



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 FBI background checks are inaccurate or out of date 50% of the time.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
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. \(2013\).](#)