

Conclusion from first call:

Bracket references to juvenile adjudications in Section 2 so jurisdictions that do not impose collateral sanctions for in or out of state juvenile convictions can drop it.

Issues for further Discussion:

1. How should the Act treat out of state convictions? Sections 2(5)-(7) simply borrow out of state definitions, i.e., they define out of state convictions that are felonies and misdemeanors as defined in their home jurisdictions as felonies and misdemeanors in the enacting state. In contrast, 8(a) does, essentially, *Blockburger* analysis, treating an out of state conviction either as: a) the same offense in this state, if there is an offense with the same elements; or, b) if there is no offense with identical elements, the highest included offense in the enacting state, if any (with the proviso that out of state violations cannot be elevated to crimes, and out of state misdemeanors cannot be elevated to felonies). The act has to choose one or the other approach.
2. Proposed by Brian Flowers: Out of state convictions should not be addressed by the act because of risk that it will create collateral consequences where there were none before [Sections 2 and 8]
3. Sharpen distinction between collateral sanctions in Sections 9 and 10—make clearer difference between sections. Break 10(d)-(f) into subsections.
4. Proposed by Roger Henderson: Section 9(b) is internally inconsistent, because they provide that the purpose of relief is to promote public safety, subsection (1), yet a ground for denial is risk to public safety, subsection (3).
5. Proposed by Jack Davies: Allow court to issue order even after sentencing [9(a)(1)]
6. Proposed by Margy Love: Why are out of state pardons [8(c)] treated differently from other sorts of out-of-state relief [8(e)]?
7. Proposed by Dennis Cooper: Break out Section 12(g) and (h) as a separate section or sections.
8. Is limitation of Section 12(h) redundant of the limitation in Section 3(1)(b).