

SENATE BILL 546

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6lr1801

By: **Senators Pugh, Benson, Conway, Ferguson, Lee, and Nathan–Pulliam**

Introduced and read first time: February 4, 2016

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Transitional Supports for Ex–Offenders – Repeal of Restrictions**

3 FOR the purpose of repealing certain provisions of law subjecting certain individuals
4 convicted of certain felonies involving a controlled dangerous substance who apply
5 for or receive temporary cash assistance or food stamps to certain testing and
6 treatment requirements and sanctions; repealing a certain provision of law making
7 a certain individual ineligible for temporary cash assistance or food stamps for a
8 certain period of time after a certain date; repealing a certain provision of law
9 requiring the Secretary of Human Resources to adopt certain regulations; and
10 generally relating to participation in the temporary cash assistance and food stamp
11 programs.

12 BY repealing and reenacting, with amendments,

13 Article – Human Services

14 Section 5–601

15 Annotated Code of Maryland

16 (2007 Volume and 2015 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Human Services**

20 5–601.

21 (a) In this section, “resident” means an individual who resides in this State on
22 the date the individual applies for public assistance.

23 (b) Subject to § 5–314 of this title and as authorized under 21 U.S.C. § 862a(d)(1),
24 the State removes itself from the application of § 115 of the federal Personal Responsibility
25 and Work Opportunity Act of 1996 to allow the Department to provide temporary cash

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 assistance and food stamps to a resident who has been convicted of a felony involving the
2 possession, use, or distribution of a controlled dangerous substance.

3 [(c) (1) Notwithstanding subsection (b) of this section, if a resident applying
4 for temporary cash assistance or food stamps has been convicted of a felony involving the
5 possession, use, or distribution of a controlled dangerous substance after August 22, 1996,
6 the resident is subject to testing for substance abuse, as provided by the Department, and
7 to treatment as required under § 5–314 of this title for 2 years, beginning on the date of
8 application, to the extent authorized under federal law.

9 (2) Notwithstanding subsection (b) of this section, if a resident receiving
10 temporary cash assistance or food stamps is found to be in violation of §§ 5–602 through
11 5–609, § 5–612, or § 5–613 of the Criminal Law Article, or 21 U.S.C. § 841, the resident is:

12 (i) ineligible for temporary cash assistance or food stamps for 1
13 year after the date of the conviction; and

14 (ii) subject to testing for substance abuse, as provided by the
15 Department, and to treatment as required under § 5–314 of this title, for 2 years beginning
16 on the later of:

- 17 1. the date the individual is released from incarceration;
18 2. the date the individual completes any term of probation;
19 or
20 3. the date the individual completes any term of parole or
21 mandatory supervision.

22 (3) An applicant or recipient who fails to comply with the testing required
23 under this subsection or the treatment required under § 5–314 of this title or who tests
24 positive for the abuse of controlled dangerous substances is subject to the sanctions
25 provided under § 5–314 of this title.

26 (4) In consultation with the Department of Health and Mental Hygiene,
27 the Secretary shall adopt regulations to establish the testing methods and procedures,
28 consistent with § 5–314 of this title, to be required by the Department under this
29 subsection, including the intervals of testing and methods required.】

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2016.