

## MISDEMEANORS PUN. BY > 2 YEARS

<u>Jurisdictions with misdemeanors punishable by more than two years, or which do not classify crimes as misdemeanors or felonies</u>	<u>Misdemeanor (or low-level crime if not classified) punishable by more than two years</u>		<u>Felony</u>		<u>Expungement of Conviction?</u>	<u>“Set Aside” of Conviction?</u>	<u>Pardon of Conviction?</u>
	<u>Civil Rights</u>	<u>Firearms</u>	<u>Civil Rights</u>	<u>Firearms</u>			
<p><b>Colorado</b></p> <p><i>See</i> Colo. Stat. § 18-1.3-501(1), (1.5)(a), 1.7(a), (3) (misdemeanor assault in 3<sup>rd</sup> degree against police officer, firefighter, or public mental health worker subject to 48-month statutory maximum); Colo. Stat. §§ 18-3-412(2); 18-1.3-501(1), (3) (habitual sex offenders against children punished by mandatory 6 years for misdemeanor conviction for second or subsequent unlawful sexual offense).</p> <p>Felons lose civil rights; misdemeanants do not.</p>	<p>No civil rights lost for misdemeanors punishable by more than two years.</p> <p>Certain misdemeanors involving public corruption render persons “ineligible” to hold office but are not subject to a statutory maximum greater than two years. <i>See</i> Colo. Const. art. 12, § 4; Colo. Stat. §§ 18-5-402, 18-8-304, 18-8-305, 18-8-308, 18-8-403, 18-8-404, 18-8-503.</p>	<p>No loss.</p>	<p><b>Vote:</b> Not “eligible” to vote while incarcerated for committing a felony or on parole./<u>Automatic restoration</u> upon completion of imprisonment and parole. <i>See</i> Colo. Const. art. 7, § 10; Colo. Stat. §§ 1-2-103(4); 31-10-201(2); <i>US v. Peterson</i>, 277 F.Supp.2d 1089, 1091-92 (D. Colo. 2003).</p> <p><b>Hold Office:</b> “Disqualified” from holding office during time of confinement or term of probation./ <u>Automatic restoration</u> upon completion of imprisonment or probation, except for embezzlement of public moneys, bribery, perjury. <i>See</i> Colo. Const. art. 12, § 4; Colo. Stat. § 18-1.3-401(3).</p> <p><b>Jury:</b> <u>No loss.</u></p>	<p>Convicted felon cannot possess, use or carry a firearm. <i>See</i> Colo. Stat. § 18-12-108(1).</p>	<p>No.</p>	<p>No.</p>	<p>Governor has pardon authority over all offenses except treason and impeachment. <i>See</i> Colo. Const. art. 4, § 7; Colo. Stat. § 16-17-102.</p> <p>Rarely granted. <i>See</i> M. Love, <i>Collateral Consequences</i> at Colorado-2.</p>
<p><b>Connecticut</b></p> <p><i>See</i> Conn. Stat. §§ 53a-40a(b), 53a-35a (Class A misdemeanor)</p>	<p>No civil rights lost for any misdemeanor.</p>	<p>If convicted as “persistent offender” under Conn. Stat. 53a-40d(b) of</p>	<p><b>Vote:</b> A person “shall forfeit” the right to vote if convicted of a felony and sentenced to a term of imprisonment./ <u>Automatic restoration</u> upon discharge from confinement (including any term of parole or probation) and payment of all fines. <i>See</i> Conn. Stat. § 9-</p>	<p>Person convicted of a felony may not obtain a permit to carry a pistol or revolver, may have permit revoked, and cannot obtain eligibility certificate to purchase pistol or revolver. <i>See</i> Conn. Stat. §§ 29-28(b); 29-32; 53a-217(a); 29-</p>	<p>No.</p>	<p>No.</p>	<p>Board of Pardons and Paroles has pardon authority. <i>See</i> Conn. Stat. §§</p>

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<p>committed by “persistent offender of crimes involving bigotry and bias” sentenced as Class D felony to 1 to 5 years); Conn. Stat. § 53a-40d(b) (Class A misdemeanor committed by “persistent offender of crimes involving assault, stalking, trespass, threatening, harassment, criminal violation of a protective order, or criminal violation of a restraining order” sentenced as Class D felony to 1 to 5 years).</p> <p>Felons lose civil rights; misdemeanants do not.</p>		<p>assault in third degree, Conn. Stat. § 53a-61, threatening in second degree, Conn. Stat. § 53a-62, stalking in second degree, Conn. Stat. § 53a-181d, may not obtain a permit to carry a pistol or revolver, may have permit revoked, and cannot obtain eligibility certificate to purchase pistol or revolver. See Conn. Stat. §§ 29-28(b), 29-32; 29-36f(b).</p>	<p>46(a).</p> <p><b>Hold Office:</b> A person who has “forfeited and not regained” the right to vote cannot run for or hold public office./<u>Automatic restoration</u> upon restoration of right to vote. See Conn. Stat. § 9-46(b).</p> <p><b>Jury:</b> A person who is not a registered voter, or has been convicted of a felony within the past 7 years, or is incarcerated “shall be disqualified to serve as a juror.”/<u>Automatic restoration</u> 7 years after conviction and upon reregistering to vote. See Conn. Stat. § 51-217(a).</p>	<p>36f(b).</p>			<p>54-124(f), 54-130a.</p> <p>Reasonably available. See M. Love, <i>Collateral Consequences</i> at Connecticut-2 (25% to 40% of applications granted).</p>
<p><b>District of Columbia</b></p> <p>Certain repeat stalking offenses are punishable by up to 3 times the statutory maximum of 1 year. See D.C. Stat. § 22-404(d).</p> <p>Felons lose civil rights; misdemeanants do not.</p>	<p>No civil rights lost for any misdemeanor punishable by more than two years.</p> <p>Certain misdemeanors involving public corruption suspend the right to vote during incarceration but are not subject to a statutory maximum more than two years. See D.C. Stat. §§ 1-1001.02(7)(A)-(B), 1-1001.14, 1-1105.07, 1-1107.01.</p>	<p>No loss for any misdemeanor punishable by more than two years.</p> <p>Certain misdemeanors involving prostitution and vagrancy prohibit possession of a pistol but are not subject to a statutory maximum more than two years. See</p>	<p><b>Vote:</b> Right to vote suspended during any period of incarceration for a felony./<u>Automatic restoration</u> upon release. See D.C. Stat. § 1-1001.02(7)(A).</p> <p><b>Hold Office:</b> Right to hold office suspended during incarceration if otherwise a qualified elector./<u>Automatic restoration</u> upon release if otherwise a qualified elector. See, e.g., D.C Stat. §§ 1-204.02; 1-204.21(c)(1); 1-401(b)(1)(A).</p> <p><b>Jury:</b> A person “shall not be qualified” to serve on a jury “if that individual has been convicted of a felony or has a pending felony or misdemeanor charge.” See D.C. Stat. § 11-1906(b)(2)(B)./ May qualify 1 year after completing sentence following certification under jury system plan. See D.C. Stat. § 11-</p>	<p>Person convicted of a felony may not possess a pistol. See D.C. Stat. § 22-4503(a)(2).</p>	<p>Expungement available only for felony parental kidnapping. D.C. Stat. § 16-1026.</p>	<p>No.</p>	<p>President has pardon authority. See <i>In re Abrams</i>, 689 A.2d 6 (D.C. 1997).</p> <p>Rarely granted. See M. Love, <i>Collateral Consequences</i> at District of Columbia-2.</p>

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		D.C. Stat. §§ 22-4503(a)(3), 22-2701, 22-2722, 22-3502, 22-3506.	1906(b)(2)(B).				
<p><b>Florida</b></p> <p>Prior to 1995, conviction of any misdemeanor while wearing a mask punishable by up to 5 years imprisonment. <i>See Cabal v. State</i>, 678 So.2d 315, 316-17 &amp; n.3 (Fla. 1996).</p> <p>Prior to 1998, conviction of first-degree misdemeanor under “hate crime” statute punishable by up to 5 years. <i>See Fla. Stat. § 775.085</i> (1997).</p> <p>Felons lose civil rights; misdemeanants do not.</p>	No civil rights lost for any misdemeanor.	<p>No loss for any misdemeanor punishable by more than two years.</p> <p>Conviction of certain misdemeanors prohibits license to carry until three years after completion of sentence, <i>see Fla. Stat. § 790.06</i>, but anyone convicted of one of the misdemeanors punishable by more than two years who received the maximum sentence, <i>see first column</i>, has already completed his sentence.</p>	<p><b>Vote, Hold Office, Jury:</b> A person convicted of a felony is not “qualified” to vote, hold office, or sit as a juror until “restoration of civil rights.” <i>See Fla. Const. art. 6, § 4(a)</i>; <i>Fla. Stat. § 40.013(1)</i>.</p> <p>Automatic restoration upon completion of imprisonment, parole, probation, community control, control release, conditional release if never convicted of enumerated crimes; automatic restoration without a hearing if never convicted of a subset of those crimes; automatic restoration 15 years after completion if crime and arrest free; or by application. <i>See Rules of Executive Clemency</i>, <a href="https://fpc.state.fl.us/Clemency.htm">https://fpc.state.fl.us/Clemency.htm</a></p>	<p>Person convicted of felony punishable by more than 1 year may not own, possess, or exercise custody or control over firearm or ammunition, or carry concealed weapon. <i>See Fla. Stat. § 790.23(1)(a)-(e)</i>.</p> <p>May apply for specific authority to own, possess or use firearms 8 years after completion of imprisonment, parole, probation, community control, control release, conditional release; no outstanding detainers or pending charges; paid all restitution. <i>See Rules of Executive Clemency</i>, <a href="https://fpc.state.fl.us/Clemency.htm">https://fpc.state.fl.us/Clemency.htm</a>.</p> <p>Full pardon restores all firearm rights. <i>Id.</i></p>	No.	No.	<p>Governor, with the approval of 2 members of the Cabinet, has pardon authority over all offenses except for treason and impeachment. <i>See Fla. Const. art. 4, § 8(a)</i>; <i>Fla. Stat. § 940-01</i>; <i>Rules of Executive Clemency</i>, available at <a href="https://fpc.state.fl.us/Clemency.htm">https://fpc.state.fl.us/Clemency.htm</a>.</p> <p>Rarely granted. <i>See M. Love, Collateral Consequences at Florida-3-4.</i></p>
<p><b>Indiana</b></p> <p><i>See Ind. Code § 35-50-2-10(a)(2), (f)</i> (Class A misdemeanor “habitual substance offender” punishable by additional term of 3 to 8 years, which may be</p>	<p><b>JURY:</b> A person is “disqualified” from serving on jury if under a sentence imposed for an offense. <i>See Ind. Code § 33-28-4-8(a)(4)</i>./<u>Automatic restoration</u> when sentence (including any terms of parole or probation) has been discharged. <i>See Ind. Code § 33-28-4-8(a)(4)</i>; <i>United States v. Brown</i>,</p>	<p>Certain misdemeanors prohibit a gun license, but are not punishable by more than two years. <i>See Ind. Code § 35-47-1-7(1), (3), (8), (9)</i>.</p>	<p><b>VOTE:</b> A person who is imprisoned for any felony is deprived of the right to vote. <i>See Ind. Code § 3-7-13-4(a)</i>; <i>Ind. Const. art. 2, § 8</i> (person may be disenfranchised only upon conviction of “infamous crime”); <i>Taylor v. State Election Bd.</i>, 616 N.E.2d 380 (Ind. Ct. App. 1993) (“infamous crime” is a felony)./<u>Automatic restoration</u> when no longer imprisoned or otherwise subject to lawful detention, including probation, parole, home detention or community placement. <i>See Ind. Code §§ 3-7-13-5, 3-7-13-6</i>.</p>	<p>A “proper person” to have a license to carry a handgun does not include anyone convicted of a felony. <i>See Ind. Stat. § 35-47-1-7(2), (10)</i>; <i>see also id.</i> at § 35-47-2-3-(g)(1), (4).</p> <p>The right to possess a firearm is lost only upon conviction as a “domestic batterer,” meaning a person convicted of domestic battery under <i>Ind. Stat. § 35-42-2-1.3</i>, or of a “serious violent felony.” <i>See Ind. Stat. §§ 35-47-4-5, 35-47-4-6</i>. “Serious violent felonies” include murder;</p>	No.	No.	<p>Governor has pardon authority over all offenses except treason and impeachment. <i>See Ind. Const. art. 5, § 17</i>. Applications are submitted to the Parole Board, which</p>

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<p>reduced to 1 additional year imposed).</p>	<p>235 F.Supp.2d 931, 934 (S.D. Ind. 2002).</p> <p>A court may order a person incapable of holding office for no more than 10 years if convicted of misdemeanor bribery, conflict of interest, official misconduct, but these misdemeanors are not punishable by more than two years. <i>See</i> Ind. Code § 35-50-5-1.1.</p>		<p><b>HOLD OFFICE:</b> A person is “disqualified” from holding office if convicted of a felony. <i>See</i> Ind. Code § 3-8-1-5(c)(3)./ Restored by <u>pardon</u>. <i>See</i> Ind. Const. art. 5, § 17; Ind. Code §§ 11-9-2-1 <i>et seq.</i>; 3-8-1-5(b).</p> <p><b>JURY:</b> A person is “disqualified” from serving on jury if under a sentence imposed for an offense or has had rights revoked because of a felony conviction which have not been restored./ <u>Automatic restoration</u> when sentence (including any terms of parole or probation) has been discharged or when civil rights restored if at a later date. <i>See</i> Ind. Code § 33-28-4-8(a)(4), (6); <i>United States v. Brown</i>, 235 F.Supp.2d 931, 934 (S.D. Ind. 2002).</p>	<p>voluntary manslaughter; reckless homicide not committed by means of a vehicle; battery as a Class A, B or C felony; aggravated battery; kidnapping; criminal confinement; rape; criminal deviate conduct; child molesting; sexual battery as a Class C felony; robbery; carjacking; arson as a Class A felony or Class B felony; burglary as a Class A felony or Class B felony; assisting a criminal as a Class C felony; resisting law enforcement as a Class B felony or Class C felony; escape as a Class B felony or Class C felony; trafficking with an inmate as a Class C felony; criminal gang intimidation; stalking as a Class B felony or Class C felony; incest; dealing in or manufacturing cocaine or a narcotic drug, or dealing in methamphetamine or a schedule I, II, III, IV or V controlled substance. <i>See</i> Ind. Stat. § 35-47-4-5.</p> <p>A full pardon removes any firearm right “disability” if 15 years have elapsed between the time of the offense and the application for a gun license unless the person was convicted of an “offense against the person.” <i>See</i> Ind. Stat. § 35-47-2-20(a). A conditional pardon is available to anyone and can “remove all disabilities applicable to holding a handgun permit,” or it can condition that removal on a finding by the State Police Superintendent that the person is likely to handle firearms in compliance with the law. <i>See</i> Ind. Stat. §§ 11-9-2-4, 35-47-2-20(b).</p> <p>As of 2003, a person convicted of an offense classified as a “crime of domestic violence” under Ind. Stat. § 35-41-1-6.3 or a “domestic batterer” under Ind. Stat. § 35-42-2-1.3 may also petition a court for restoration of the right to possess a firearm no sooner than 5 years after the date of conviction. <i>See</i> Ind. Stat. §§ 3-7-13-5(b), 33-28-4-8(h), 3-7-13-5(b), 33-28-4-8(g). A person has not been “convicted of a crime of domestic violence” if the conviction has been</p>			<p>then makes recommendations to the governor. <i>See</i> Ind. Stat. §§ 11-9-2-1 <i>et seq.</i></p> <p>Infrequent. <i>See</i> M. Love, <i>Collateral Consequences at Indiana-3</i> (approximately 10% of applications for pardon are granted).</p>
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				expunged or the person has been pardoned. <i>See</i> Ind. Stat. §§ 3-7-13-5(f), 33-28-4-8(k).			
<p><b>Iowa</b></p> <p><i>See</i> Iowa Stat. § 903.1(1) (misdemeanors punishable by 30 days (simple), 1 year (serious), or 2 years (aggravated)); Iowa Stat. § 901A.2 (serious or aggravated misdemeanor classified as “sexually predatory offense” punishable by twice the maximum sentence otherwise available with 1 prior, and up to 10 years with 2 priors); Iowa Stat. § 903B.2 (since 2005, for certain misdemeanor sex crimes, consecutive 10 years supervision with two-year maximum for first revocation, five-year maximum for second revocation).</p> <p>Felons lose civil rights; misdemeanants do not.</p>	No loss for any misdemeanor.	<p>No loss for misdemeanors punishable by more than two years.</p> <p>Certain misdemeanors render one “ineligible” to obtain permit for, own or carry a firearm, but they are not punishable by more than two years. <i>See</i> Iowa Stat. §§ 724.8(6), 724.15(1)(e).</p>	<p><b>Vote:</b> A person convicted of a felony is “disqualified” from voting. <i>See</i> Iowa Const., art. II, § 5; Iowa Stat. § 39.3; Iowa Stat. § 48A.6(1)/ The voting rights of all offenders whose sentences (including probation, parole and supervised release) were discharged as of July 4, 2005, were <u>automatically restored</u>. For those who complete their sentences after July 4, 2005, the Governor <u>automatically considers them for restoration of rights</u>. Persons may also apply for restoration of rights. <i>See</i> Executive Order No. 42, <a href="http://www.governor.iowa.gov/administratio n/docs/vilsack-eo-42.pdf">http://www.governor.iowa.gov/administratio n/docs/vilsack-eo-42.pdf</a>; Frequently Asked Questions. <a href="http://www.governor.iowa.gov/administratio n/citizenship-faq.php">http://www.governor.iowa.gov/administratio n/citizenship-faq.php</a>. Restoration also available through pardon. <i>See</i> Iowa Stat. § 48A.6(1); Iowa Const. art. 4, § 16; Iowa Stat. § 914.1; Iowa Stat. § 914.2; <i>Slater v. Olson</i>, 299 NW 879, 880-81 (Iowa 1941).</p> <p><b>Hold Office:</b> To hold office, a person must be an “eligible elector”. <i>See</i> Iowa Stat. § 39.27. A person convicted of a state or federal felony is not an eligible elector. Const., art. II, § 5; Iowa Stat. § 39.3; Iowa Stat. § 48A.6(1)/Restoration same as for <u>voting</u>, including <u>blanket restoration</u> of Executive Order No. 42.</p> <p><b>Jury:</b> <u>No loss</u>.</p>	<p>A person convicted of a felony cannot possess, receive, transport, cause to be transported, or exercise dominion and control over a firearm. <i>See</i> Iowa Stat. § 724.26; Iowa Stat. §§ 724.8(2), 724.15(1)(b).</p> <p>Prohibition does not apply if pardoned or civil rights restored if pardon or restoration expressly authorizes the person to receive, transport or possess firearms. <i>See id.</i> at § 724.27.</p> <p>A person convicted of a forcible felony, a felony violation of chapter 124 (controlled substances) involving a firearm, or a felony violation of chapter 724 (weapons) “shall not have the person’s rights of citizenship restored to the extent of allowing the person to receive, transport, or possess firearms,” even by pardon <i>See</i> Iowa Stat. § 914.7.</p>	No.	No.	<p>Governor has pardon authority over all offenses except treason or impeachment <i>See</i> Iowa Const. art. 4, § 16; Iowa Stat. § 914.1. Pardons may be issued upon direct application to governor or upon recommendation of the Board of Parole to the governor. <i>See</i> Iowa Stat. §§ 914.2, 914.3.</p> <p>Infrequent. <i>See</i> M. Love, <i>Collateral Consequences</i> at Iowa-5 (approximately one-fifth of applications for pardon are granted).</p>
<p><b>Louisiana</b></p>	No loss for any misdemeanor.	No loss for any misdemeanor.	<p><b>Vote:</b> Right to vote “may be suspended while a person is . . . under an order of</p>	Right to possess a firearm or carry a concealed weapon lost upon conviction	Available only after conviction	If convicted of a first offense	Governor has authority, upon

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<p>Crimes classified as felonies (may be punished “by death or by imprisonment at hard labor,” La. Code Crim. Proc. Art. 933(3)), “relative felonies” (punishable “with or without hard labor”, <i>State v. Mosley</i>, 425 So.2d 764, 765 &amp; n.2 (1983)), or misdemeanors (“an offense other than a felony,” La. Code Crim. Proc. Art. 933(4)). Many misdemeanors are punishable by more than two years. <i>See, e.g.</i>, La. Rev. Stat. § 3:4229(F) (making certain information public); 14:40.2(B)(6)(a) (certain type of stalking); 14:40.3(C)(2), (3) (second and subsequent cyberstalking); 14:56.2(C) (criminal damage of a pipeline facility); 14:95.1.1 (illegally supplying a felon with a firearm); 14:125.2 (false statements concerning paternity); 14:134.1 (sexual</p>			<p>imprisonment for conviction of a felony,” La. Const. art. 1, § 10(A), which means a “sentence of confinement, whether or not suspended, whether or not the subject of the order has been placed on probation, with or without supervision, and whether or not the subject of the order has been paroled.” <i>See</i> La. Rev. Stat. § 18:2(8). / <u>Automatic restoration</u> “upon termination of state and federal supervision following conviction for any offense.” <i>See</i> La. Const. art. 1, § 20.</p> <p><b>Hold Office:</b> A person convicted of a felony who has exhausted all legal remedies and not been pardoned or a person “under an order of imprisonment for conviction of a felony” is “not . . . permitted to qualify” to hold public office. La. Const. art. 1, § 10(B); La. Rev. Stat. § 18:451, 18:461(A)(3). / <u>Automatic restoration</u> 15 years after completion of sentence, La. Const. art. 1, § 10(C); or by <u>automatic first (felony) offender pardon</u>, La. Const. art. 4, § 5(E)(1), La. Rev. Stat. § 15:572(B)(1), (C); or governor’s pardon. La. Const. art. 4, § 5(E)(1).</p> <p><b>Jury:</b> A person under indictment for or convicted of a felony for which he has not been pardoned is not “qualified” to serve as a juror. <i>See</i> La. Code Crim. P. art. 401(A)(5); La. Rev. Stat. § 13:3041(B). / <u>Automatic first (felony) offender pardon</u>, La. Const. art. 4, § 5(E)(1), La. Rev. Stat. § 15:572(B)(1), (C); or governor’s pardon. La. Const. art. 4, § 5(E)(1).</p>	<p>of the following felonies: crime of violence, simple burglary, burglary of a pharmacy, burglary of an inhabited dwelling, unauthorized entry of an inhabited dwelling, felony illegal use of weapons or dangerous instrumentalities, manufacture or possession of a delayed action incendiary device, manufacture or possession of a bomb, or any felony violation of the Uniform Controlled Dangerous Substances Law, or a sex offense. <i>See</i> La. Re. Stat. § 14:95.1(A).</p> <p>The prohibition “shall not apply to any person who has not been convicted of any felony for a period of ten years from the date of completion of sentence, probation, parole, or suspension of sentence,” and any felon “shall have the right” to apply for a permit to possess a firearm upon completion or suspension of sentence and is “entitled” to possess a firearm upon issuance of the permit. La Stat. §§ 14:95.1(C).</p>	<p>has been “set aside.” <i>See</i> La. Rev. Stat. § 44:9(E)(1)(b), (E)(3).</p>	<p>non-capital felony, court may defer imposition of the sentence and place the defendant on probation. <i>See</i> La. C. Cr. P. Art. 893(E)(1)(a). Upon determination that the defendant has concluded his probation satisfactorily, court may set the conviction aside and dismiss the prosecution. <i>See id.</i> at Art. 893(E)(2). Not available for “crimes of violence,” sex offenses involving child under 17, controlled substances offense punishable by more than 5 years, or convictions of producing, manufacturing, distributing, possessing with intent, or dispensing a Schedule I-V drug, or creating, distributing, or possessing a counterfeit of a</p>	<p>recommendation of the Board of Pardons, to grant pardons for all offenses. <i>See</i> La. Const. art. 4, § 5(E)(1); La. Rev. Stat. § 15:572.</p> <p>A first offender never previously convicted of a felony is pardoned automatically upon completion of his sentence, without a recommendation of the Board of Pardons and without action by the governor. <i>See</i> La. Const. art. 4, § 5(E)(1); La. Rev. Stat. § 15:572(B)-(C).</p> <p>Any person sentenced to life in prison is not eligible to apply for a pardon for 15 years. <i>See</i> La. Rev. Stat. § 15:572.4(D).</p> <p>Rarely granted. <i>See</i> M. Love, <i>Collateral Consequences</i> at Louisiana-4.</p>
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<p>conduct by an officer with a person confined); 40:695(B)(1)(tampering with consumer products); 51:2013 (computer crimes).</p> <p>Felons lose civil rights; misdemeanants do not.</p>						<p>Schedule I-V drug. <i>See id.</i> at Art. 893(E)(1)(b); <i>see also</i> La. Stat. section 14:2(B) (defining "crime of violence" as "an offense that has, as an element, the use, attempted use, or threatened use of physical force against the person or property of another, and that, by its very nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense or an offense that involves the possession or use of a dangerous weapon").</p> <p>The same process applies to misdemeanor convictions for which imposition of sentence is deferred. <i>See</i> La. C. Cr. P.</p>	
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						<p>Art. 894(B). Available only once within a 5 year period, except for operating a vehicle while intoxicated, which can occur only once every 10 years. <i>See</i> La. C. Cr. P. Art. 894(B)(2). Not available for misdemeanor carnal knowledge of a juvenile, <i>see</i> La. Rev. Stat. § 14:80.1(E), and likely not available for convictions of criminal neglect of family. <i>See</i> La. C. Cr. P. Art. 894(A).</p>	
<p><b>Maine</b></p> <p>Maine does not classify crimes as misdemeanors or felonies. Except for murder, all crimes are classified as Class A, B, C, D or E “crimes.” 17-A Maine Rev. Stat. §4(1). Class D and E crimes may only be sentenced to county jail, not state prison, <i>id.</i>, § 1252(1), and the statutory maxima are less than one year and no greater than 6</p>	No loss.	<p>A person may not own, possess or have under his control a firearm if convicted of a crime punishable by imprisonment for more than one year or committed with a dangerous weapon. <i>See</i> 15 Maine. Rev. Stat. § 393(1)(A-1)(1), (5).</p> <p>Such a person</p>	No loss.	<p>A person may not own, possess or have under his control a firearm if convicted under Maine law of a crime punishable by imprisonment for more than one year or committed with a dangerous weapon. <i>See</i> 15 Maine. Rev. Stat. § 393(1)(A-1)(1), (5).</p> <p>Such a person may apply for a permit five years after final discharge from the sentence imposed. <i>See</i> 15 Maine Rev. Stat. § 393(2).</p>	No.	No.	<p>Governor has pardon authority over all offenses except impeachment. <i>See</i> Me Const. art. 5, pt. 1, § 11.</p> <p>Rarely granted <i>See</i> M. Love, <i>Collateral Consequences</i> at Maine-2.</p>

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<p>months, respectively. <i>Id.</i>, § 1252(2). If committed with a dangerous weapon, the statutory maximum for Class D and E crimes increases to no greater than 5 years and less than 1 year, respectively. <i>Id.</i>, § 1252(4).</p> <p>No one loses civil rights.</p>		<p>may apply for a permit five years after final discharge from the sentence imposed. <i>See</i> 15 Maine Rev. Stat. § 393(2).</p>					
<p><b>Maryland</b></p> <p>Many misdemeanors punishable by more than two years. <i>E.g.</i>, Md. Code, Criminal Law, §§ 3-203 (assault, 10 years), 3-204 (reckless endangerment, 5 years), 3-605 (neglect of a vulnerable adult, 5 years), 3-802 (stalking, 5 years), 3-804 (misuse of telephone, 3 years), 5-620 (possession of drug paraphernalia, 4 years), 6-107 (threat of arson, 10 years), 8-401 (fraudulent conversion of partnership assets, 10 years), 8-516 (Medicaid fraud</p>	<p><b>Vote (before July 1, 2007):</b> A person is “not qualified” to register to vote if convicted of “theft or other infamous crime.” Md. Code, Election Law, § 3-102(b)(1). “Infamous crimes” are not limited to felonies. <i>See Beales v. State</i>, 619 A.2d 105, 108 (Md. 1993); <i>State v. Bixler</i>, 62 Md. 354 (Md. 1884)./Automatic restoration for first offenders upon completion of sentence, including probation, parole, community service, restitution, and fine. Md. Code, Election Law, § 3-102(b)(1)(ii). Automatic restoration for subsequent offenses three years after completion of sentence. <i>Id.</i> A person convicted of a second or subsequent enumerated crime of violence, or of buying and selling votes, is permanently disqualified, <i>id.</i>, § 3-102(b)(3), (c); Md. Code,</p>	<p>A “violation classified as a misdemeanor in the State that carries a statutory penalty of more than 2 years” or any “crime of violence” is a “disqualifying crime” for purposes of possessing a “regulated firearm.” <i>See</i> Md. Code, Public Safety, §§ 5-101(g), 5-133.</p> <p>Restoration by governor’s pardon. <i>See</i> Md. Code, Correctional Services, § 7-601(a)(2).</p>	<p><b>Until July 1, 2007</b>, same as for Misdemeanors.</p> <p><b>VOTE (as of July 1, 2007):</b> A person convicted of a felony and “actually serving a court-ordered sentence of imprisonment, including any term of parole or probation, for the conviction,” is “not qualified” to vote. <i>See</i> Md. Code, Election Law, § 3-102(b)(1) (as amended by 2007 Maryland Senate Bill No. 488, Maryland 422nd (Apr. 24, 2007)). Automatic restoration upon completion of sentence of imprisonment, including parole or probation.</p>	<p>A “violation classified as a felony in the State” is a “disqualifying crime” for purposes of possessing a “regulated firearm.” <i>See</i> Md. Code, Public Safety, §§ 5-101(g), 5-133.</p> <p>Restoration by governor’s pardon. <i>See</i> Md. Code, Correctional Services, § 7-601(a)(2).</p>	<p>No.</p>	<p>No.</p>	<p>Governor has pardon authority for all offenses except impeachment. <i>See</i> Md. Const. art. 2, § 20; Md. Code, Correctional Services, § 7-601(a)(2).</p> <p>Infrequent. <i>See</i> M. Love, <i>Collateral Consequences</i> at Maryland-4-5.</p>

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<p>less than \$500, 3 years).</p> <p>Until July 1, 2007, felons and misdemeanants who were either convicted of an “infamous crime” or were sentenced to more than 6 months in prison lose civil rights; other felons and misdemeanants do not.</p> <p>As of July 1, 2007, felons serving a sentence of imprisonment including probation or parole, and misdemeanants sentenced to more than 6 months in prison lose civil rights; other felons and misdemeanants do not.</p>	<p>Criminal Law, § 14-101(a), except by <u>pardon</u>. <i>Id.</i>, § 3-102(b)(1)(i).</p> <p><b>Vote (as of July 1, 2007):</b> No loss. <i>See</i> Md. Code, Election Law, § 3-102(b)(1) (as amended by 2007 Maryland Senate Bill No. 488, Maryland 422nd (Apr. 24, 2007)).</p> <p><b>Hold Office:</b> A person is “ineligible” for elective office if she is not a registered voter. <i>See</i> Md. Const. art. 1 § 12./<u>Automatic restoration</u> upon registering to vote. Md. Code, Election Law, § 5-202.</p> <p><b>Jury:</b> A person “is not qualified” to be a juror only if he has been convicted of a crime punishable by more than 6 months and received a sentence of imprisonment more than 6 months. <i>See</i> Md. Code, Courts and Judicial Proceedings, § 8-103(b)(4). /Restoration by <u>pardon</u>. <i>Id.</i>, § 8-103 (c).</p>						
<p><b>Massachusetts</b></p> <p>A crime punishable in the state prison is a felony, and all other crimes are misdemeanors. M.G.L. 274 § 1. A person may be sentenced to the house of correction for up to two and one half years. M.G.L. 279 § 23.</p>	<p><b>Jury:</b> A person is disqualified from sitting on a jury if he is “in the custody of a correctional institution.” <i>See</i> M.G.L. 234A, § 4(7)./Automatic <u>restoration</u> upon release.</p>	<p>Neither a firearm identification card (which allows possession) nor a license to carry firearms may be issued to a person who has been convicted of a misdemeanor punishable by imprisonment for more than</p>	<p><b>Vote:</b> Persons “incarcerated in a correctional facility due to a felony conviction” are “excepted” from the right to vote./Automatic <u>restoration</u> upon release. <i>See</i> Mass. Const. Amend. art. III; M.G.L. 51, § 1 (rev. 2001).</p> <p><b>Hold Office:</b> A person sentenced to imprisonment for a state or federal felony must vacate any public office then held, but <u>no restriction on right to run for or hold office in the future</u>. <i>See</i> M.G.L. 279 § 30.</p> <p><b>Jury:</b> A person is disqualified from jury service if “convicted of a felony within the past seven years” or is in custody./Automatic <u>restoration</u> after seven years or release (if</p>	<p>Neither a firearm identification card (which allows possession) nor a license to carry firearms may be issued to a person who has been convicted of a felony. <i>See</i> M.G.L. 140 §§ 129B(1), 131(d)(i).</p> <p>The right to possess a non-large capacity rifle or shotgun is “deemed restored” five years after the latest of the conviction or release from confinement, probation or parole unless the crime was a violent crime or a controlled substance offense. <i>See</i> M.G.L. ch. 140 § 129B(1). There is no similar automatic restoration for a</p>	<p>No.</p>	<p>No.</p>	<p>Governor has pardon authority to issue pardons with consent of Governor’s Council for all offenses except impeachment. Mass. Const. Pt. 2, C. 2, § 1, Art. 8; M.G.L. 127 § 152.</p> <p>Rarely granted. <i>See</i> M. Love,</p>

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<p>There are numerous misdemeanors subject to imprisonment in the house of correction for up to two and a half years. <i>See, e.g.,</i> M.G.L. 265 § 13A (simple assault, assault and battery); M.G.L. 208 § 34C (violation of restraining order); M.G.L. 94C § 32C (second or subsequent Class D controlled substance offense); M.G.L. 6 § 178N (misuse of information in sex offender registry); M.G.L. 90 § 23 (operating with a suspended license); M.G.L. 265 § 40 (causing serious bodily injury in an exercise training program).</p> <p>All felons and misdemeanants sentenced to prison lose civil rights; misdemeanants not sentenced to prison do not.</p>		<p>two years. <i>See</i> M.G.L. 140 §§ 129B(1), 131(d)(i).</p> <p>The right to possess a non-large capacity rifle or shotgun is “deemed restored” five years after the latest of the conviction or release from confinement, probation or parole unless the crime was a violent crime or a controlled substance offense. <i>See</i> M.G.L. 140 § 129B(1). There is no similar automatic restoration for a license to carry.</p> <p>Upon approval of a pardon, the record is sealed and the sealed record does not disqualify the person in an application for any license. <i>See</i> Mass. Const. pt. 2, ch. 2, § 1; art. VIII; M.G.L. 127 § 152.</p>	<p>imprisoned), whichever is later. <i>See</i> M.G.L. 234A, § 4(7).</p>	<p>license to carry.</p> <p>Upon approval of a pardon, the record is sealed and the sealed record does not disqualify the person in an application for any license. <i>See</i> Mass. Const. pt. 2, ch. 2, § 1; art. VIII; M.G.L. 127 § 152.</p>			<p><i>Collateral Consequences</i> at Massachusetts-4-5.</p>
<p><b>Nebraska</b> As of 2006, an</p>	<p>No civil rights lost for any misdemeanor.</p>	<p>No loss.</p>	<p><b>Vote:</b> A person sentenced for any felony not reversed or annulled is “not qualified” to vote./<u>Automatic restoration</u> 2 years after</p>	<p>A convicted felon may not possess a firearm. <i>See</i> Neb. Stat. § 28-1206(1).</p>	<p>A “set aside” expunges a conviction. <i>See</i></p>	<p>If placed on probation or sentenced to a</p>	<p>Board of Pardons, composed of</p>

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<p>enumerated Class I misdemeanor committed for discriminatory reasons (such as criminal trespass) or against a pregnant woman (such as domestic assault) is punishable by up to 5 years in prison. <i>See</i> Neb. Rev. Stat. §§ 28-105(1), 28-106(1), 28-111, 28-115(1), 28-323.</p> <p>Felons lose civil rights; misdemeanants do not.</p>			<p>completing sentence, including parole. <i>See</i> Neb. Rev. Stat. §§ 29-112, 32-313(1).</p> <p><b>Hold Office:</b> A person sentenced for any felony not reversed or annulled is “incompetent” to hold office./<u>Restoration upon warrant of discharge</u> from the Board of Pardons, which “shall be issued” upon of certificate from sentencing court showing satisfaction of judgment and sentence. <i>See</i> Neb. Rev. Stat. §§ 29-112, 29-112.01.</p> <p><b>Jury:</b> A person sentenced for any felony not reversed or annulled is “incompetent” to be a juror./ <u>Restoration upon warrant of discharge</u> from the Board of Pardons, which “shall be issued” upon of certificate from sentencing court showing satisfaction of judgment and sentence. <i>See</i> Neb. Rev. Stat. §§ 29-112, 29-112.01.</p>	<p>When a pardon has been granted, the Board of Pardons may empower the governor to authorize a previously convicted felon to receive, possess, or transport a firearm in commerce. <i>See</i> Neb. Stat. § 83-1,130(2).</p>	<p><i>State v. Illig</i>, 467 N.W.2d 375 , 383-84 (Neb. 1991)</p>	<p>fine only, a person may petition the court to set aside the conviction after successful discharge from probation and payment of any fine. <i>See</i> Neb. Stat. § 29-2264(2).</p> <p>A “set aside” does not restore firearm rights. <i>Id.</i> at § 29-2264(4)</p>	<p>Governor, Secretary of State, Attorney General, has pardon authority over all offenses except treason and impeachment. Neb. Const. art. IV, § 13; Neb. Rev. St. § 83-1,126 <i>et seq.</i></p> <p>Reasonably available. <i>See</i> M. Love, <i>Collateral Consequences</i> at Nebraska-4-5 (approximately one-half of applications for pardon are granted).</p>
<p><b>New Hampshire</b></p> <p>Misdemeanors with aggravating circumstances are subject to an “extended term of imprisonment” of a maximum of 5 years. <i>See</i> N.H. Rev. Stat. § 651:6(III)(b).</p> <p>Felons lose civil rights; misdemeanants do not.</p>	<p>No civil rights lost for any misdemeanor.</p>	<p>No loss.</p>	<p><b>Vote:</b> A person sentenced for a felony may not vote from the time of sentence until discharge (including incarceration and any term of probation) but if execution of the sentence is suspended or he is placed on parole, he may vote during that time. <i>See</i> N.H. Rev. Stat. § 607-A:2(I)(a). The right is considered “forfeit.” <i>See</i> N.H. Rev. Stat. § 654:5./<u>Automatic restoration</u> upon release. <i>See</i> N.H. Rev. Stat. § 607-A.</p> <p><b>Hold Office:</b> A person sentenced for a felony may not become a candidate for or hold public office from the time of his sentence until his discharge. <i>See</i> N.H. Rev. Stat. § 607-A:2(I)(b). A felony conviction will forfeit any public office currently held, unless the conviction is reversed at which time the person will be “restored” to office. <i>See id.</i> at § 607-A:2(II). The right is considered “forfeit.” <i>See</i> N.H. Rev. Stat. § 654:5./ <u>Automatic restoration</u> upon discharge. <i>See</i> N.H. Rev. Stat. § 607-A:5.</p>	<p>A person convicted of a felony against the person or property of another or a felony relating to controlled drugs may not own, possess or exercise control over a firearm. <i>See</i> N.H. Rev. Stat. § 159:3(I).</p> <p>Rights regained through annulment or pardon. <i>See</i> N.H. Const. pt. 2, art. 52; N.H. Rev. Stat. §§ 4:25; 651:5(III), (V), (X).</p>	<p>Yes. Records may be expunged if a court orders the records annulled. <i>See</i> N.H. Rev. Stat. § 651:5; <i>see also</i> N.H. Rev. Stat. § 106-K:3(II). Available after person has completed all terms of sentence and not been convicted of another crime other than a motor vehicle offense for 1-10 years; not available for an</p>	<p>No.</p>	<p>Governor has pardon authority by and with the advice of the Council over all offenses except impeachment. <i>See</i> N.H. Const. pt. 2, art. 52; N.H. Rev. Stat. § 4:25.</p> <p>Rarely granted. <i>See</i> M. Love, <i>Collateral Consequences</i> at New Hampshire-2 (2 pardons granted in past 10 years).</p>

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			<p><b>Jury:</b> “A juror shall not have been convicted of any felony which has not been annulled or which is not eligible for annulment under New Hampshire law.” <i>See</i> N.H. Rev. Stat. § 500-A:7-a(V)./ A person may obtain annulment from the sentencing court after successfully completing all terms and conditions of sentence and either 5 or 10 years have passed (depending on the offense). <i>See</i> N.H. Rev. Stat. § 651:5(III). Annulment may not be granted for an enumerated “violent crime,” an enumerated obstruction of justice offense, or an offense punished with an extended term of imprisonment. <i>See</i> N.H. Rev. Stat. § 651:5(V). A person whose record is annulled is treated in all respects as if he had never been arrested, convicted or sentenced. <i>See id.</i> at § 651:5(X)(a).</p>		<p>enumerated violent crime, obstruction of justice, or an offense for which an extended term of imprisonment was imposed. N.H. Rev. Stat. § 651:5.</p> <p>Habitual offender records may be expunged after 7 years. N.H. Rev. Stat. § 262:19.</p>		
<p><b>New Jersey</b></p> <p>Since 1979, New Jersey does not classify crimes as misdemeanors or felonies, but as crimes of the first, second, third or fourth degree, subject to statutory maxima of 20, 10, 5 years, and 18 months respectively, or as a “disorderly persons” offense, subject to a maximum penalty of 6 months. However, a crime defined in any statute outside the criminal code as a “high misdemeanor” is a crime in the</p>	<p><b>Vote:</b> A person is “disqualified” from voting if serving a sentence of imprisonment or on parole or probation for an indictable offense. <i>See</i> N.J. Stat. Ann. §§ 2C:51-3(a); 19:4-1(8). An indictable offense includes any “crime,” which does not include offenses with a maximum penalty of 6 months or less, which are “disorderly persons offenses.” <i>See</i> N.J. Const. art. 1, ¶ 8; N.J. Stat. Ann. § 2C:1-4(a)./ <u>Automatic restoration</u> by completion of imprisonment, probation or parole.</p> <p>A person is also “disqualified” from voting if convicted of an election laws offense for which a criminal penalty was imposed part of which was deprivation of</p>	<p>A person convicted of an enumerated crime, which includes some 3<sup>rd</sup> and 4<sup>th</sup> degree crimes, or a disorderly persons offense involving domestic violence, may not purchase, own, possess or control a firearm. <i>See</i> N.J. Stat. Ann. § 2C:39-7. A person convicted of any crime, or a disorderly persons offense involving domestic violence, will be denied a handgun</p>	<p><b>Vote:</b> A person is “disqualified” from voting if serving a sentence of imprisonment or on parole or probation for an indictable offense. / <u>Automatic restoration</u> by completion of imprisonment, probation or parole. <i>See</i> N.J. Stat. Ann. §§ 2C:51-3(a); 19:4-1(8).</p> <p>A person is also “disqualified” from voting if convicted of an election laws offense for which a criminal penalty was imposed part of which was deprivation of the right to vote./ <u>Restoration by pardon or by law, which presumably includes expiration of the court order</u>, to the right of suffrage. <i>See</i> N.J. Stat. Ann. §§ 2C:51-3(a); 19:4-1(6), (7).</p> <p><b>Hold Office:</b> A person “forfeits” his public office if convicted of an offense involving dishonesty, or a crime of the 3<sup>rd</sup> degree or above, or an offense “touching” his office or public employment, meaning directly related to the person’s performance of or circumstances flowing from her duties or employment. <i>See</i> N.J. Stat. Ann. § 2C:51-2(a) (1). If the latter circumstance, the person is “forever disqualified” from holding public office. <i>Id.</i> at § 2C:51-2(d). / May apply to Governor for <u>restoration of rights</u> (other than disqualification from public office by impeachment). <i>See</i> N.J. Stat. Ann. § 2A:167-</p>	<p>A person convicted of enumerated crimes may not purchase, own, possess or control a firearm. <i>See</i> N.J. Stat. Ann. § 2C:39-7. A person convicted of any crime will be denied a handgun purchase permit and firearms purchaser identification card. <i>See id.</i> 2C:58-3(c)(1), 2C:58-4(c).</p> <p>May apply to Governor for restoration of civil rights or privileges (other than disqualification from public office by impeachment). <i>See</i> N.J. Stat. Ann. § 2A:167-5.</p> <p>A governor’s pardon also can restore firearm rights. <i>See</i> N.J. Const. art. V, § 2, ¶ 1.</p>	<p>Yes. Expungement available if: -no prior or subsequent conviction or adjudication of being a disorderly person on more than two occasions; -10 years from the latest of date of conviction, payment of fine, satisfactory completion of probation or parole, or release from incarceration; -Not available for murder, manslaughter, treason, anarchy, kidnapping,</p>	<p>No.</p>	<p>Governor has pardon authority for all offenses except impeachment and treason. <i>See</i> NJ Const. art. 5, § 2, ¶ 1.</p> <p>Rarely granted. <i>See</i> M. Love, <i>Collateral Consequences</i> at New Jersey-2.</p>

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<p>fourth degree. <i>See</i> N.J. Stat. Ann. §§ 2C:1-4; 2C:43-1; 2C:43-6(a). An “extended term” is authorized for aggravating factors, increasing the maximum from 5 to 10 years for a 3<sup>rd</sup> degree offense and from 18 months to 5 years for a 4<sup>th</sup> degree offense. <i>See</i> N.J. Stat. Ann. § 2C:43-7(a)(4)-(5)</p> <p>(Provision of N.J. Stat. § 2C:43-6 requiring a mandatory increase based on judicial factfinding held unconstitutional in <i>State v. Franklin</i>, 878 A.2d 757 (N.J. 2005).)</p>	<p>the right to vote. N.J. Stat. Ann. §§ 2C:51-3(a); 19:4-1(6), (7). /<u>Restoration by pardon or by law, which presumably includes expiration of the court order</u>, to the right of suffrage.</p> <p><b>Hold office:</b> A person “forfeits” his public office if convicted of an offense involving dishonesty, or a crime of the 3<sup>rd</sup> degree or above, or an offense “touching” his office or public employment, meaning directly related to the person’s performance of or circumstances flowing from her duties or employment. <i>See</i> N.J. Stat. Ann. § 2C:51-2(a) (1). If the latter circumstance, the person is “forever disqualified” from holding public office. <i>Id.</i> at § 2C:51-2(d). This encompasses even offenses that are not “crimes.” <i>Cf. id.</i> at § 2C:51-2(e) (court permitted to waive forfeiture or disqualification for persons convicted of “disorderly persons offense”)/ May apply to Governor for <u>restoration of rights</u> (other than disqualification from public office by impeachment). <i>See</i> N.J. Stat. Ann. § 2A:167-5.</p> <p>The governor also has power to pardon. <i>See</i> N.J. Const. art. V, § 2, ¶</p>	<p>purchase permit and firearms purchaser identification card. <i>See</i> 2C:58-3(c)(1), 2C:58-4(c).</p> <p>May apply to Governor for restoration of civil rights or privileges (other than disqualification from public office by impeachment). <i>See</i> N.J. Stat. Ann. § 2A:167-5.</p> <p>Governor’s pardon also can restore firearm rights. <i>See</i> N.J. Const. art. V, § 2, ¶ 1.</p>	<p>5.</p> <p>The governor also has power to pardon. <i>See</i> N.J. Const. art. V, § 2, ¶ 1. A full pardon will restore the right to hold office in the future. <i>Brezizecki v. Gregorio</i>, 588 A.2d 453, 458 (N.J. Super. 1990).</p> <p><b>Jury:</b> A person convicted of an indictable offense (<i>i.e.</i>, any crime) is disqualified from serving as a juror. <i>See</i> N.J. Stat. Ann. §§ 2C:51-3(b), 2B:20-1(e)./ May apply to Governor for <u>restoration of rights</u>. <i>See</i> N.J. Stat. Ann. § 2A:167-5. The governor also has power to pardon. <i>See</i> N.J. Const. art. V, § 2, ¶ 1.</p>		<p>rape, forcible sodomy, arson, perjury, false swearing, robbery, embracery, aggravated sexual contact, sexual contact if victim a minor, criminal restraint, false imprisonment, engaging in sexual conduct which would impair or debauch the morals of the child, endangering the welfare of a child, any crime committed by a person holding any public office, position or employment if the crime involved or touched such office, position or employment, drug trafficking unless small amount of marijuana or hashish. -Not available if prior expungement. N.J. Stat. Ann. §§ 2C:52-2, 2C:52-14.</p>		
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MISDEMEANORS PUN. BY > 2 YEARS

	<p>1. A full pardon will restore the right to hold office in the future. <i>Brezizecki v. Gregorio</i>, 588 A.2d 453, 458 (N.J. Super. 1990).</p> <p><b>Jury:</b> A person convicted of an indictable offense (<i>i.e.</i>, any crime but not a disorderly person offense) is disqualified from serving as a juror. <i>See</i> N.J. Stat. Ann. §§ 2C:51-3(b), 2B:20-1(c)./ May apply to Governor for <u>restoration of rights</u>. <i>See</i> N.J. Stat. Ann. § 2A:167-5. The governor also has power to pardon. <i>See</i> N.J. Const. art. V, § 2, ¶ 1.</p>						
<p><b>Pennsylvania</b></p> <p>A misdemeanor in the first degree is punishable up to five years in prison. <i>See</i> 18 Pa. Cons. Stat § 106.</p>	<p><b>Hold Office:</b> A person convicted of bribery, embezzlement, perjury or other “infamous crime” cannot hold public office. Pa. Const. art. 2, § 7. Embezzlement is punishable as a misdemeanor in the first degree by up to five years in prison. 18 Pa. Cons. Stat. §§ 3903, 3927./<u>Restoration</u> through <u>pardon</u> from the Governor, Pa. Const. art. IV, § 9.</p> <p><b>Jury:</b> A person who has “been convicted of a crime punishable by imprisonment for more than one year and has not been granted pardon or amnesty therefore” is not qualified to serve on a jury. 42 Pa. Cons. Stat. § 4502(a)(3)./Restoration</p>	<p>Persons convicted of specified misdemeanors in the first degree (<i>e.g.</i>, possession of a weapon on school property, involuntary manslaughter, stalking, unlawful restraint, luring a child into a motor vehicle, and corruption of minors) and drug offenses punishable by a term of imprisonment exceeding two years, are prohibited from</p>	<p><b>Vote:</b> A person is not eligible to vote while confined in a penal institution. 25 Pa. Cons. Stat. §§ 2602(w), 2811, 3146.1. The disability applies only to persons convicted of a felony. 1974 Op. Att’y Gen. Pa 186, No. 47 (1974)./Automatic restoration upon release from prison. <i>United States v. Essig</i>, 10 F.3d 968 (3d Cir 1998).</p> <p><b>Hold Office:</b> Persons convicted of embezzlement of public moneys, bribery, perjury, or “other infamous crime” may not be elected to the General Assembly or hold any “office of profit or trust” in the state. Pa. Const. art. 2, § 7. “A crime is infamous for purposes of Article II, Section 7, if its underlying facts establish a felony, a <i>crimen falsi</i> offense, or a like offense involving the charge of falsehood that affects the public administration of justice.” <i>Commonwealth ex rel. Baldwin v. Richard</i>, 751 A.2d. 647, 652-53 (Pa. 2000). /Restored only upon <u>pardon</u> by the Governor. <i>Commonwealth v. Zimmerman</i>, 258 A.2d 695 (Pa. 1969).</p> <p><b>Jury:</b> A person who has “been convicted of a crime punishable by imprisonment for more</p>	<p>- Persons convicted of enumerated felonies (<i>e.g.</i>, murder, aggravated assault, burglary, felony criminal trespass) and drug offenses punishable over two years are prohibited from possessing firearms. 18 Pa. Cons. Stat. § 6105(a)(1), (c)(2).</p> <p>Firearms rights may be restored by petition to the court of common pleas if (1) the conviction has been vacated, (2) the person has been pardoned, or (3) ten years have passed since the most recent conviction and federal rights have been restored though the latter may be waived if Congress has not appropriated funds for doing so . 18 Pa. Cons. Stat. § 6105(d).</p>	<p>No, except for a person 21 or older convicted of underage drinking, a person who has reached the age of 70 and been free of arrest or prosecution for ten years following final release from confinement or supervision, or a person who has been dead for three years. 18 Pa. Cons. Stat. § 9122(a)(3), (b)(1)-(2).</p>	<p>No.</p>	<p>Governor has pardon authority over all offenses except impeachment with favorable recommendation from majority of Board of Pardons. Pa. Const. art. 4, § 9(a).</p> <p>Reasonably available. <i>See</i> M. Love, <i>Collateral Consequences</i> at 21.</p>

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	by governor's <u>pardon</u> . Pa. Const. art. IV, § 9.	possessing, using, manufacturing, controlling, selling or transferring firearms. 18 Pa. Cons. Stat. § 6105(a)-(c).  Firearms rights may be restored by petition to the court of common pleas if (1) the conviction has been vacated, (2) the person has been pardoned, or (3) ten years have passed since the most recent conviction and federal rights have been restored though the latter may be waived if Congress has not appropriated funds for doing so. 18 Pa. Cons. Stat. § 6105(d).	than one year and has not been granted pardon or amnesty therefore" is not qualified to serve on a jury. 42 Pa. Cons. Stat. § 4502(a)(3)./Restoration by a governor's <u>pardon</u> . Pa. Const. art. IV, § 9.				
<b>South Carolina</b>  <i>See</i> S.C. Code §§ 16-1-20(A) (Class A misdemeanors subject to imprisonment up to three years);	<b>Vote:</b> A person is "disqualified from registering to vote or voting" if he "is serving a term of imprisonment resulting from a conviction of [any] crime," or "is convicted	No loss for misdemeanors.	<b>Vote:</b> A person is disqualified from registering to vote or voting if convicted of a felony./ <u>Automatic restoration</u> upon service of sentence including probation and parole, unless sooner by pardon. <i>See</i> S.C. Const. art. II, §7; S.C. Code § 7-5-120.  <b>Hold office:</b> Eligibility for office is	A person who has been convicted of a "crime of violence" in any court is prohibited from possessing a handgun. S.C. Code § 16-23-30(B). "Crime of violence" is defined as a specified list of felonies. S.C. Code § 16-1-60.  Pardon restores all civil rights, including	No, except for first misdemeanor offense for failure to stop for a blue light if no other conviction for 3	No.	Probation, Parole, and Pardon Board has pardon authority over all offenses. S.C. Const. art. 4, § 14; S.C.

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<p>16-1-100(A) (listing over 130 Class A misdemeanors, including several against the election laws).</p>	<p>of . . . offenses against the election laws, unless the disqualification has been removed by service of the sentence, including probation and parole time unless sooner pardoned.”/Automatic restoration upon service of sentence for any misdemeanor not against the election laws/Automatic restoration upon service of sentence including probation and parole for a misdemeanor against the election laws. Latter may also be by pardon. See S.C. Code § 7-5-20(B).</p> <p><b>Hold Office:</b> Eligibility for office is contingent on being a qualified voter. See S.C. Const. art. XVII, § 1, S.C. Const. art. VI, § 1. / Automatic restoration upon service of sentence for any misdemeanor not against the election laws/Automatic restoration upon service of sentence including probation and parole for a misdemeanor against the election laws. Latter may also be by pardon. See S.C. Code § 7-5-20(B).</p> <p><b>Jury:</b> No person is qualified to serve as a juror if convicted of a crime punishable by imprisonment over one year and his civil rights have not been restored by pardon or amnesty. S.C. Code § 14-7-810(1)/Restoration by pardon from Probation,</p>		<p>contingent on being a qualified voter. See S.C. Const. art. XVII, § 1, S.C. Const. art. VI, § 1./ Automatic restoration upon service of sentence including probation and parole, unless sooner by pardon. See S.C. Code § 7-5-120. If offense was embezzlement of public funds, can be restored only by a two-thirds vote of the General Assembly and upon payment in full of the principal and interest of the sum embezzled. S.C. Code § 16-13-210.</p> <p><b>Jury:</b> No person is qualified to serve as a juror if convicted of a crime punishable by imprisonment over one year and civil rights have not been restored by pardon or amnesty. S.C. Code § 14-7-810(1)/Restoration by pardon from Probation, Parole, and Pardon Board. S.C. Code § 24-21-920.</p>	<p>the right to possess a firearm. S.C. Code § 24-21-990.</p>	<p>years, S.C. Code § 56-5-750.</p> <p>Records of first offense convictions in magistrate or municipal court may also be expunged if no other conviction for 3 or 5 years, S.C. Code §§ 22-5-910, 34-11-90. However, magistrate and municipal courts only have jurisdiction over criminal cases in which the punishment does not exceed a fine of one hundred dollars or imprisonment for thirty days. See S.C. Code § 22-3-540; <i>State v. Dudley</i>, 614 S.E.2d 623, 625 S.C. 2005).</p>		<p>Code § 24-21-920.</p> <p>Reasonably available. See <i>M. Love, Collateral Consequences</i> at South Carolina-3.</p>
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	Parole, and Pardon Board. S.C. Code § 24-21-920.						
<b>Wisconsin</b>  Misdemeanor sentences do not exceed nine months in a local jail. <i>See</i> Wis. Stat. § 939.51. Prior to February 1, 2003, the habitual offender statute provided that a “maximum term of one year or less may be increased to not more than 3 years.” Wis. Stat. § 939.62(1)(a) (2001), <i>amended</i> by Wis. Act. 109 (S.B. 1), sec. 562 (eff. Feb. 1, 2003). Since Feb. 1, 2003, “a maximum term of imprisonment of one year or less may be increased to not more than 2 years” for a habitual offender. <i>See</i> Wis. Stat. § 939.62(1)(a).  Felons, and misdemeanants convicted under the habitual offender statute before Feb. 1, 2003 of bribery or a violation of public trust (if any exist), lose civil rights; all other	<b>Vote:</b> The only misdemeanor for which a person could lose the right to vote would be “bribery,” Wis. Stat. § 6.03(1)(b)(3), which ordinarily has a maximum penalty of nine months. <i>See</i> Wis. Stat. §§ 945.08, 939.51, 134.05. Prior to Feb. 1, 2003, a person convicted of misdemeanor bribery could be sentenced as a “repeater” to up to 3 years. / <u>Automatic restoration</u> after completion of imprisonment or probation. Wis. Stat. § 304.078(3).  <b>Hold Office:</b> A person is incompetent to hold office upon conviction of a misdemeanor only if it involved violation of the public trust. <i>See</i> Wis. Const. art. 13, § 3. Prior to Feb. 1, 2003, a person convicted of a misdemeanor in violation of the public trust could be sentenced as a “repeater” to up to 3 years. / <u>Restored only by pardon</u> , Wis. Const. art. 13, § 3, but <u>pardon not available to misdemeanants</u> . <i>See</i> Executive Clemency, <a href="http://www.wisconsin.gov/index_adult.htm">http://www.wisconsin.gov/index_adult.htm</a> .	No loss.	<b>Vote:</b> A person loses the right to vote upon conviction of “treason, felony, or bribery.” Wis. Stat. § 6.03(1)(b)(3). / <u>Automatic restoration</u> after completion of the term of imprisonment (including parole) or probation, or by pardon. Wis. Stat. § 304.078(3).  <b>Hold Office:</b> Right to hold public office is lost upon conviction of a felony. Wis. Const. art. 13, § 3. / <u>Restored upon pardon</u> . <i>Id.</i>  <b>Jury:</b> A person convicted of a felony is not qualified to serve on a jury. Wis. Stat. § 756.02. / <u>Automatic restoration</u> after completion of the term of imprisonment (including parole) or probation, or by pardon. Wis. Stat. § 304.078(2).	A person convicted of a felony is prohibited from possessing a firearm. Wis. Stat. § 941.29(1)(a)-(b), (2).  Restored upon pardon. Wis. Stat. § 941.29(5).	No, except for misdemeanors punishable by no more than one year committed before age 21, or misdemeanor invasion of privacy committed before age 18. Wis. Stat. § 973.015.	No.	Governor has pardon authority over all offenses except treason and impeachment. Wis. Const. art. 5, § 6.  Pardon not available to misdemeanants. <i>See</i> <a href="http://www.wisconsin.gov/index_adult.htm">http://www.wisconsin.gov/index_adult.htm</a> ; M. Love, <i>Collateral Consequences</i> at Wisconsin-1.  Rarely granted. <i>See</i> M. Love, <i>Collateral Consequences</i> at Wisconsin-2.

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