

Resources on Collateral Consequences of Criminal Convictions

By Randy E. Davidson

Introduction

The failure to recognize the collateral consequences of a criminal conviction can spell disaster for the uninformed defendant. For example, in *People v Davidovich*,¹ the Michigan Supreme Court held that ignorance of the immigration consequences of pleading guilty to a drug charge did not justify withdrawing the plea.

This article offers a selection of recent resources to help identify and remedy potential collateral consequences arising from a criminal conviction.

Internet Resources

The State Bar of Michigan has a web page entitled “Criminal Issues Initiative” with comprehensive online resources, including a client questionnaire, publications on employment and immigration consequences, and links to other projects at <http://www.michbar.org/programs/criminalissues.cfm>.

The Michigan Reentry Law Wiki, hosted by the Michigan Poverty Law Program, also contains a comprehensive resource library, including information on expungement, child support, financial aid, civil forfeiture, drivers’ licenses, immigration, housing, public benefits, and employment, at http://reentry.mplp.org/reentry/index.php/Main_Page.

The Michigan Prisoner ReEntry Initiative has a downloadable comprehensive bibliography on its website at http://www.michpri.com/uploads/File/otherDocs/MPRI_ReEntry_Bib.doc.

The Michigan Department of Civil Rights has a brochure summarizing state and federal rights and privileges lost upon conviction of a felony, available online at http://www.michigan.gov/documents/prisoner_rights_broc_77015_7.pdf.

The Michigan Secretary of State has an online chart summarizing license actions for various criminal convictions at http://www.michigan.gov/documents/licens~1_20407_7.PDF.

Non-driving loss of a driver’s license is discussed at http://www.michigan.gov/sos/0,1607,7-127-1627_8665_9078---,00.html.

A chart summarizing the administrative consequences of alcohol convictions is available at http://www.michigan.gov/documents/CRIMINAL_20020_7.pdf.

Information about loss of vehicle access is available at http://www.michigan.gov/sos/0,1607,7-127-1627_8665_9076---,00.html.

Information about driver’s license restoration is available at http://www.michigan.gov/sos/0,1607,7-127-1627_8665_9074---,00.html.

The text of the Michigan Sex Offenders Registration Act is available online at [http://www.legislature.mi.gov/\(S\(gnmfumu5zzfqc45ozxiyt2d\)\)/mileg.aspx?page=getobject&objectname=mcl-act-295-of-1994&queryid=6439389&highlight](http://www.legislature.mi.gov/(S(gnmfumu5zzfqc45ozxiyt2d))/mileg.aspx?page=getobject&objectname=mcl-act-295-of-1994&queryid=6439389&highlight).

Information on federal prohibition of firearm possession is available at <http://www.atf.gov/firearms/legal/prohibitions.htm>. Information on Michigan prohibition of firearm possession is available at [http://www.legislature.mi.gov/\(S\(gmmkml55cx21](http://www.legislature.mi.gov/(S(gmmkml55cx21)

[ru450rfwrsvi\)\)/mileg.aspx?page=getobject&objectname=mcl-750-224f&query=on&highlight=firearm%20AND%20specified%20AND%20felony](http://www.legislature.mi.gov/(S(gmmkml55cx21ru450rfwrsvi))/mileg.aspx?page=getobject&objectname=mcl-750-224f&query=on&highlight=firearm%20AND%20specified%20AND%20felony).

The State Court Administrative Office has an online self-help guide entitled “Getting an Adult Criminal Conviction Removed” at http://courts.michigan.gov/scao/selfhelp/intro/criminal/setaside_help.htm.

Law Review Articles

A number of recent law review articles provide quick reference to controlling authority:

- Comment, *Collateral sanctions and civil disabilities: The secret barrier to true sentencing reform for legislatures and sentencing commissions*, 55 Ala L R 375 (2004).
- Comment, *Rejecting the collateral consequences doctrine: Silence about deportation may or may not violate Strickland’s performance prong*, 51 St Louis U L J 267 (2006).
- Note & Comment, *Check marks the spot: Evaluating the fundamental right to vote and felon disenfranchisement in the United States and Canada*, 13 SW J L & Trade Am 423 (2007).

Knowing in advance the possible collateral consequences of a criminal conviction is essential to managing risks and making an informed decision in a criminal case.

- Note & Comment, *Immigration consequences of guilty pleas: What State v Paredez means to New Mexico criminal defendants and defense attorneys*, 36 NM L R 603 (2006).
- Pinard, *An integrated perspective on the collateral consequences of criminal convictions and reentry issues faced by formerly incarcerated individuals*, 86 BU L R 623 (2006).

Books

For a comprehensive, multistate survey of practices on mitigating the collateral consequences of a criminal conviction, consult Love, *Relief from the Collateral Consequences of a Criminal Conviction: A State-by-State Resource Guide* (William S. Hein & Co, 2006). Excerpts are available online through The Sentencing Project at <http://www.sentencingproject.org/PublicationDetails.aspx?PublicationID=486>.

Other useful information is available in the Institute of Continuing Legal Education's *Michigan Basic Practice Handbook* (6th ed) § 20.75.

Conclusion

Knowing in advance the possible collateral consequences of a criminal conviction is essential to managing risks and making an informed decision in a criminal case. Fortunately, there are many inexpensive resources that can quickly help the busy practitioner. ■

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FOOTNOTE

1. *People v Davidovich*, 463 Mich 446; 618 NW2d 579 (2000).