

HOUSE BILL 1137

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2004 Regular Session
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CF 4r2183

By: **Delegates Haynes, Bobo, Carter, C. Davis, Gaines, Griffith, Gutierrez,
Harrison, Holmes, Kaiser, Kirk, Lee, Marriott, Morhaim, Murray, Oaks,
Paige, Taylor, F. Turner, V. Turner, and Vaughn**

Introduced and read first time: February 13, 2004

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Assistance - Eligibility for Residents Convicted of a Felony Involving**
3 **a Controlled Dangerous Substance**

4 FOR the purpose of allowing certain individuals who have been convicted of certain
5 felonies relating to controlled dangerous substances to be eligible for certain
6 public assistance; altering a certain defined term; and generally relating to
7 public assistance for individuals who have been convicted of certain felonies.

8 BY repealing and reenacting, with amendments,
9 Article 88A - Department of Human Resources
10 Section 65A
11 Annotated Code of Maryland
12 (2003 Replacement Volume)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article 88A - Department of Human Resources**

16 65A.

17 (a) In this section, ["custodial parent"] "RESIDENT" means a [resident
18 applying for or receiving temporary cash assistance and food stamps who has physical
19 custody of a child or children] PERSON WHO RESIDES IN THIS STATE ON THE DATE
20 THE PERSON APPLIES FOR PUBLIC ASSISTANCE.

21 (b) Subject to § 50A of this article and as permitted under 21 U.S.C. §
22 862a(d)(1), the State hereby removes itself from the application of § 115 of the Federal
23 Personal Responsibility and Work Opportunity Act of 1996, Public Law 104-193, in
24 order to allow the Department to provide cash assistance and food stamps to a
25 [custodial parent] RESIDENT who has previously been convicted of a felony involving
26 the possession, use, or distribution of a controlled dangerous substance.

1 (c) (1) Notwithstanding subsection (b) of this section, if a [custodial parent]
2 RESIDENT applies for public assistance and has been convicted of a felony involving
3 the possession, use, or distribution of a controlled dangerous substance since August
4 22, 1996, the [custodial parent] RESIDENT shall be subject to testing for substance
5 abuse, as provided by the Department, and to treatment, as required under § 50A of
6 this article, for a period of 2 years starting from the date of application, to the extent
7 permissible by federal law.

8 (2) Notwithstanding subsection (b) of this section, if a resident [custodial
9 parent] receiving cash assistance or food stamps is found to be in violation of §§
10 5-602 through 5-609, § 5-612, or § 5-613 of the Criminal Law Article, or 21 U.S.C., §
11 841, after July 1, 2000, the recipient:

12 (i) Shall be ineligible for cash assistance or food stamps for one
13 year from the date of the conviction; and

14 (ii) Shall be subject to testing for substance abuse, as provided by
15 the Department, and to treatment, as required under § 50A of this article, for a period
16 of 2 years starting from 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 subject to this subsection who fails to
23 comply with the testing required under this subsection or the treatment required
24 under § 50A of this article or who tests positive for the abuse of controlled dangerous
25 substances shall be subject to the sanctions provided under § 50A of this article.

26 (4) In consultation with the Department of Health and Mental Hygiene,
27 the Secretary shall adopt regulations establishing the testing methods and
28 procedures, consistent with § 50A of this article, to be required by the Department
29 under this 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, 2004.