



The following discussion briefly explains the different aspects of an “**index card**” as they appear in the Collateral Consequences Assessment Tool (C-CAT).

➤ *Characteristics of consequence:*

- *Source:* The source refers to the North Carolina statute or administrative rule in which the collateral consequence appears. The source is hyperlinked on each index card for users to view the statute or rule language.
- *Action taken:* The action taken is the type of deprivation a person faces as the result of a collateral consequence. Examples of actions are “deny,” “refuse,” “reprimand,” “revoke,” “expel,” or “fine.”
- *Implementation:* Implementation refers to whether a collateral consequence is
  - *Discretionary:* When a consequence is discretionary, the decision maker is authorized, but not required, to impose it.
  - *Mandatory:* When a consequence is mandatory, the initial decision maker is required to impose it. Many mandatory consequences in C-CAT will include a note on the index card alerting the user to a 2019 legislative change, in GS 93B-8.1, limiting the authority of occupational licensing boards to impose mandatory license consequences. [G.S. 93B-8.1](#), appears to override statutes with greater restrictions on licensure. However, because individual statutes continue to contain more restrictive language, agencies may not have recognized the impact of the statute. For a further discussion of the amended statute, see [here](#).
- *Restoration procedure:* Some collateral consequence statutes provide a mechanism to restore the lost activity, privilege, or right. C-CAT uses a broad definition of restoration procedure to include anything from an appeal of the deprivation decision to reapplication following a specified period of time. Users are encouraged to consult relevant statutes whenever a restoration procedure is specified. If there is no restoration procedure specified in the governing statute or rule, the index card does not include this category of information.
- *Initial decision maker:* The entity—agency, board, judge, hiring authority, etc.—responsible for imposing a collateral consequence is referred to as the initial decision maker.
- *Duration:* Duration is the length of time the consequence is imposed. Some statutes provide that a consequence will last a definite amount of time, such as five years, two years, or permanently. Many are silent on the matter of duration.

➤ *Characteristics of crime:*

- *Criminal class:* The criminal class is the classification of the crime—felony or misdemeanor—that trigger the collateral consequence.
- *Characteristics:* This section refers to legal characteristics of the crime or crimes that trigger the collateral consequence. It includes offenses involving controlled substances,



domestic violence, fraud or misrepresentation, and moral turpitude. It also includes offenses where firearms were used or that occurred on educational property.

- *Disposition*: The disposition is the final outcome of the criminal case or, in some instances, another point in the criminal process that triggers the implementation of the collateral consequence. Many statutes refer to “conviction” as the disposition necessary to trigger a consequence. Other statutes allow the imposition of a collateral consequence after arrest, charge, or indictment. Many statutes, especially in the employment and professional licensure area, authorize implementation after a finding by a board or commission that the respondent committed a particular criminal act. Some are silent on the matter of disposition. When a statute is silent, C-CAT classifies the required disposition as conviction. (Please see [Explanation of Common Terms in C-CAT](#) for further discussion of the term conviction and how it is used in C-CAT.)
  - *Additional preconditions*: This section refers to factual, not legal, characteristics of the crime or crimes that must be present for it to trigger a collateral consequence. Examples of additional preconditions include commission at a certain location or after a certain date or specific facts that either the sentencing judge or initial decision maker must find.
- *Related Triggers*: This section will note other offenses that trigger the same collateral consequence. Often, these triggers will share the same statutory or regulatory source.
- *Notes*: You will find notes attached to some collateral consequence records. We created notes whenever a collateral consequence statute contained important information that would not fit neatly into one of the above categories. Notes are used to provide further necessary context or links to relevant resources. A note will appear before related triggers (if any) listed on the index card.