

BILL ANALYSIS

Senate Research Center
77R7309 KLA-D

C.S.S.B. 49
By: Zaffirini
Health & Human Services
4/8/2001
Committee Report (Substituted)

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. C.S.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, Human Resources Code) and SECTION 2 (Section 33.014, Human Resources Code) 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. INELIGIBILITY RESULTING FROM DRUG-RELATED FELONY CONVICTIONS. (a) Provides that a person is permanently ineligible for financial assistance if the person is convicted of an under federal law or the law of this state or any other state that, at the time of conviction, is classified as a felony by the jurisdiction involved and has as an element the manufacture or distribution of a controlled substance, as defined in 21 U.S.C. Section 802.

(b) Provides that, except as provided by Subsection (d), a person who is convicted of an offense under federal law or the law of this state or any other state that, at the time of the conviction, is classified as a felony by the jurisdiction involved and has as an element the possession or use of a controlled substance, as defined by 21 U.S.C. Section 802, but does not have as an element the manufacture or distribution of a controlled substance, is ineligible for financial assistance until the third anniversary of the date of the conviction.

(c) Requires the department to require an applicant for financial assistance to indicate in writing whether the applicant or any member of the applicant's household has been convicted of an offense described by Subsection (a) or (b).

(d) Provides that a person convicted of an offense described by Subsection (b) is not ineligible under that subsection for financial assistance under certain conditions.

(e) Requires the department to adopt rules necessary to implement this section.

(f) Sets forth the items that this section does not effect.

SECTION 2. Amends Chapter 33, Human Resources Code, by adding Section 33.014, as follows:

Sec. 33.014. INELIGIBILITY RESULTING FROM DRUG RELATED CONVICTIONS.

(a) Provides that a person is permanently ineligible for food stamps if the person is convicted of an offense under federal law or the law of this state or any other state that, at the time of conviction, is classified as a felony by the jurisdiction involved and has as an element the manufacture or distribution of a controlled substance, as defined in 21 U.S.C. Section 802.

(b) Provides that, except as provided by Subsection (d), a person who is convicted of an offense under federal law or the law of this state or any other state that, at the time of the conviction, is classified as a felony by the jurisdiction involved and has as an element the possession or use of a controlled substance, as defined by 21 U.S.C. Section 802, but does not have as an element the manufacture or distribution of a controlled substance, is ineligible for food stamps until the third anniversary of the date of the conviction.

(c) Requires the department to require an applicant for food stamps to indicate in writing whether the applicant or any member of the applicant's household has been convicted of an offense described by Subsection (a) or (b).

(d) Provides that a person convicted of an offense described by Subsection (b) is not ineligible under that subsection for food stamps under certain conditions.

(e) Requires the department to adopt rules necessary to implement this section.

(f) Sets forth the items that this section does not effect.

SECTION 3. Makes application of this Act prospective.

SECTION 4. 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 5. Effective date: April 1, 2002.

SUMMARY OF COMMITTEE CHANGES

SECTION 1. Amends As Filed S.B. 49 by adding text relating to the ineligibility and reinstatement of eligibility for financial assistance of certain persons convicted of felony drug-related offenses.

SECTION 2. Amends As Filed S.B. 49 by adding text relating to the ineligibility and reinstatement of eligibility for food stamps of certain persons convicted of felony drug-related offenses.

SECTION 3. Amends As Filed S.B. 49 by redesignating SECTION 2 as SECTION 3. Makes a conforming change.

SECTION 4. Amends As Filed S.B. 49 by redesignating SECTION 3 as SECTION 4.

SECTION 5. Amends As Filed S.B. 49 by redesignating SECTION 4 as SECTION 5.