



**Collateral Consequences True/False Quiz**

1. New Mexico has 68 individual collateral consequences that result from a conviction.  
 True       False
2. Arrests that do not result in convictions will not appear on a commercial criminal background check.  
 True       False
3. New Mexico has the highest proportion of imprisoned Latinos in the nation, and the imprisonment rate for Black adults was over six times that of white adults.  
 True       False
4. A person who successfully completes a conditional discharge in New Mexico does not have a criminal conviction.  
 True       False
5. FBI background checks are inaccurate or out of date 50% of the time.  
 True       False
6. One in every four people in New Mexico prisons is treated for a serious mental illness on any given day.  
 True       False
7. By age 23, approximately 1/3 of Americans have been arrested.  
 True       False
8. When using criminal background checks in employment decisions, employers should use bright-line rules rather than making individualized determinations.  
 True       False
9. Ten percent of New Mexico children have had a parent who was incarcerated.  
 True       False
10. New Mexico is one of only 12 states with a growing prison population (1999-2015).  
 True       False
11. The number of women in prison increased by 587% between 1980 and 2011.  
 True       False
12. 40 percent of those imprisoned in New Mexico suffer from substance abuse problems.  
 True       False



### Answer Key

1. False. NICCC reports New Mexico has approximately 680 individual collateral consequences. There are over 48,000 individual collateral consequences nationwide.  
<https://niccc.csgjusticecenter.org/>
2. False. Arrests that do not result in a conviction may be reported on a commercial criminal background check for seven years. See 15 U.S.C. § 1681c(a)(2) ("[N]o consumer reporting agency may make any consumer report containing . . . records of arrest that, from date of entry, antedate the report by more than seven years or until the governing statute of limitations has expired, whichever is the longer period."). But see *id.* §1681c(b)(3) (stating that the reporting restrictions for arrest records do not apply to individuals who will earn "an annual salary which equals, or which may reasonably be expected to equal \$75,000 or more").
3. True. The Sentencing Project, *The Color of Justice: Racial and Ethnic Disparity in State Prisons*, 2016; Bureau Justice Statistics, National Corrections Reporting Program, 2015.
4. True. See NMSA 31-20-13.
5. True. See U.S. Dep't of Justice, The Attorney General's Report on Criminal History Background Checks 4 (2006).
6. True. New Mexico Corrections Department, Strategic Plan 2010-2011
7. True. See 65 Million Need Not Apply, National Employment Law Project.  
<http://www.nelp.org/publication/65-million-need-not-apply-the-case-for-reforming-criminal-background-checks-for-employment/>
8. False. See EEOC Guidance, Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,  
[https://www.eeoc.gov/laws/guidance/arrest\\_conviction.cfm](https://www.eeoc.gov/laws/guidance/arrest_conviction.cfm)
9. True. See Annie E. Casey, A Shared Sentence (2016). <http://www.aecf.org/resources/a-shared-sentence/>
10. True. See The Sentencing Project, U.S. Prison Population Trends 1999-2015 (2017).  
<http://www.sentencingproject.org/publications/u-s-prison-population-trends-1999-2015-modest-reductions-significant-variation/>
11. True. See National Resource Center on Children & Families of the Incarcerated, see <https://nrccfi.camden.rutgers.edu/>
12. False. The real number is 85%. See [Rio Grande Foundation, Criminal Justice Policy in New Mexico: Keys to Controlling Costs and Protecting Public Safety \(Updated. \(2013\).](#)

# REENTRY MYTH

# BUSTER!

A Product of the Federal Interagency Reentry Council

**MYTH:** Individuals who have been convicted of a crime are “banned” from public housing.

**FACT:** Public Housing Authorities have great discretion in determining their admissions and occupancy policies for ex-offenders. While PHAs can choose to ban ex-offenders from participating in public housing and Section 8 programs, it is not HUD policy to do so. In fact, in many circumstances, formerly incarcerated people should not be denied access.

On January 5, 2011, during an Interagency Reentry Council Meeting, HUD Secretary Shaun Donovan reminded council members that “this is an Administration that believes in the importance of second chances.” He further stated, “And at HUD, part of that support means helping ex-offenders gain access to one of the most fundamental building blocks of a stable life – a place to live.”

**Fact: There are only two convictions for which a PHA MUST prohibit admission – those are:**

- If any member of the household is subject to a lifetime registration requirement under a State sex offender registration program; and,
- If any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.

Additionally, PHAs must prohibit admission of an applicant for three years from the date of eviction if a household member has been evicted from federally assisted housing for drug-related criminal activity. PHAs must also establish standards which prohibit admission if the PHA determines that any household member is currently engaged in illegal use of a drug or the PHA determines that it has reasonable cause to believe that a household member’s illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents. In these cases, however, PHAs retain their discretion to consider the circumstances and may admit households if the PHA determines that the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program, such as those supervised by drug courts, or that the circumstances leading to eviction no longer exist (24 CFR 5.854).

PHAs must also formally allow all applicants to appeal a denial for housing giving the applicant an opportunity to present evidence of positive change since the time of incarceration.

Working within the parameters and flexibilities of the above regulations, many PHAs have established admissions and occupancy policies that have promoted reuniting families in supportive communities and using stable housing as a platform for improving the quality of life.

### For More Information:

See 24 CFR 960.204 for Public Housing, and 24 CFR 982.553 for the Housing Choice Voucher program

### What is a REENTRY MYTH BUSTER?

This Myth Buster is one in a series of fact sheets intended to clarify existing federal policies that affect formerly incarcerated individuals and their families. Each year, more than 700,000 individuals are released from state and federal prisons. Another 9 million cycle through local jails. When reentry fails, the social and economic costs are high – more crime, more victims, more family distress, and more pressure on already-strained state and municipal budgets.

Because reentry intersects with health and housing, education and employment, family, faith, and community well-being, many federal agencies are focusing on initiatives for the reentry population. Under the auspices of the Cabinet-level Interagency Reentry Council, federal agencies are working together to enhance community safety and well-being, assist those returning from prison and jail in becoming productive citizens, and save taxpayer dollars by lowering the direct and collateral costs of incarceration.

For more information about the Reentry Council, go to: [www.nationalreentryresourcecenter.org/reentry-council](http://www.nationalreentryresourcecenter.org/reentry-council)

# REENTRY MYTH

# BUSTER!

## On Federal Student Financial Aid

January 2017

A Product of the Federal Interagency Reentry Council

**MYTH: A person with a criminal record is not eligible to receive federal student financial aid.**

**FACT: Individuals who are currently incarcerated in a federal, state, or local correctional institution have some limited eligibility for federal student aid. In general, restrictions on federal student aid eligibility are removed for formerly incarcerated individuals, including those on probation, on parole, or residing in a halfway house.**

- Through the Department of Education's [Second Chance Pell](#) pilot program, an estimated 12,000 eligible incarcerated individuals can now receive Pell Grants to pursue postsecondary education.
- Although an individual incarcerated in a federal or state prison is eligible to receive a Federal Supplemental Educational Opportunity Grant (FSEOG) and Federal Work-Study (FWS), he or she is unlikely to receive either FSEOG or FWS due to the FSEOG award priority, which is that the grant must be given to those students who also will receive a Federal Pell Grant, and due to the logistical difficulties of performing an FWS job while incarcerated.
- Those incarcerated in correctional institutions other than federal or state institutions are eligible for a Federal Pell Grant, FSEOG, and FWS but not for federal student loans. Also, it is unlikely that incarcerated individuals in correctional institutions other than federal or state institutions will receive FSEOG or FWS due to school funding limitations and to the logistical difficulties of performing an FWS job while incarcerated.
- Incarcerated individuals may not receive federal consolidation loans.
- Upon release, most eligibility limitations (other than those noted below) will be removed. In addition, you may apply for aid in anticipation of being released so that your aid is processed in time for you to start school.
- You may be able to have your federal student loans deferred while you are incarcerated, but you must apply for a deferment and meet its eligibility requirements. To apply for deferment, contact the servicer of your loan(s). To find out what kind(s) of loan(s) you have, *and/or to find contact information for your loan servicer*, call 1-800-4-FED-AID (1-800-433-3243) or visit [www.nsls.ed.gov](http://www.nsls.ed.gov).
- If your incarceration was for a drug-related offense or if you

are subject to an involuntary civil commitment for a sexual offense, your eligibility may be limited as indicated in the two bullets below.

- A student convicted for the possession or sale of illegal drugs may have eligibility suspended if the offense occurred while the student was receiving federal student aid (grants, loans, or work-study). When you complete the *Free Application for Federal Student Aid* (FAFSA<sup>SM</sup>), you will be asked whether you had a drug conviction for an offense that occurred while you were receiving federal student aid. If the answer is yes, you will be provided a special worksheet to help you determine whether your conviction affects your eligibility for federal student aid. You may preview the worksheet in the FAFSA Information section at [www.studentaid.ed.gov/pubs](http://www.studentaid.ed.gov/pubs).
- If you have been convicted of a forcible or nonforcible sexual offense, and you are subject to an involuntary civil commitment upon completion of a period of incarceration for that offense, you are ineligible to receive a Federal Pell Grant.

### For More Information:

Guide to Federal Student Aid for Students with Criminal Convictions:  
<https://studentaid.ed.gov/sa/eligibility/criminal-convictions>

How Do Drug-Related Convictions Affect My Student Loan Eligibility?:  
<https://www.whitehouse.gov/sites/default/files/ondcp/recovery/fafsa.pdf>

Federal Student Aid Eligibility for Students Confined in Adult Correctional or Juvenile Justice Facilities:  
<https://studentaid.ed.gov/sa/sites/default/files/aid-info-for-incarcerated-individuals.pdf>

**What is a REENTRY MYTH BUSTER?** This Myth Buster is one in a series of fact sheets intended to clarify existing federal policies that affect formerly incarcerated individuals and their families. Each year, more than 600,000 individuals are released from state and federal prisons. Another 11.4 million cycle through local jails. When reentry fails, the social and economic costs are high -- more crime, more victims, more family distress, and more pressure on already-strained state and municipal budgets.

Because reentry intersects with health and housing, education and employment, family, faith, and community well-being, many federal agencies are focusing on initiatives for the reentry population. Under the auspices of the Cabinet-level interagency Reentry Council, federal agencies are working together to enhance community safety and well-being, assist those returning from prison and jail in becoming productive citizens, and save taxpayer dollars by lowering the direct and collateral costs of incarceration.

For more information about the Reentry Council, go to: <https://csgjusticecenter.org/nrc/projects/firc/>

**MYTH: Individuals convicted of a drug felony can never receive Supplemental Nutrition Assistance Program (SNAP) benefits.**

**FACT: Only six states have kept the drug felony ban in place in its entirety. Most states have modified or eliminated the ban.**

Section 115 of the Personal Responsibility and Work Opportunity Act of 1996 prohibited states from providing Food Stamps (now the Supplemental Nutrition Assistance Program) to individuals convicted of drug felonies unless the state passes legislation to extend benefits to these individuals.

Only the following 6 states have kept the welfare ban entirely in place: Arizona, Arkansas, Indiana, Mississippi, South Carolina, and West Virginia. All other states have modified the ban or have eliminated it entirely.

The following 20 states and the District of Columbia have eliminated the ban entirely: California, Delaware, Illinois, Iowa, Maine, Massachusetts, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, and Wyoming.

The following 24 states have amended the ban to allow some individuals to regain eligibility by meeting certain additional requirements, such as receiving or completing drug or alcohol treatment: Alabama, Alaska, Colorado, Connecticut, Florida, Georgia, Hawaii, Idaho, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Carolina, North Dakota,

Tennessee, Texas, Virginia, and Wisconsin.

A number of state SNAP agencies have also requested a [SNAP Pre-Release Waiver](#), which allows them to accept benefit applications and conduct eligibility interviews for incarcerated individuals nearing release.

### For More Information:

Visit the SNAP website at [www.fns.usda.gov/snap](http://www.fns.usda.gov/snap) for information on application and eligibility requirement

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Para información en español, visite [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) o escribe a la Consumer Financial Protection Bureau, 1700 G Street N.W., Washington DC 20552.

## A Summary of Your Rights Under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under the FCRA. **For more information, including information about additional rights, go to [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) or write to: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.**

- **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment - or to take another adverse action against you - must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
  - a person has taken adverse action against you because of information in your credit report;
  - you are the victim of identity theft and place a fraud alert in your file;
  - your file contains inaccurate information as a result of fraud;
  - you are on public assistance;
  - you are unemployed but expect to apply for employment within 60 days.
- In addition, all consumers are entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) for additional information.
- **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.
- **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) for an explanation of dispute procedures.

- **Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.** Inaccurate, incomplete or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.
- **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.
- **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need -- usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
- **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).
- **You may limit "prescreened" offers of credit and insurance you get based on information in your credit report.** Unsolicited "prescreened" offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt-out with the nationwide credit bureaus at 1-888-567-8688.
- **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
- **Identity theft victims and active duty military personnel have additional rights.** For more information, visit [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).

**States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. For information about your Federal rights contact:**



TYPE OF BUSINESS:	CONTACT:
<p>1. a. Banks, savings associations, and credit unions with total assets of over \$10 billion and their affiliates.</p> <p>b. Such affiliates that are not banks, savings associations, or credit unions also should list, in addition to the CFPB:</p>	<p>a. Consumer Financial Protection Bureau 1700 G Street NW Washington, DC 20552</p> <p>b. Federal Trade Commission: Consumer Response Center – FCRA Washington, DC 20580 (877) 382-4357</p>
<p>2. To the extent not included in item 1 above:</p> <p>a. National banks, federal savings associations and federal branches and federal agencies of foreign banks</p> <p>b. State member banks, branches and agencies of foreign banks (other than federal branches, federal agencies and Insured State Branches of Foreign Banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act</p> <p>c. Nonmember Insured Banks, Insured State Branches of Foreign Banks, and insured state savings associations</p> <p>d. Federal Credit Unions</p>	<p>a. Office of the Comptroller of the Currency Customer Assistance Group 1301 McKinney Street, Suite 3450 Houston, TX 77010-9050</p> <p>b. Federal Reserve Consumer Help Center PO Box 1200 Minneapolis, MN 55480</p> <p>c. FDIC Consumer Response Center 1100 Walnut St., Box #11 Kansas City, MO 64106</p> <p>d. National Credit Union Administration Office of Consumer Protection (OCP) Division of Consumer Compliance and Outreach (DCCO) 1775 Duke Street Alexandria, VA 22314</p>
<p>3. Air carriers</p>	<p>Asst. General Counsel for Aviation Enforcement &amp; Proceedings Aviation Consumer Protection Division Department of Transportation 1200 New Jersey Avenue, S.E. Washington, DC 20590</p>
<p>4. Creditors Subject to Surface Transportation Board</p>	<p>Office of Proceedings, Surface Transportation Board Department of Transportation 395 E Street, S.W. Washington, DC 20423</p>
<p>5. Creditors Subject to Packers and Stockyards Act, 1921</p>	<p>Nearest Packers and Stockyards Administration area Supervisor</p>
<p>6. Small Business Investment Companies</p>	<p>Associate Deputy Administrator for Capital Access United States Small Business Administration 409 Third Street, SW, 8<sup>th</sup> Floor Washington, DC 20416</p>
<p>7. Brokers and Dealers</p>	<p>Securities and Exchange Commission 100 F Street, N.E. Washington, DC 20549</p>
<p>8. Federal Land Banks, Federal Land Bank Associations, Federal Intermediate Credit Banks and Production Credit Associations</p>	<p>Farm Credit Administration 1501 Farm Credit Drive McLean, VA 22102-5090</p>
<p>9. Retailers, Finance Companies, and All Other Creditors Not Listed Above</p>	<p>FTC Regional Office for region in which the creditor operates or Federal Trade Commission: Consumer Response Center - FCRA Washington, DC 20580 (877) 382-4357</p>

