to director of third party administrator's or administrator's associates of conviction of misdemeanor or felony); AS 21.75.045 (disqualification for license to act as attorney-in-fact: reciprocal insurers); 3 AAC 21.090 (disclosure of criminal prosecution required on insurance holding company system registration statement); 3 AAC 31.345 (felony conviction is grounds for denial, suspension or revocation of license of viatical settlement representative, broker or provider); 3 AAC 31.405

Table 2. Occupational / Enterprise Disabilities

Judges	Conviction of crime punishable as a felony under state or federal or conviction of a crime of moral turpitude under state or federal law may provide grounds for suspension or removal from office. A judge is disqualified from acting while there is a felony indictment pending; a judge may be suspended when found guilty of felony or crime involving moral turpitude. When the conviction becomes final the supreme court will remove the judge from office.	AS 22.30.011; AS 22.30.070.
Lobbyists	A person may not register as a lobbyist if he or she has been previously convicted of a felony involving moral turpitude.	AS 24.45.041(i). See also subsection (j) (definitions).
Marine pilots	Eligibility for licensing examination requires good moral character and statement whether the applicant, within preceding five years, has been convicted of a felony or repeat minor offenses involving excessive use of alcohol or convicted of a drug offense. Possession, use or sale of illegal narcotics or hallucinogenic drugs is grounds for denial, revocation, or suspension of marine pilot license.	12 AAC 56.025; AS 08.62.150. See also 12 AAC 56.940.
Mayors	Upon a 2/3 vote by the governing body, the office of mayor shall be declared vacant when the person elected is convicted of a felony or offense involving a violation of the oath of office or is convicted of a felony or misdemeanor involving corrupt election practices.	AS 29.20.280.
Midwives (direct-entry)	Conviction of a felony or other crime that affects an individual's ability to practice is grounds for disciplinary action and for denial of license.	AS 08.65.110; AS 08.65.050.
Morticians	Conviction of a felony involving moral turpitude is grounds for suspension, revocation or refusal to issue license.	AS 08.42.090(13).
Motor vehicle franchisees	A manufacturer shall give notice of termination of a franchise agreement to a new motor vehicle dealer 15 days before the effective date of termination when the dealer is convicted of a felony involving moral turpitude or fraud.	AS 45.25.120; AS 45.25.150 (statutory compensation not required).
Municipal officers (other than mayor or school board member)	Unless otherwise provided by ordinance, the governing body of a municipality shall declare an elective office vacant when the person elected is convicted of a felony or an offense involving violation of the oath of office or is convicted of a felony or misdemeanor involving corrupt election practices and 2/3 of the governing body concur in expulsion or the person elected is convicted of a violation of state campaign laws.	AS 29.20.170.
National Guard and naval militia	Good character is a necessary component of eligibility for enlistment.	AS 26.05.240.

Table 2. Occupational / Enterprise Disabilities

Naturopaths	Conviction of a felony or other crime that affects an individual's ability to practice is grounds for suspension, revocation or refusal to issue a license.	AS 08.45.060.
Notaries public	An individual is disqualified for commission as a notary public for ten years following a felony conviction or incarceration for a felony conviction.	AS 44.50.020; AS 44.50.036.
Nurses / nursing assistants	Conviction of a felony or other crime, if the felony or other crime is substantially related to the qualifications, functions and duties of the nurse is grounds for denial, suspension or revocation of the license.	AS 08.68.270(2). See also AS 08.68.270(7) (unprofessional conduct as defined by the board of nursing is grounds for same); 12 AAC 44.720 (criminal conviction is grounds for revocation of license if the crime is substantially related to the qualifications or duties of nurse); AS 08.68.334 (nurse assistants).
Optometrists	Conviction of a felony or other crime that affects an individual's ability to practice is grounds for disciplinary action.	AS 08.72.240. See also AS 08.71.170 (dispensing opticians).
Personal care assistants (enrollment as personal care assistant in consumer-directed and agency-based personal care programs)	To be enrolled as a personal care assistant pursuant to Department of Health and Social Services guidelines an individual must pass a criminal history check.	7 AAC 43.770. See also 7 AAC 43.775 (reporting requirement for barrier crimes).
Pharmacists and pharmacies	Applicants for licensure must be of good moral character. Conviction of a felony or conviction of another crime that affects the ability to practice is grounds for disciplinary sanctions.	AS 08.80.110; AS 08.80.261. See also AS 08.80.110 (application for licensure as pharmacist requires affidavits from reputable citizens attesting to good moral character); AS 08.80.157(h)(2) (license of facility may be suspended, denied or revoked if owner or employee is convicted of a felony); 12 AAC 52.075 (good moral character includes not having been convicted of a felony or other crime that affects ability to practice); 12 AAC 52.100 (criminal conviction impairs eligibility for temporary pharmacists license); 12 AAC 52.110 (ineligibility for emergency pharmacist permit); 12 AAC 52.120 (ineligibility for pharmacist intern license); 12 AAC 52.140 (pharmacy tech license).

Table 2. Occupational / Enterprise Disabilities

<p>Physical therapists and occupational therapists</p>	<p>Conviction of a state or federal felony or other crime that affects the ability to practice is grounds for refusal, revocation or suspension of license.</p>	<p>AS 08.84.120.</p>
<p>Physicians</p>	<p>A license to practice medicine may be denied, suspended or revoked if an applicant or licensee has been convicted of a felony or drug crime.</p>	<p>AS 08.64.326; AS 08.64.240. See also 12 AAC 40.967 (unprofessional conduct includes conviction of a felony or a crime involving moral turpitude); 12 AAC 40.990 (acceptable moral character means having not been convicted of a felony or any morally reprehensible crime during the five years immediately preceding application); 8 AAC 45.092 (Workers' Compensation Board may remove physician from list of independent medical examiners for conviction of any offense involving moral turpitude or drug abuse).</p>
<p>Police, probation, parole and correctional officers / Village Police Officers</p>	<p>Public safety officers must generally be free of recent criminal convictions. Good moral character is considered in the application process.</p>	<p>AS 18.65.240 (standards for police officers). See also AS 13 AAC 85.010 (person convicted of various crimes, including domestic violence by a civilian court, may not be hired as police officer); 13 AAC 85.100 (denial of police officer certificate); 13 AAC 85.110 (revocation of certificate); 13 AAC 85.210 (standards for probation, parole and correctional officers require good character, absence of domestic violence conviction and absence of conviction of various offenses within preceding ten years); 13 AAC 85.215 (employment standards for municipal correctional officers); 13 AAC 85.260 (criminal convictions as grounds for denial of certificate for probation, parole, correctional and municipal correctional officers); 13 AAC 85.270 (revocation of certificate of same); 13 AAC 85.900 (good character may be deemed to include absence of illegal conduct); 13 AAC 89.010 (standards for village police officers); 13 AAC 96.900 (good character for purposes of village safety officers may include absence of illegal conduct).</p>

Table 2. Occupational / Enterprise Disabilities

Prisoner guards (emergency) for Department of Public Safety	Applicants must be free of any felony conviction, crime of moral turpitude or crime preventing ownership or possession of firearm within previous ten years.	13 AAC 62.020.
Process servers (civilian process servers)	Eligibility for process server license turns on establishing “good character”; factors indicative of lack of good moral character include illegal conduct.	13 AAC 67.030; 13 AAC 67.990 (definitions). See also 13 AAC 67.020 (persons may not be licensed as process servers if they have been convicted of a felony, misdemeanor crime involving abuse or assault or dishonesty or fraud during ten years preceding application); 13 AAC 67.240 (conviction as grounds for revocation of license).
Psychologists and psychological associates	Conviction of a felony or conviction of another crime that affects the ability to practice is grounds for disciplinary sanctions.	AS 08.86.204.
Public employee’s security clearance for criminal justice information	Public employees with felony or misdemeanor convictions will be denied security clearance for access to the Central Repository of Criminal Justice Information.	13 AAC 68.215.
Real estate appraisers	Conviction of a crime of moral turpitude will bar eligibility for a real estate appraiser certificate. An existing license may be suspended or revoked for conviction of a crime involving moral turpitude, violation of laws regulating the profession, or commission of an act involving dishonesty, fraud or misrepresentation with intent to benefit or injure.	AS 08.87.110; AS 08.87.210. See also 12 AAC 70.100-105.
Real estate brokers, associate brokers and salespersons	An individual under indictment for, or having served time within the last seven years on, a conviction for a felony or other crime that, in the judgment of the commission, affects the ability to practice as a broker, or who has been convicted for forgery, theft, extortion, conspiracy to defraud creditors or fraud is ineligible for a broker’s license.	AS 08.88.171(a). See also AS 08.88.171 (b) (associate real estate broker license); AS 08.88.171(c) (salesperson); AS 08.88.071 (mandate to commission to revoke license); 12 AAC 64.059 (review of applications for information on felony indictments or convictions).
Rehabilitation programs staff for perpetrators of domestic violence	Minimum qualifications for staff and volunteers include absence of domestic violence or crimes against the person for three years preceding application, absence of felony convictions for crimes against a person, and absence for three years preceding application of crimes involving controlled substances or misdemeanor assault.	22 AAC 25.060.
Rehabilitation specialists under the Division of Vocational Rehabilitation	Rehabilitation specialists may be disqualified from providing services upon conviction of any offense involving moral turpitude.	8 AAC 45.440(b)(9).

Table 2. Occupational / Enterprise Disabilities

Revenue license officers	The Department of Revenue will not appoint as a license officer any person convicted of a felony within the preceding five years.	15 AAC 116.021.
School bus drivers	Persons will not be issued a license if, within the 20 years preceding application, they have been convicted of various sex crimes, crimes relating to minors or crimes involving controlled substances, or if, within 10 years of application, they have had two or more convictions for driving while under the influence, or, within two years of the application, have been convicted of driving while under the influence.	AS 28.15.046.
Securities broker-dealers, agents and investment advisors	The Commissioner of Commerce, Community, and Economic Development may deny, suspend or revoke the registration of individuals convicted within the past ten years of a felony or a misdemeanor involving a security or the securities business.	AS 45.55.060. See also AS 45.55.040 disclosure requirements of application); 3 AAC 08.010 (broker-dealer, agent, investment advisor representative or state investment advisor must be of good repute); 3 AAC 08.050 (applicant or person registered must notify commissioner of any civil or criminal charge in which fraudulent, dishonest or unethical act is alleged or violation of securities law is involved); 3 AAC 08.013 (examination exemption may be denied to individuals found to have violated state or federal securities laws); 3 AAC 08.087 (issuer, agent or promoter may not have been, within previous 5 years, convicted of felony or misdemeanor in connection with security or felony involving fraud or deceit).
Security guards	A security guard license is subject to revocation for conviction of a felony or crime involving moral turpitude while licensed or employing an individual as a security guard who has been convicted of the same.	AS 18.65.440. See also 13 AAC 60.050 (applicants who have been convicted of a felony within preceding ten years are ineligible for security guard license); 13 AAC 60.010 (no applicant for a security guard agency license, partner, qualified agent, corporate officer or person with more than 20 percent financial interest in agency may have felony conviction within 10 years preceding application); 13 AAC 62.020 (emergency guard disqualification).
Sex offender treatment provider	Department of Corrections sex offender treatment providers must be of good moral character; indicia of lack of good moral character include illegal conduct.	22 AAC 30.30.030; 22 AAC 30.900(6).

Table 2. Occupational / Enterprise Disabilities

Social workers	Good moral character is a prerequisite for licensing; a felony conviction or conviction of a misdemeanor reflecting on the ability to practice is grounds for disciplinary sanctions.	AS 08.95.110; AS 08.95.050. See also 12 AAC 18.140 (history of felony or misdemeanor convictions may be grounds for denial of license; persons convicted of certain felonies against the person in preceding ten years are ineligible for licensure); 12 AAC 18.100 (application disclosure requirements); 12 AAC 18.990 (definitions).
Teachers and school personnel	A teacher’s certification may be revoked or suspended for crimes involving moral turpitude and noncompliance with school laws; initial certificates may not be issued to persons who have been convicted of a crime or attempted crime involving a minor. Notice of a certificate’s suspension or revocation for a crime of moral turpitude is sent to all other states.	AS 14.20.030; AS 14.20.020; 4 AAC 12.425. See also AS 14.20.170 (crime involving moral turpitude or noncompliance with school laws as grounds for dismissal); AS 14.20.175 (nonretention); 4 AAC 12.300(j) (certificate may be denied or renewal refused for crime involving moral turpitude or noncompliance with school laws); 20 AAC 10.035 (defining moral turpitude).
Telephone sales	Registration requirements mandate disclosure of criminal convictions.	9 AAC 14.010.
Therapists (marital or family)	Conviction of a felony or other crime that affects an individual’s ability to practice is grounds for disciplinary action and or denial of license application.	AS 08.63.210; AS 08.63.100.
Veterinarians	Conviction of a felony or other crime which affects the ability to practice is grounds for disciplinary sanctions.	AS 08.98.235. See also 12 AAC 68.041 (grounds for denial of courtesy license); 12 AAC 68.048 (felony conviction, conviction related to practice or pending criminal conviction factors considered in evaluation of good standing).
Workers’ compensation appeals commissioners	Individuals are ineligible for appointment and may be removed from office if they have been or are convicted of a felony or misdemeanor related to workers’ compensation.	AS 23.30.007.

Table 3. Effect on Subsequent Prosecutions / Sentencings

The most readily identifiable of the indirect consequences arising from a criminal conviction is the inflation of a subsequent offense. Once an individual stands convicted, that conviction may alter that status of a second offense and will almost certainly increase the severity of any penalties imposed. Even for experienced practitioners, accurately interpreting the impact of an earlier conviction on a subsequent prosecution and sentencing can be challenging. See, eg., *Mooney v. State*, 157 P.3d 81, 82 (Alaska App. 2007) (“during the plea negotiations, both the prosecutor and the defense attorney shared the same mistaken belief” concerning whether prior offenses counted in such a way as to render the defendant a second felony offender or third felony offender).

Sentencing factors generally	A defendant’s conviction will be a factor in the court’s consideration of an appropriate sentence for any subsequent crime.	AS 12.55.005(2); AS 12.55.185 (definitions).
Authorized sentences generally	Should a defendant commit a subsequent crime, imprisonment is more likely to be imposed as a result of the defendant’s prior conviction.	AS 12.55.015(b)(1); AS 12.55.185 (definitions). See also Alaska R. Crim. P. 32.1(c), (f).
Suspended imposition of sentence	Certain misdemeanor convictions or a felony conviction may render individual ineligible for suspended imposition of sentence in a subsequent prosecution.	AS 12.55.085.
Sentences of imprisonment for felonies	A conviction will trigger enhanced penalties on a subsequent conviction for various offenses.	AS 12.55.125; AS 12.55.145 (limits, definitions); AS 12.55.185 (definitions).
Aggravating factors generally	Prior felony or misdemeanor convictions may serve as aggravating factors to support a sentence above the presumptive range. This includes juvenile offenses that would have been felonies if committed by an adult.	AS 12.55.155; AS 12.55.185 (definitions).
Minor treated as adult	Prior adjudication as a delinquent or conviction as adult of specified crimes may lead to minor being prosecuted, sentenced and incarcerated as an adult.	AS 47.12.030.
Commercial fishing violations	Previous conviction for variety of commercial fishing violations will trigger enhanced penalties on subsequent conviction.	AS 16.05.723; AS 16.10.265 (fish buyers).
Offenses related to alcohol and controlled substances	Previous conviction for refusal to submit to chemical test triggers enhanced penalties and classification of offence on subsequent conviction; prior conviction for driving under the influence of alcohol, inhalants or controlled substances triggers enhanced penalties on subsequent conviction.	AS 28.35.032; AS 28.35.030.
Computation of good time for sex offenders	A prior sexual felony conviction makes an offender ineligible for a good time deduction on a subsequent conviction for a sexual felony.	AS 33.20.010.
Eligibility for correctional restitution centers	Individuals who have been previously convicted of a felony involving violence or force or convicted of certain sexual offenses are ineligible to serve time in a correctional restitution center on a subsequent conviction.	AS 33.30.161.

Table 3. Effect on Subsequent Prosecutions / Sentencings

Forfeiture and seizure of property used in crimes involving alcoholic beverages	Prior conviction for one of specified felonies, or status as probationer or parolee will trigger forfeiture of aircraft, vehicle or watercraft used in certain crimes involving alcohol.	AS 04.16.220 (2007).
Parole release	Aggravating factors supporting a decision to delay parole beyond Department of Corrections guidelines include an extensive prior record, pattern of repetitive criminal behavior or violence and other verified criminal behavior; conversely absence of prior criminal behavior is mitigating factor support early release.	22 AAC 20.142.
Opening juvenile proceedings to public	A previous conviction of adjudication as a delinquent will in some circumstances be grounds for opening otherwise closed delinquency proceedings to the public.	AS 47.12.110.

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