



WHY YOUR STATE SHOULD ADOPT THE UNIFORM COLLATERAL CONSEQUENCES OF CONVICTION ACT

The Uniform Collateral Consequences of Conviction Act (UCCOCA) provides states with a process whereby defendants are both notified of indirect penalties that may attach to their convictions, and have an opportunity for partial relief from those penalties, when appropriate. Criminal convictions frequently carry not only a prison sentence or fine, but also result in numerous disqualifications or legal disabilities (“collateral consequences”), such as bars to professional licenses and government housing, making it difficult for a person to successfully reenter society. The UCCOCA provides guidance to the collection, notification, and authorization of collateral consequences, and further provides options for relief from those collateral consequences. States should adopt the UCCOCA for the following reasons:

- **Fairness** – By requiring that defendants be notified about collateral consequences at important points in their case, the UCCOCA produces a fair and just criminal justice system.
- **Ensures Competent Representation** – By requiring a defendant be notified of collateral consequences at various points in his or her case, and by instructing the courts to confirm with the defendant that he or she has been so advised, the UCCOCA helps to ensure a defendant is represented by constitutionally competent counsel.
- **Clarity** – The UCCOCA requires all collateral consequences contained in a state’s laws and regulations, and provisions for avoiding or mitigating them, be collected in a single document. Furthermore, collateral sanctions must be authorized by statute, limiting the confusion that may result from sanctions imposed by ordinance, policy, or administrative rule without notice to the public.
- **Successful Reentry** – The UCCOCA removes barriers, when appropriate, to successful and productive reintegration for ex-offenders. The act creates relief for ex-offenders as early as the sentencing phase to facilitate reentry and when an individual has demonstrated law-abiding conduct for a certain period of time.
- **Discretionary Relief** – The UCCOCA allows a court or agency to remove a collateral sanction’s automatic bar. A licensing agency, public housing authority, or the like, would then be free to consider whether to disqualify a particular individual on the merits.
- **Reward Rehabilitation** – The UCCOCA allows an individual to seek general restoration of his or her rights after a period of time has passed, so long as that the individual has adhered to the law during that time and granting the certificate would not pose an unreasonable public safety risk.

For further information about the UCCOCA, please contact ULC Legislative Counsel, Brian Lewis, at (312) 450-6619 or blewis@uniformlaws.org.