

**CRIMINAL
CONVICTIONS**

**WEAPONS
OF MASS
DISRUPTION**



IS MY LIFE OVER AS I
KNOW IT?



WHO KNOWS I'M GUILTY?

- M.U.L.E.S – Missouri Uniform Law Enforcement System RSMo § 577.051
- Casenet Mo – still listing suspended imposition of sentence probation
- Public Police Reports
- Media

WHAT WILL MSHP RELEASE?

Dispositions that shall be reported are pleas of guilty, findings of guilty, suspended imposition of sentence, suspended execution of sentence, probation, conditional sentences, sentences of confinement, and any other such dispositions that may be required under state or federal regulations.

The record forwarded by the clerk shall clearly show the court, the court case number, the name, address, and motor vehicle operator's or chauffeur's license number of the person who is the subject of the proceeding, the code or number identifying the particular arrest, and any court action or requirements pertaining thereto.

WHAT ARE MY POTENTIAL EMPLOYERS ALLOWED TO FIND?

- Public – May not discriminate solely on the basis of criminal conviction unless specifically authorized to do so by law or there is a reasonable relationship between the job and the crime.
- Private – No law prevents private employers from discrimination based on criminal record, and employers have the right to enquire about arrests not leading to a conviction.

OCCUPATIONAL LICENSES

Agencies may consider criminal convictions as evidence of bad character.

Must be a relationship between the crime and the occupation.



-RSMo § 314.200



Applies to all professions or
businesses requiring a license
by the State of Missouri

The criminal conviction question **will**
be asked on your written
application for a license.

HEALTH CARE PROFESSIONAL

Criminal Background Check Required for:

-Nurses, Nurses Assistant, Doctors, Medical Technicians, Nursing Home Aid, any Health Care Employee and Child Care

State and Federal Fingerprint Check

-class A misdemeanor to lie on the license application RSMO 192.2495(5)

*IN CASE YOU DIDN'T GET
IT THE FIRST TIME....*

Missouri State Highway Patrol and the State
Department of Health and Senior Services teamed
up to create the:

Family Care Safety Registry

RSMo § 210.903

FCSR RECORDS ACCESS

- State Criminal background records by MSHP
- Sex Offender Registry
- Child Abuse and Neglect by Social Services
- Employee disqualification list by Mo Dept. Health and Senior Services and Dept. of Mental Health
- Child-care facility licensing records
- Foster parent licensing records

RSMO 210.903

WHAT IF I'M JUST A KID?

Missouri Safe Schools Act

- Allows suspension and expulsion for “violent acts” or “violent behavior” as long as school administration follows written regulations.
- Mandatory removal from grade, middle and high school for enumerated offenses. Range from murder to destruction of property.

RSMO 160.261





CAN I GO TO COLLEGE TO
MAKE SOMETHING OF MYSELF?

If you have \$\$\$\$\$\$\$\$ convictions are
not so bad.

College Financial Aid

- Higher Education Act (HEA) requires applications to include “the” drug question.
- Free Application for Federal Student Aid (FAFSA)



- Possible FAFSA answers:

1. **Eligible.** Your eligibility for federal student aid is not affected.

2. **Partially eligible.** You will become eligible for federal aid during the school year. You can become eligible earlier in the school year if you complete an acceptable drug rehab program

3. **Don't Know/ Ineligible.** You are not eligible for federal aid for this school year unless you complete an acceptable drug rehab program
You may still be eligible for state and school aid.

Keep trying for State or School Specific Aid

DANGER

Be Careful, if you are convicted of a drug related crime while receiving financial aid this triggers mandatory repayment of the loan.

SEX OFFENSES SO **NOT** SEXY



SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

AKA – **SORNA**

AKA – Title I of the Adam Walsh Child
Protection and Safety Act of 2006

Each section is named after a victim

WHO MUST REGISTER

SORNA

- Offenses that have an element involving a sexual act or sexual contact with another. The offenses covered include all sexual offenses whose elements involve: (i) any type or degree of genital, oral, or anal penetration, or (ii) any sexual touching of or contact with a person's body, either directly or through the clothing.
- Enumerated non-sexual offenses against a juvenile

RSMO 589.414

- Sames
- 3 Tier system. Tiers dictate how often you must register and whether or not you may ever apply to be removed.

THERE IS ALWAYS THE MILITARY RIGHT?

- Each Branch has their own regulations, but each branch does address the issue
- No such thing as sealed or expunged records
- Acceptance will not be granted with a pending felony
- Moral Waivers are granted on a case by case basis – leniency given to drug offenses, misdemeanors and traffic



**NOW WE ARE
COMING FOR
YOUR GUNS**

BUT MY GUNS ARE AS
AMERICAN AS



PERMITLESS OPEN CARRY STATE

- Local authorities may require conceal carry permit for open carry RSMO 21.750.
- Concealed carry permit requirements, 19 years of age, resident of MO and complete approved firearms safety training course.
- Exceptions for military and their spouses
- FEDERAL LAW requires background check and honest answers about criminal history. Felony to lie on application.

WHO CANNOT PURCHASE FIREARM IN MISSOURI?

- Under 19 years of age
- Not a U.S. citizen
- Plead guilty to a crime punishable by imprisonment for a term exceeding 1 year
- Fugitive from justice
- Dishonorable discharge from military
- Habitual drunkard
- Mentally incompetent
- Misdemeanor domestic violence conviction
- Respondent of full order of protection

CAN'T I JUST STUN SOMEONE?

- Legal in Missouri but depending on the caliber of shock, may require background check
- Routine probation restriction
- Illinois requires permit



THE HUNTER

- Missouri Department of Conservation says you lose your firearm hunting permit if:



WILDLIFE CODE CHAPTER 5

- Serious Wildlife Code violation
- Multiple Code violations
- Failure to pay court ordered child support
- Injury to another while hunting



Dick Cheney
Photo by:AP

WHAT CAN I KILL THINGS WITH IF I DO NOT HAVE A GUN?

Bow

Cross-bow

Slingshot

Cage trap

Atatl



BY THE WAY.....
NONE OF THIS MATTERS
ANYWAY BECAUSE OF THE
FEDS!



18 U.S.C. § 922

Illegal for felon to be in
possession of firearm



WHAT CONVICTIONS RESULT IN THE HARSH EST FEDERAL SENTENCING ENHANCEMENTS?

- Crimes of Violence – The usual suspects, murder, sex offenses, assaults, plus certain unlawful use of weapon convictions
- “Serious” Drug Offenses – Manufacture, distribution or sale of ANY drug
- Any conviction increases criminal history score for U.S. Sentencing Guidelines, including probation.
- USSG Chapter 4 and Chapter 2K2.1

EFFECTS ON MY QUALITY OF LIFE

Right to Vote

Felony conviction results in a bar on voting while incarcerated, on probation or parole. Right is automatically restored thereafter

_Mo. Const. Article VIII § 2

RSMo 115.133, 561.026

Jury Service

Felony conviction results in lifetime bar, may only be restored via pardon

-RSMo 561.026(3)

Public Office

Forfeiture upon felony conviction through completion of sentence

-RSMo 561.021

FOOD STAMPS

SNAP – Supplemental Nutritional Assistance Program

TANF – Temporary Assistance For Needy Families

Missouri finally lifted their lifetime ban from food assistance for a drug conviction. Finally.

Still a ban for “violent” offenses, these do not correlate with MO statutorily defined dangerous felonies.

What to do? Apply anyway.

SOCIAL SECURITY BENEFITS AND SUPPLEMENTAL SECURITY INCOME

Cannot receive benefits while confined in jail, prison or mental institution, however, benefits may be paid to other family members who were already on record receiving benefits.

Benefits may be renewed after release from incarceration.

BY THE AUTHORITY OF THE SOCIAL SECURITY ACT

Jail sentence of more than 30 continuous days, triggers stop of benefit payment. Careful government does not wait for the actual conviction.

Benefits may resume the month after release from confinement.

Denial of benefits for any disability “related” to a felony. So incurred while committing a felony OR while confined for a felony. Some discretion here.

Sections 202, 216 & 223

PUBLIC HOUSING

“If you break the law, you no longer have a home in public housing, one strike and you’re out. That should be the law everywhere in America” - Clinton



HOUSING HELP?

JobsForFelonsHub.com – check the “reentry listings”

TransitionalHouseing.org – lists over 5500 housing options, however, without referral from probation; majority of these may be limited to substance abuse treatment, domestic violence protection or affiliated with religious organizations.

Section 8 – do not apply if on sex offender registry or manufacture of meth while in public assistance housing.

HUD – conviction must be older than 5 years, this requirement can be excused if completed rehabilitation program – including programs within the jail or MDC.

Doc.mo.gov/programs/reentry-housing – helpful in eliminating options to prevent added frustration, divided by counties.

Felonyrecordhub.com – trustworthy general website that has direct links to many of these helpful organizations

JUST A FRIENDLY REMINDER

- Custody of your children and or termination of your parental rights.
- Department of Revenue suspension and revocation of driver's license
- Forfeiture of your home, personal property and money.

Each of these conviction enhancements must be challenged by independent administrative proceedings

IS THERE A HAPPY ENDING?

If you cannot avoid the Bomb, you can survive it.



THINGS I CANNOT BE:

- Liquor store owner
- School Bus Driver RSMo § 302.272.5(3)
- Mental health caregiver RSMo §630.170.2
- Day care provider



THINGS I CAN STILL BE...

- Bartender
- Social Worker

With Certain Waivers:

- Lawyer
- Doctor
- Politician
- College Professor
- Bail bondsman
- Banker



MOTIVATIONAL SPEAKER



BE YOUR OWN HERO
KNOWLEDGE IS POWER



THANK YOU AND GOOD LUCK

- Michelle Monahan 3/2022

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MACDL ANNUAL CLE

WINNING WITHOUT TRIAL: Fighting for Second Chances

Columbia, MO
Hampton Inn
April 29-30, 2022

DAY 1	
9:00-10:00	Welcome and Keynote Speaker: Profit and Punishment Tony Messenger, <i>St. Louis, MO</i> Pulitzer Prize and MACDL Woodward Bernstein Award Winner
10:00-10:10	BREAK
10:10-11:10	Expungements: Does it Really Help Your Clients? Rep. Rudy Veit, <i>Jefferson City, MO</i> Rep. David Smith, <i>Columbia, MO</i> and Attorney Sheena Foye, <i>Kansas City, MO</i>
11:10-12:10	Immigration: Knowing Your Client's Status and The Common Misperceptions Michael Sharma-Crawford, <i>Kansas City, MO</i>
12:10-1:15	LUNCH
1:15-2:30	Mitigation: Strategies for Sentencing Cynthia Short, <i>Kansas City, MO</i>
2:30-3:30	Truth and Consequences: How to Leverage Plea Agreements Michelle Monahan, <i>St. Louis, MO</i> and Travis Jacobs, <i>Columbia, MO</i>
3:30-3:45	BREAK
3:45-4:45	Sex Offender Registration and Notification Act: Keeping Clients Off the List Matt Fry, <i>St. Louis, MO</i>
5:45-6:45	Awards Reception—Hotel (dinner on own)
DAY 2	
8:30-9:00	Membership Meeting
9:00-10:30	Mitigation: Story Telling Jeff Chapdelaine, <i>Boston, MA</i>
10:30-10:45	BREAK
10:45-12:00	Mitigation: Your Ethical Duty To Your Clients Jeff Chapdelaine, <i>Boston, MA</i>
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