

BILL ANALYSIS

Senate Research Center
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H.B. 1743
By: Leach et al. (West)
Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texans who are being released from incarceration reenter their communities with a complex set of needs and challenges including chronic health conditions, unstable housing, and impediments to finding and retaining quality employment. Many former inmates struggle to reintegrate into society, and a large share are rearrested or reincarcerated within a few years of release.

Research shows that formerly incarcerated people are especially vulnerable immediately after release. Early access to a robust set of supports during this time can help those Texans attain self-sufficiency and avoid rearrest and reincarceration. The Supplemental Nutritional Assistance Program (SNAP) is a critical part of reentry support infrastructure, providing basic food assistance for this population.

Two factors prevent Texas inmates from accessing SNAP benefits on their release. First, federal rules give states 30 days to process an application for SNAP benefits. Second, recent staffing shortages at the Texas Health and Human Services Commission (HHSC) have pushed processing time over 60 days in some cases. For those Texans leaving the criminal justice system with no means to afford groceries, this delay leads to food insecurity, hunger, and undermines the person's chances at a successful reentry.

Other states have addressed this issue by allowing incarcerated persons to apply for SNAP benefits prior to release, so those benefits may be made available for the inmate immediately upon release. This will ensure food access for these persons so they can focus on reintegration into the community and reuniting with family, as well as finding work.

H.B. 1743 would require HHSC to allow an inmate to apply for SNAP benefits at least 45 days, but no more than 60 days, before the inmate is set to be discharged or released on parole, mandatory supervision, or conditional pardon. The bill also sets forth an application procedure for inmates nearing eligibility for release, and requires HHSC and the Texas Department of Criminal Justice to collaborate to establish procedures to accept and process such applications.

H.B. 1743 amends current law relating to a memorandum of understanding between the Health and Human Services Commission and the Texas Department of Criminal Justice to assess the eligibility of certain inmates for supplemental nutrition assistance program benefits on discharge or release from confinement.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 33.0181, Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 33, Human Resources Code, by adding Section 33.0181, as follows:

Sec. 33.0181. MEMORANDUM OF UNDERSTANDING REGARDING ELIGIBILITY DETERMINATIONS FOR CERTAIN INMATES. (a) Defines "inmate."

(b) Requires the Health and Human Services Commission (HHSC) and the Texas Department of Criminal Justice (TDCJ) to enter into a memorandum of understanding for the purpose of ensuring that an inmate who is likely to be eligible for supplemental nutrition assistance benefits on discharge or release on parole, mandatory supervision, or conditional pardon is assessed by HHSC for eligibility for those benefits before the inmate's discharge or release.

(c) Requires that the memorandum of understanding required by this section:

(1) establish a procedure through which HHSC is required to accept and process supplemental nutrition assistance program applications from inmates; and

(2) define the roles and responsibilities of each agency under the memorandum.

(d) Requires that the memorandum of understanding required by Subsection (b) be tailored to achieve the goal of ensuring that an inmate described by Subsection (b) who is determined eligible by HHSC for supplemental nutrition assistance program benefits is authorized to begin receiving services under the program at the time of the inmate's discharge or release on parole, mandatory supervision, or conditional pardon.

(e) Requires the executive commissioner of HHSC to adopt rules necessary to implement this section.

SECTION 2. Requires HHSC and TDCJ, as soon as practicable after the effective date of this Act, to enter into the memorandum of understanding required by Section 33.0181, Human Resources Code, as added by this Act.

SECTION 3. Requires a state agency, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency, and authorizes delay of implementation until such a waiver or authorization is granted.

SECTION 4. Effective date: upon passage or September 1, 2023.