

MISDEMEANORS. COLLATERAL CONSEQUENCES RESULTING FROM MISDEMEANOR CONVICTIONS AND WITHHOLD-OF-ADJUDICATIONS

The purpose of this bench card is to highlight major collateral consequences, which may impose unexpected but substantial additional punishments, enduring long after the court-imposed sentence is completed.

GENERAL

A withhold-of-adjudication may serve as a misdemeanor conviction for federal purposes, under specific Florida statutes, and in other states. Examples:

Sentencing. A withhold is counted in calculating federal sentencing guidelines.

Immigration. A withhold is a conviction for immigration purposes.

Credit for time served is a misdemeanor conviction.

LIVING

Consequences of a misdemeanor conviction or withhold:

Subsidized housing. Defendants may not qualify to live in affordable or subsidized housing.

Private housing. Defendants may be unable to obtain rental housing from private landlords.

Eviction. Defendants and their entire families may be evicted from rental housing, especially affordable or subsidized housing.

Driving. Defendants may have their driving privileges suspended.

Immigration. Defendants may be unable to adjust their immigration status and may face deportation.

EMPLOYMENT

Consequences of a misdemeanor conviction or withhold:

General. Defendants may be required to report their status on applications and may be unable to obtain private or public employment.

Military. Defendants may be unable to join the military.

Government. Defendants may be unable to work for a state or municipal agency if convicted of a first-degree misdemeanor directly related to the job.

Public safety. Defendants may be unable to work for a county, a municipality, a seaport, or an airport if the job is critical to security or public safety.

Children, elderly. Defendants may be unable to work in law enforcement, corrections, public schools, or another agency that works with children or the elderly.

Licenses. Defendants may lose or be unable to obtain professional licenses, even when unrelated to charges.

Associations. Defendants may be barred from memberships necessary for employment, such as the Florida Bar, real estate associations, and medical boards.

Business. Defendants may be unable to obtain business loans from the Small Business Administration.

EDUCATION

Consequences of a misdemeanor conviction or withhold:

Admission. Defendants may be denied or delayed admittance into private or public universities or colleges.

Financial aid. Defendants may not qualify for financial aid for a period of time if a conviction is for possession of a controlled substance while receiving financial aid.

Housing. Defendants may be denied or removed from student housing.

Discipline. Defendants may be expelled, suspended, or subjected to academic discipline.

CIVIL RIGHTS

As a consequence of domestic violence misdemeanor convictions, defendants lose the right to bear arms.

To learn more about collateral consequences, visit pdmiami.com.

