

PASSED AS REVISED

RECOMMENDATION

1 RESOLVED, That the American Bar Association urges federal, state, territorial and local  
2 governments to increase the opportunities of youth involved with the juvenile or criminal justice  
3 systems and to prevent the continuing discrimination against those who have been involved with  
4 these systems in the past by limiting the collateral consequences of juvenile arrests,  
5 adjudications, and convictions.  
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7 FURTHER RESOLVED, That the American Bar Association urges federal, state, territorial and  
8 local governments to adopt and enforce laws and policies which:  
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10 Prohibit employers, colleges, universities, vocational and technical schools, financial aid offices,  
11 licensing authorities and similar agencies from inquiring about or considering an arrest of a  
12 juvenile that did not lead to a finding of guilt, an adjudication or a conviction, or basing the  
13 denial of educational or vocational opportunities to applicants on such arrest;  
14

15 ~~Prohibit colleges, universities, financial aid offices, and other educational institutions from~~  
16 ~~inquiring about or considering any juvenile adjudication(s) or convictions that occurred as a~~  
17 ~~juvenile when determining whether a student is a candidate for admission;~~  
18

19 Prohibit employers and educational institutions from considering any records pertaining to an  
20 arrest, adjudication or conviction of an applicant that occurred while the applicant was a juvenile  
21 if such records have been sealed or expunged by the court;  
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23 Prohibit colleges, universities, financial aid offices, other educational institutions and employers  
24 and employment licensing authorities:(1) from considering juvenile adjudications or criminal  
25 convictions unless engaging in the conduct underlying the adjudication or conviction would  
26 provide a substantial basis for denial of a benefit or opportunity even if the person had not been  
27 adjudicated or convicted, and (2) if the underlying conduct does provide such a basis:(a) from  
28 considering a juvenile adjudication, if three years have passed following the applicant's discharge  
29 from custody or supervision without being adjudicated or convicted of a subsequent offense; and  
30 (b) from considering a criminal conviction, if five years have passed following the applicant's  
31 release from custody or supervision without being convicted of a subsequent offense.  
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33 FURTHER RESOLVED, That the American Bar Association urges federal, state, territorial and  
34 local governments to adopt and enforce policies encouraging employers, colleges, universities,  
35 financial aid offices, licensing authorities and other agencies to give consideration to a juvenile's  
36 successful completion of a community re-entry program or the terms of their probation.  
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38 FURTHER RESOLVED, That the American Bar Association urges federal, state territorial and  
39 local governments to adopt and enforce policies encouraging employers, colleges, universities,  
40 financial aid offices, licensing authorities and other agencies to include on applications clear  
41 definitions of legal terms such as arrest, adjudication, and conviction.

# 102A

(DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED)