

Chart of States Having Certificates of Rehabilitation (or Equivalent)

compiled August 2016 This chart is based on the state-by-state chart, "State Specific Guides to Restoration of Rights, Pardon, Sealing & Expungement," on the website of the Collateral Consequences Resource Center, prepared by Margaret Love for the NACDL Restoration of Rights Project, copyright 2014-2016, Collateral Consequences Resource Center. www.ccresourcecenter.org

Note: The law provisions below cover certificates of rehabilitation or equivalent and do not include restoration of civil rights, pardon, sealing, or expungement.

State	Law provisions	Waiting period before can apply	Comments or other provisions
California	Certificate of Rehabilitation (COR) - re-entering citizens can apply to Superior Ct in his/her county of residence. The cert is a finding that the person is rehab'd. Petition for COR has to identify all crimes for which convicted, person may have legal counsel, may be assisted by parole or probation office.	Eligibility - must complete sentence & parole period, remain in state for specified period, have no further violations, and show good conduct. Specified period = 5yrs + 4 yrs for serious crimes, 2 yrs for less serious offenses. Ct may set additional times for concurrent sentences. An additional 5 yrs required for sex offenses.	A person granted COR can't be denied an occupational license. Occupational training gained in prison is recognized in qualifying for a license as appropriate.
Georgia	Georgia law of 2014 provides for <u>Program and Treatment Completion Certificates</u> to be issued by state Bd of Corrections. Purpose: to encourage hiring, licensing, and admission to schools and other programs by offering protections for those engaging certificate holders against liability for the actions of those with certificates.		As of posting date, the Board has not yet promulgated rules with respect to eligibility. A search of the Georgia Board of Corrections website yielded no further information about implementation, either.

Illinois

After completing sentence incl. parole or probation, or at any time after, the committing ct may order a certificate that sentence has been satisfactorily completed when the ct believes it would assist in rehab of the person and be consistent with the public welfare. Can be initiated by motion of defendant or the State or upon the ct's own motion. If granted, the certificate states that person's behavior after conviction has warranted certificate' being issued. A Certificate of Relief from Disability (CRD): to facilitate licensing in 27 specified areas and states an enforceable "presumption of rehabilitation" that must be observed by licensing board. Does not apply to convictions for viol. crimes or sex offenses. A Certificate of Good Conduct (CGC): to show an offender's rehab and to relieve bars to employment or specific one(s). Ct must determine rehab by evidence.

For the CRD: the defendant or the state or the committing court may initiate the process after discharge of sentence.
For the CGD: there is a minimum waiting period of 1 year for misdemeanors and 2 years for felonies, after which the court must hold a rehab review and may issue a certificate after determining rehabilitation.

Certificates do not apply to convictions for arson, kidnapping, aggravated domestic batter, agravated DUI. Dept of Professional Licensing must report to the legislature annually on these certificates.

<p>Maryland</p>	<p>Per JRA, enacted in 2016, Dept of Public Safety and Correctional Services shall issue a <u>Certificate of Rehabilitation (COR)</u> to individuals convicted of non-viol. and non-sexual felonies & misdemeanors. Must have successfully completed all conditions of parole, probation or mand. release supervision unless lic bd determines there is a risk to property, safety or welfare of persons or gen public. If COR has been issued, a licensing bd may not deny an occup license. Effec date is Oct 1, 2017. Is state policy to encourage employment and remove barriers to employment.</p>	<p>DPSCS must adopt regulations regarding application and review process that allows objection to issuance by State's Atty or victim. Presumably, these reg's will be developed during 2016 and first 9 months of 2017.</p>	<p>A person may receive only one COR per lifetime.</p>
<p>New Jersey</p>	<p>A court at the time of sentencing or a supervisory agency afterward may issue a <u>Certificate of Rehabilitation (COR)</u> for conviction no more than 10 yrs old. Does not apply to convictions of certain serioud offenses. COR shows that applicant has achieved a degree of rehab indicating that his/her engaging in the proposed employment would not be incompatible with welfare of soc. Precludes licensing authority from disqualifying or discriminating against applicant on basis of conviction. Bars to public employment remain in place for cerain specified crimes.</p>	<p>There is a 3 year waiting period to apply. Both the court and the Parole Board must find that issuing the COR will not endanger public safety and that it will assist the reintegration of applicant into society.</p>	<p>COR does not apply to employment in law enforment and other sensitive public employment, or business licenses for mortgages. There are a variety of cases filed under this 2007 statute seeking to clarify certain unclear points.</p>

<p>New York</p>	<p>CRD (<u>Certif of Removal of Disability</u>) may be obtained to restore certain rights. Purpose to encourage employment and licensure. Available if there is no more than 1 felony conviction (any number of misdemeanors), is available from sentencing court or Bd of Parole. Does not confer right to run for public office. If granted during parole, the certif is temporary and can be revoked. If not revoked, it becomes permanent.</p> <p>CGC (<u>Certif of Good Conduct</u>) available with multiple felony convictions from Bd of Parole. Person must demonstrate good conduct for required period.</p>	<p>Court may issue as early as time of sentencing or thereafter. Parole Bd may issue any time after release from prison. Also available to anyone with a federal conviction who resides in NY at sentencing. Believed to be important to request at sentencing to avoid bars to pub housing and employment. Court must find it is consistent with public interest.</p> <p>Wait 1-5 years depending on seriousness of offense, and certif must be consistent with public interest.</p>	<p>Does not preclude employers or licensing agency from considering conduct underlying conviction. Neither type voids a conviction.</p>
<p>North Carolina</p>	<p>An individual convicted of no more than 2 class G, H, or I felonies or misdemeanors may petition the convicting court for a <u>Certificate of Relief</u> relieving collateral consequences. Petitions to be heard by the relevant senior judge. Excludes convic's of certain serious crimes. Court must notify DA who may appear and be heard.</p>	<p>Ct may issue certificate 1 year after completion of sentence (incl parole, probation, post-release supervision) if person has complied with all sentencing terms, and if engaged in lawful occupation or activities including employment, training, education, or rehab or otherwise has lawful source of support, and if consistent with public safety and welfare.</p>	<p>If certificate is denied, may reapply after 1 year. In allegations of negligence, a Certificate of Relief bars any action alleging lack of due care in hiring, licensing, etc. Ct may revoke Certificate for just cause.</p>

<p>Ohio</p>	<p>Law provides for issuance by Dept of Rehab and Corrections or adult parole authority of a <u>Certificate of Achievement and Employability</u> for certain prisoners and parolees to obtain relief from barriers to getting and keeping a job for which the prisoner trained. Licensing agency must give individual consideration.</p> <p><u>Certificate of Qualification for Employment</u> - apply to court of common pleas in county of residence. Court is to notify prosecuting atty that petition for certificate has been filed. Exceptions to getting a certif - law enforcement jobs, drivers license restrictions, health care licenses, and loss of license from nonpayment of child support.</p>	<p>Eligibility - if fully discharged sentence: 1 year after completion of sentence for felonies, 6 months for misdemeanors. Person must demonstrate that he/she has need for relief to live a law abiding life, that certificate will assist in getting a job, and does not pose a safety risk.</p> <p>The court that gets the petition has 60 days to decide whether to issue it.</p>	<p>Certificate of Qualif for Employment can be revoked for additional convictions. Certificate limits employers' liability - certificate is evidence of due care in hiring, etc.</p>
<p>Rhode Island</p>	<p>A person with no more than one nonviolent felony conviction may apply to Parole Board for <u>Certificate of Recovery and Re-Entry</u>, to relieve petitioner of some collateral consequences of a conviction. A certificate may serve as one factor determining whether petitioner has been successful in his/her rehab, and is consistent with public safety, aids a person's ability to get a job, professional licenses, housing and other benefits.</p>	<p>Waiting period: 1 year for misdemeanants, 3 years for non-violent felony convictions. Starting from the completion of sentence or parole, or completion of payment of fine.</p>	<p>Persons convicted of violent crimes are ineligible.</p>

Tennessee	Petition for <u>Certificate of Employability</u> can be filed in a court and applied for by anyone seeking restoration of rights after conviction. Lifts certain licensing disqualifications and protects employers and others from liability for actions of a certificate holder.	Petitioner must show good conduct, that certif would help in getting a job, that person needs it to live a law-abiding life, and that issuing it would not endanger public safety. Court may deny based on time elapsed since criminal offense or nature of offence. DA gets 20 days notice to object. Certificate can be revoked for further offense.	No licensing authority can deny licenses solely on crim conviction but must consider on individual basis. Law excludes licensing for health care, mental health, development disability services, welfare services, law enforcement, education, insurance and banking and finance.
Vermont	VT has a general law that regulates consideration of convictions in licensing for a number of professions, i.e., unprofessional conduct that provides a basis for discipline of licensees incl. a conviction of a crime related to the practice of the profession, or conviction of a felony.		It appears that licensing is permitted except for the exceptions listed.
Washington	As of 6/9/2016, courts are authorized to issue a Certificate of Restoration of Opportunity (CROP). The law bans licensing authorities from disqualifying an applicant solely because of criminal conviction. Petition is to be filed with the sentencing court or ct in county of residence. Eligible - those who committed misdemeanors, gross misdemeanors, less serious felonies. The person must have completed all sentencing requirements, have no further charges, and not be convicted of a new crime. Excludes from certification persons convicted of violent crimes and sex crimes.	Waiting periods to petition for a CROP: 1 yr from sentencing for misdemeanor and gross misdemeanors; 18 mo from release for misdemeanors with confinement; 2 yrs from sentencing or release for probationers (noncustodial) or release from confinement; 5 yrs from sentencing (probation, noncustodial sentence) or release (sent. of confinement) for violent crimes under certain portion of state law.	Protects employers and housing providers from being liable as negligent in exercising due care in hiring, renting, etc.



Note: see the article on the CCRC website, "Study Shows Certificates Work to Create Job Opportunitis," May 25, 2016, by Joshua Gaines.
[www:http://ccresourcecenter.org/2016/05/25/new-study-suggests-certificates-of-relief-are-working-to-create-jobs/](http://ccresourcecenter.org/2016/05/25/new-study-suggests-certificates-of-relief-are-working-to-create-jobs/).

There are a number of organizations listed on the CCRC website which address re-entry problems. See, for example, Reentry.net;

The Council of State Governments Justice Center -- <https://csgjusticecenter.org/reentry/the-reentry-and-employment-project/>;

The Sentencing Project's web section on collateral consequences; the website for the New Southern Strategy Coalition; the ABA Criminal Justice Section and its materials on collateral consequences.

Also see the Legal Action Center website, <http://lac.org>, and its materials on certificates of rehabilitation.