

BILL ANALYSIS

C.S.H.B. 612
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Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, Texans with a prior drug felony conviction that occurred after August 22, 1996, are banned from ever receiving food stamps. Unless states enact legislation to opt out of or to modify the ban, federal law requires states to impose the lifetime ban on those individuals. Regardless of whether a person has completed his or her sentence, has overcome an addiction, has been employed but was laid off, or has earned a certificate of rehabilitation, the person is subject to the lifetime ban. This policy is a barrier to offenders attempting to successfully reintegrate into society and undermines Texas' efforts to reduce recidivism of individuals released on parole or probation. In addition, because the need for nutritional assistance does not disappear, these individuals seek assistance from other state and local resources which are already stretched thin in attempts to meet other needs.

Seventeen states have taken advantage of the flexibility afforded by the federal government to opt out of the lifetime ban and 22 states have modified their bans on food stamp benefits to this drug felony offender population. However, 14 states, including Texas, continue to impose the lifetime ban on the receipt of food stamps for individuals who were convicted of a drug felony after August 22, 1996. Because food stamp program benefits are 100 percent federally funded, and do not require matching state grants, lifting the ban would help individuals with prior drug felony convictions to meet their nutritional needs without having to seek assistance from limited state or local resources.

C.S.H.B. 612 exempts, as authorized by federal law, an individual who has been convicted of a state or federal felony offense involving the possession, use, or distribution of a controlled substance from application of provisions of federal law rendering that person ineligible for benefits under the food stamp program if the individual meets certain requirements.

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

C.S.H.B. 612 amends the Human Resources Code to exempt, as authorized by federal law, an individual who has been convicted of a state or federal felony offense involving the possession, use, or distribution of a controlled substance from application of provisions of federal law rendering that person ineligible for benefits under the food stamp program if the individual meets one or more of the following requirements: as a result of the conviction the person is on community supervision at the time the eligibility determination is made or was placed on community supervision and the period of community supervision has expired or has been terminated without revocation; the person is enrolled in a drug treatment program at the time the eligibility determination is made; or the person completed a drug treatment program after the person was convicted of the offense.

C.S.H.B. 612 requires a state agency that is affected by a provision of the bill to request a federal waiver or authorization if the agency determines that a waiver or authorization is necessary for the implementation of the provision, and it authorizes the agency to delay implementation until that federal waiver or authorization is obtained.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 612 adds provisions not in the original requiring an individual convicted of a state or federal felony offense involving the possession, use, or distribution of a controlled substance to meet one or more of several requirements to qualify to be exempt from provisions of federal law making such an individual ineligible for benefits under the food stamp program and setting forth those requirements, whereas the original contained a blanket exemption for such felons.