

## **BILL ANALYSIS**

C.S.H.B. 420  
By: Naishtat  
Human Services  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, Texans with prior drug felony convictions that occurred after August 22, 1996 are banned from ever receiving food stamps or TANF cash assistance. Unless states enact legislation to opt out of, or modify, the ban, federal law requires states to impose a lifetime ban on the receipt of TANF cash assistance and food stamps for those individuals who have been convicted of drug felonies for conduct that occurred after August 22, 1996. This is a lifetime ban--even if an ex-offender has completed his or her sentence, overcome an addiction, been employed but got laid off, or earned a certificate of rehabilitation

This policy is counter-productive and harmful for the individual, their family members and society. It creates barriers to successful integration back into society and undermines efforts to reduce recidivism of parolees and probationers. In addition, the need for nutritional assistance does not go away, and these individuals seek assistance from other state and local resources which are already being stretched in attempts to meet the need of others.

Many states have either opted out of, or modified, the lifetime ban. C.S.H.B. 420 would make use of a state's prerogative under federal law to modify the lifetime ban on food stamps for individuals with felony drug convictions that occurred after August 22, 1996. Under this bill, ex-offenders who are on community supervision or have successfully completed community supervision, or who are in drug treatment programs or have completed drug treatment programs after the conviction, could receive food stamps if they meet all other eligibility criteria.

Since the food stamp program is 100% federally funded, requiring no state match, this would help individuals with prior felony drug convictions who have taken necessary steps toward rehabilitation to meet their nutritional needs without having to access assistance from limited state or local resources.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

The bill provides that, as permitted by federal law, the federal ban on eligibility for food stamps for persons convicted of felony drug convictions does not apply if, as a result of the conviction, the person is on community supervision or has successfully completed community supervision, or the person is enrolled in a drug treatment program or has successfully completed a drug treatment program after the person was convicted of the offense.

The bill requires an agency affected by the provisions of this bill to apply for a federal waiver or authorization if the agency determines that a waiver or authorization is necessary before implementation, and permits a delay in implementation until any needed federal authorization or waiver is granted.

The bill is prospective in application.

**EFFECTIVE DATE**

September 1, 2005

**COMPARISON OF ORIGINAL TO SUBSTITUTE**

The original bill applied to both the TANF program and the food stamp program, and would have authorized participation by persons convicted of felony drug offenses irrespective of whether or not they were taking necessary steps toward rehabilitation.

The substitute applies only to the food stamp program, and requires an ex-offender to be in community supervision or have completed community supervision, or in a drug treatment program or have completed a drug treatment program after the conviction.