

HB

347

<TARGET><BILL>HB 347</BILL><SUBJECT>HB
347</SUBJECT><COMM>HHSS28</COMM></TARGET>

ALASKA STATE LEGISLATURE



REPRESENTATIVE GERAN TARR

H.B. 347

"Allowing Food Stamp Benefits for Rehabilitated Felons"

Sponsor Statement

As part of the landmark welfare reform of 1996, President Clinton enacted a punitive measure permitting states to deny welfare benefits and food stamps to people convicted of felony drug crimes. Individual states were given the option to opt out and provide full public benefits to felony drug offenders; states could also partially opt out by only denying benefits for a limited time or by requiring drug and alcohol treatment. The provision was enacted based on reports that people were selling or trading food stamps for drugs. Notably, it does not affect benefits for those convicted of murder, armed robbery, rape, or child abuse.

Fast forward a decade and times have changed dramatically. Food stamp benefits are now distributed electronically and accessed via debit cards which are widely accepted at grocery stores, farmers markets, and corner stores. These cards make selling or trading benefits challenging and makes tracking or tracing the cards easier. Furthermore, many states, including Alaska, are facing high budget deficits and recidivism rates. Convicted felons already have trouble finding steady employment when economies are healthy, and food stamps and other assistance provide crucial support during the transition period. Without this support, these individuals are more likely to return to criminal activity and drug use.

Over the course of time, approximately forty states have fully or partially opted out of the denial of benefits. Currently, only ten states still have the full ban, including Alaska. This bill would make Alaska a partial opt out state by allowing benefits for released felony drug offenders taking active steps towards rehabilitation.

As of March 2014, there are 276 incarcerated felony drug offenders in the state of Alaska. Last year alone, 637 people were convicted of felony drug offenses, with an average sentence of 888.6 days and an average time served of 334.54 days. In other words, these offenders are generally sentenced to less than three years in prison and serve less than a year of that sentence. This small period of time served will now change the lives of the 546 people released in 2013, the 511 people released in 2012, the 493 people released in 2011, and the 408 people released in 2010, because they will never be able to receive food stamps to get back on their feet.

In an effort to reduce Alaska's recidivism rates and save state funds, I ask you to support a partial opt-out of the current ban on food stamp benefits for felony drug offenders.

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: HB 347
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB347-DHSS-ATAP-03-21-14
Title: FOOD STAMPS; TEMPORARY ASSISTANCE
Sponsor: TARR
Requester: House Health & Social Services Committee

Department: Department of Health and Social Services
Appropriation: Public Assistance
Allocation: Alaska Temporary Assistance Program
OMB Component Number: 220

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2015 Request	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES	FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Personal Services	***		***	***	***	***	***
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	***	0.0	***	***	***	***	***

Fund Source (Operating Only)

None							
Total	***	0.0	***	***	***	***	***

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? **Yes**
If yes, by what date are the regulations to be adopted, amended or repealed? **07/01/15**

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By:	Ron Kreher, Director	Phone:	(907)465-2680
Division:	Public Assistance	Date:	03/21/2014 03:00 PM
Approved By:	Sarah Woods, Deputy Director, Finance & Management Services	Date:	03/21/14
Agency:	Health & Social Services		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. HB347

Analysis

The Fiscal impact of this legislation cannot be accurately determined at this time.

HB347 disqualifies persons convicted of a drug felony after August 22, 1996 from receiving either Alaska Temporary Assistance Program benefits or food stamps, unless the person can demonstrate "to the satisfaction of the department" that they have been rehabilitated after treatment for drug addiction.

Under federal law, Temporary Assistance for Needy Families block grant funds cannot be used to pay benefits for convicted drug felons. The Alaska Temporary Assistance Program (ATAP) presently uses general funds alone to cover benefits for convicted drug felons. If DHSS were allowed to provide ATAP to drug felons only upon their rehabilitation, current GF costs might be reduced.

The Supplemental Nutrition Assistance Program (SNAP/food stamps) is fully federally funded and federal law prohibits payment to convicted drug felons, whether rehabilitated or not. Therefore, the program would not see an impact from this legislation.

Under the proposed legislation, there would be some fiscal impact to the Division of Public Assistance, but it cannot be estimated with any accuracy. While there is a known number of drug felons currently receiving benefits, it is not possible to determine the percentage who could be considered rehabilitated.

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: HB 347
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB347-LAW-CRIM-03-21-14
Title: FOOD STAMPS; TEMPORARY ASSISTANCE
Sponsor: TARR
Requester: (H) HSS

Department: Department of Law
Appropriation: Criminal Division
Allocation: Criminal Justice Litigation
OMB Component Number: 2202

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2015 Request	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES	FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial version, not applicable.

Prepared By:	Loretta Withington, Division Operations Manager	Phone:	(907)465-5427
Division:	Department of Law	Date:	03/21/2014 05:00 PM
Approved By:	Michael C. Geraghty, Attorney General	Date:	03/21/14
Agency:	Department of Law		

FISCAL NOTE ANALYSIS

**STATE OF ALASKA
2014 LEGISLATIVE SESSION**

BILL NO. HB 347

Analysis

The bill provides that a person convicted after August 22, 1996, for a felony offense in violation of the controlled substances law is disqualified from obtaining food stamps unless the person demonstrates that he or she is rehabilitated after treatment for drug addiction.

The Department of Law does not anticipate a fiscal impact.

Drug Conviction Data. Calendar Year 2009-2013

	2009	2010	2011	2012	2013
Felony Drug Convictions by Calendar Year	482	439	587	606	637
Average Sentence Length (in days)	843.25	935.94	878.63	873.46	888.6
Average Length of Stay (in days) of Released Offenders	301.28	267.12	286.73	293.08	334.54
Number of Releases	420	408	493	511	546

Number of Incarcerated Felony Drug Offenders as of: 03 March 2014
276

Data Notes:

Offenders can be convicted of multiple offenses within one court case. Drug convictions are the counts of any drug conviction regardless of other offense convictions - either more severe or less severe.

Average length of stay is based on the number of offenders released during the period under review.

Provided by Michael Matthews, DOC Research Analyst

Food Stamp Bans Under Review; Many States Seek Prison Savings

By Marjorie Valbrun

America's Wire

WASHINGTON—When the landmark welfare reform law was enacted in 1996, the political rallying cry was “ending welfare as we know it.” Today, a move is underway to rescind some of the law’s punitive measures, such as provisions that permit states to deny welfare benefits and food stamps to people convicted of felony drug crimes.

These provisions were intended to prevent selling or trading food stamps for drugs, but widespread budget deficits and steep recidivism rates are prompting state governments that enforce the benefit bans to rethink the policy amid high unemployment and escalating prison costs. New Jersey and South Dakota are the latest states to reverse course and allow drug felons to receive public assistance.

Advocates for former felons are seizing the moment to make the case that the restrictions are counterproductive in tough economic times, and they are urging state and congressional lawmakers to remove the benefits ban. Convicted felons have difficulty getting jobs even in good economic times, and public assistance and food stamps are critical income supports during the transition from prison, the advocates say.

“When individuals with drug convictions are denied food stamps and cash benefits, establishing economic stability upon reentry becomes more difficult, and it becomes more likely that they may return to criminal activity and drug use instead of maintaining sobriety and obtaining gainful employment,” says Elizabeth Farid, deputy director of the Legal Action Center's National H.I.R.E. Network.

The network seeks to increase job opportunities for those with criminal records, advocating for ending public policies and employment practices that further penalize felons who have served their time.

Opponents of the restrictions say the ban has disproportionately affected women and people of color, who are more likely than whites to be charged and convicted for drug crimes.

Many states have opted out of the law banning drug felons from the Supplemental Nutrition Assistance Program (SNAP), as the food stamp program is now called, and Temporary Assistance for Needy Families (TANF), the welfare program. Other states have modified the bans and made them less punitive.

Because the federal government fully funds food stamps, allowing felons to receive them does not burden state budgets.

Ten states still have the food stamp ban. Lawmakers in three of them—West Virginia, Missouri, and Delaware—have proposed legislation that would remove the ban. Eleven states maintain the TANF ban.

In Georgia, where the 67 percent recidivism rate is one of the highest in the country and where more than 50,000 people are in its state prison facilities, lawmakers have maintained the ban.

Democratic State Sen. Emanuel Jones, chairman of the Georgia Legislative Black Caucus, introduced a bill during the last session that proposed restoring eligibility for food stamp and welfare benefits for drug felons who had served their time. “It didn’t get any traction at all,” he says, adding that he plans to introduce a measure this year proposing restoration just of food stamp benefits. Regarding its prospects, however, Jones says, “I think the chances are very slim.”

“We lock up a lot of people here, and we apparently want to keep them there,” he says, referring to the high recidivism rate.

Henrie Treadwell, director of Community Voices and Men's Health Initiative at the Morehouse School of Medicine in Atlanta, is optimistic that the benefits will eventually be restored for former felons. Her program works to improve access to health care and other services for those transitioning from prison.

“I serve on the Georgia Board of Corrections, and everything that I see and hear says we are moving in that direction,” says Treadwell, who is also a research professor at Morehouse’s Department of Community Health & Preventive Medicine. “Our new governor has made reduction of recidivism one of his priorities. Now the question becomes how far we will go.”

On the national front, proponents of sentencing reforms are actively lobbying Congress to repeal the bans. Two pieces of legislation to do that have been introduced in Congress but have not moved. Rep. Barbara Lee, D-Calif., introduced H.R. 329, which has eight co-sponsors and would repeal the food stamp ban, and Rep. André Carson, D-Ind., introduced H.R. 3053, which would repeal the TANF ban and has 19 co-sponsors.

“What we see all too often are restrictions that fail to promote public safety, that frequently run counter to integrating formerly incarcerated people into the community and that are based on political posturing

rather than behaviorally based analysis,” Marc Mauer, executive director of The Sentencing Project, told a House Judiciary subcommittee last June.

He also noted that the ban does not apply to people convicted of murder, armed robbery, rape or child abuse.

“This ban disproportionately affects women and children, by far the overwhelming proportion of recipients of such benefits,” Mauer said at the hearing. “The impact of the ban means that a woman returning home from prison who may gain temporary employment but is then laid off during a recession is left with no safety net. And further, children are essentially punished for the acts of their parents.”

Although children of felons remain eligible to receive public assistance, restrictions for felons mean that benefits decline for an entire household.

“It’s unrealistic to think that the restriction will only reduce the quality of life of the parent while maintaining the rest of the family’s overall level of comfort,” Farid says.

Celia Cole, a senior policy analyst at the Center for Public Policy Priorities in Austin, Texas, has been working on this issue since 1999. During that time, six bills proposing that food stamp benefits be provided to ex-felons were introduced and died in the state legislature.

With state reintegration programs for former inmates being cut for budgetary reasons, Cole said she hopes that budget-conscious lawmakers will give new legislation a better reception.

“Our position has always been that food assistance is critical to successful re-integration into society,” she says. “We see being able to feed themselves as way to being able to rebuild their lives.”

But Texas lawmakers, and those in other politically conservative states that support the restrictions, tend to take a dim view of entitlement programs and an even dimmer view of criminals.

“We’re a pull-yourself-up-by-the-bootstrap state, so there’s limited support for food stamps to begin with,” Cole says. “There’s also this knee-jerk reaction to people with felony drug convictions. Lawmakers don’t want to appear soft on crime.”

Outraged lawmakers originally pushed for the lifetime ban because some food stamp recipients, though not the majority, traded stamps for drugs or sold them to obtain money for drugs. But food stamp benefits are now distributed electronically and accessed with a debit card that makes selling or trading benefits more difficult.

Unlike old food stamp coupon books, the electronic cards can be traced, leading to substantially less fraud and abuse nationally. In 2008, for example, Texas reported no instances of food stamp fraud, Cole says.

“Who are we to say, ‘You made a mistake. You paid your debt to society. We’re letting you re-enter society, but you can’t eat’?” she adds. “It doesn’t make sense.”

Article available at: <http://americaswire.org/drupal7/?q=content/food-stamp-bans-under-review-many-states-look-for-prison-savings>

Welfare Reform Insanity: Banning Convicted Drug Offenders from Food Stamps for Life

The lifetime ban on food stamps affects many other people besides the felon, particularly children who could face hunger as a result.

Victoria Sutherland is a 34-year-old mother of one and a former manager of a McDonalds in Sacramento. She has a drug conviction on her record from an incident in Portland, Oregon 13 years ago, when she lied to police and said her friend's drugs actually belonged to her. Though she has served her sentence, because of her drug conviction, Sutherland is now banned from accessing food stamps for the rest of her life.

"I'm now living with my five-month-old son in a homeless shelter," Sutherland told AlterNet.

As a result of welfare reform, enacted 17 years ago this month, Sutherland and other poor Americans in 12 states are banned from accessing food stamps because they have made mistakes with drugs at some point in their past. While Sutherland's son does qualify for food stamps and welfare, the total comes to \$500 per month in assistance, which barely pays for his food and diapers.

The ban on Sutherland's food stamps as well as her welfare benefits impacts her much more deeply than just accessing food on a daily basis. "Since I don't qualify for benefits, I do not qualify for welfare to work, which would offer childcare services," Sutherland said. "So I'm also not able to work at all right now because I have nobody to care for my kid."

Well before the current, direct attack on federal funding of food stamps—also known as the Supplemental Nutrition Assistance Program (SNAP)—there have been systemic, state-imposed barriers to accessing food stamps that have been in place for nearly two decades. Several states require fingerprinting of recipients and reams of paperwork, or are stalled by outdated technology. The Los Angeles Times recently reported on the onerous barriers food stamp recipients face in California.

But the ban barring drug convicts from accessing food stamps is one of the most problematic state-imposed barriers faced by poor people like Sutherland. Twelve states still ban convicted drug offenders from accessing SNAP benefits. A relic of welfare reform, the food stamp ban is an example of the political interplay between the drug war and the movement to reform welfare which in reality became a double indictment of the poor:

People of financial means who made mistakes with drugs would not be rendered vulnerable to hunger for the rest of their lives.

“This penalty on food stamps stretches beyond period of your criminal sentence, beyond probation or parole,” said Jessica Bartholow, Legislative Advocate at the Western Center on Law and Poverty in Sacramento. “It applies even when a person has turned his life around and is now just trying to prevent his family from going hungry.”

California now has a bill under consideration, SB 283, that would repeal the food stamp ban for any convicted drug offender who is now complying with the conditions of his or her parole.

“This bill is different than what has gone before any governor in the states,” Bartholow said. “In years past, we tried to just repeal the ban completely but past governors have opposed this idea. So we worked hard to identify a compromise that would work for everyone.”

During debates over welfare reform in 1996, former Sen. Phil Gramm (R-FL) introduced legislation banning convicted drug felons from accessing food stamps. Sen. Gramm argued “if we are serious about our drug laws, we ought not give people welfare benefits who are violating the nation’s drug laws.”

Gramm’s policy required that any person who is convicted of drug use, possession or sales be banned from accessing food stamps for life; the ban was then added during Senate floor consideration of the bill and was the subject of only limited debate.

Though the food stamp ban is written into federal law, states may opt to waive or modify the requirement. As a Congressional Research Service report published in July explained, “Both TANF and SNAP are subject to the statutory ‘drug felon ban,’ which bars states from providing assistance to persons convicted of a drug-related felony, but also gives states the ability to opt-out of or modify the ban, which most states have done.”

Twenty one states have completely done away with the lifetime ban and an additional 30 have modified it. In California for example, the food stamp ban has been modified only to include people convicted of selling drugs, not those convicted of use or possession.

But the original food stamp ban is still in effect in 12 states, making life that much harder for poor people well after they've completed drug-related sentencing. According to the ACLU there are an estimated 575,000 people behind bars in the United States for drug-related offenses. The food stamp ban is even more problematic given how tough drug sentences tend to be. The socioeconomic and racial disparities of drug sentencing are clear as well: the ACLU also tells us that African Americans are incarcerated on drug charges at a rate that is 10 times greater than that of whites.

The lifetime ban on food stamps affects many other people besides the felon, particularly children, like Victoria Sutherland's son. As the Western Center on Law and Poverty has pointed out in its advocacy for SB 283, "Many households impacted by the ban have other household members who are eligible for benefits but will receive a lower-total household benefit as a result of the lifetime ban on benefits for one of the household members. As a result, the ban results in higher rates of hunger and food insecurity for the entire family, not just those who have been convicted of a crime."

The ban also makes food access harder for elders and those with health problems. Vaughn Cotton, age 51, began using cocaine in the early 1980s. He started selling cocaine to pay for his addiction. Now out of jail, he has completed programs with the Salvation Army and has been off drugs for two years. Cotton also struggles with diabetes and high blood pressure.

"I've been in and out of jail, but I've cleaned up my act," Cotton told AlterNet. "I've been clean for two years now, but the food stamp office said I couldn't have benefits—and they wanted me to pay back the little bit of money they did give me in the past."

Aside from its impact on the poor, the food stamp ban does not make economic sense. Every dollar spent on SNAP benefits generates \$1.72 in the economy. And a study released in June shows that SNAP recipients helped keep grocery stores afloat during the economic crisis. Thus cutting the spending ability of thousands of drug offenders has implications for the economy as well. (Former Sen. Phil Gramm, the architect of the food stamp ban, has been named by CNN as number seven in its list of the 10 individuals most responsible for the 2008 economic crisis.)

If California's SB 283 passes this year, it will be an important step in alleviating the poverty-prison trap for drug offenders which the Obama administration has also begun slowly to address, at least from the bully pulpit. Bartholow feels confident Gov. Jerry Brown (D-CA) will sign SB 283 into law.

"The governor is a good man, he understands fairness," she said. "Because of this lifetime ban, people are being denied crucial support to meet their basic needs."

Edward Leach
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I am writing in support of Alaska changing the drug felony requirements for the food stamp program.

Presently, if a client has been convicted of a drug felony after August 22, 1996, then in Alaska the client is permanently ineligible for food stamps.

The Congressional intent was not to enable drug addiction since addicts would sell their benefit.

Unfortunately, this continues to punish clients who have stopped the addiction and remained clean. Given that many are recently released from prison, they already have difficulty re-integrating into society and getting a job. Putting another impediment increases the likelihood that they may revert to previous behaviors and end up back in jail.

Notice that this prohibition does not apply to other felons - murderers, rapists, thieves, etc.

We should reward good behavior.

This provides a way for clients to show a change in behavior, while reimposing the ban if they are subsequently convicted again.

Thank you.