

## BILL ANALYSIS

Senate Research Center  
77R538 KLA-D

S.B. 49  
By: Zaffirini  
Health & Human Services  
2/16/2001  
As Filed

### DIGEST AND PURPOSE

Currently, if a recipient of financial assistance is found to have been convicted of a drug or alcohol-related offense, a sanction of a \$25 per month reduction of financial assistance for a six month period is imposed. In order to conform with federal welfare reform, Texas must establish new policies relating to felony drug offenses or default to federal law requiring permanent disqualification for all felony offenses. As proposed, S.B. 49 codifies the state's current financial penalty for recipients of assistance who are convicted of certain misdemeanor offenses and provides that persons convicted of certain felony offenses become eligible for financial and nutritional assistance after certain conditions are met.

### RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Department of Human Services in SECTION 1 (Section 31.00322) of this bill.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 31A, Human Resources Code, by adding Sections 31.00321 and 31.00322, as follows:

Sec. 31.00321. PENALTIES RESULTING FROM CERTAIN DRUG- AND ALCOHOL-RELATED MISDEMEANOR CONVICTIONS. Requires the Texas Department of Human Services (department) to reduce the amount of financial assistance provided to a person by \$25 each month for a period of six months if the person is convicted of or receives deferred adjudication for an offense under federal or state law that at the time of the conviction meets certain conditions.

Sec. 31.00322. REINSTATEMENT OF FINANCIAL AND NUTRITIONAL ASSISTANCE FOLLOWING CERTAIN DRUG-RELATED FELONY CONVICTIONS. Provides that a person who is convicted of an offense under federal or state law, at the time of conviction, that is classified as a felony for the possession or use of a controlled substance, as defined in 21. U.S.C. Section 802, but is not charged with distribution of a controlled substance, is eligible for financial assistance under this chapter and nutritional assistance under Chapter 33, Human Resources Code, if the person meets certain requirements. Authorizes the department by rule to limit the number of times a person's eligibility for financial assistance and nutritional assistance may be reinstated under this section following a conviction for an offense described by Subsection (a).

SECTION 2. Makes application of this Act prospective.

SECTION 3. Requires a state agency to request any necessary waiver or authorization from a federal agency before implementing any provision of this Act, and authorizes the delay of implementation by the state agency until the waiver or authorization is granted.

SECTION 4. Effective date: April 1, 2002.