

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\(gnmfumu5zzf45ozxiyt2d\)\)/mileg.aspx?page=getobject&objectname=mcl-act-295-of-1994&queryid=6439389&highlight](http://www.legislature.mi.gov/(S(gnmfumu5zzf45ozxiyt2d))/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. ■

Randy E. Davidson received a JD degree cum laude from Wayne State University Law School in 1979. He was admitted to the Bar in 1979, and has served as an assistant defender at the State Appellate Defender Office since 1992. He is a member and past chair of the State Bar Committee on Libraries, Legal Research, and Legal Publications, and is a member of the Criminal Defense Attorneys of Michigan.

FOOTNOTE

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

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