

HOUSE BILL 1137

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2004 Regular Session  
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CF 4r2183

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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

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Committee Report: Favorable with amendments  
House action: Adopted with floor amendments  
Read second time: March 26, 2004

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CHAPTER \_\_\_\_\_

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; limiting the period in which certain individuals are eligible for  
7 certain benefits; altering a certain defined term; providing for the termination of  
8 this Act; and generally relating to public assistance for individuals who have  
9 been convicted of certain felonies.

10 BY repealing and reenacting, with amendments,  
11 Article 88A - Department of Human Resources  
12 Section 65A  
13 Annotated Code of Maryland  
14 (2003 Replacement Volume)

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

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

18 65A.

19 (a) In this section, ["custodial parent"] "RESIDENT" means a [resident  
20 applying for or receiving temporary cash assistance and food stamps who has physical

1 custody of a child or children] PERSON WHO RESIDES IN THIS STATE ON THE DATE  
 2 THE PERSON APPLIES FOR PUBLIC ASSISTANCE.

3 (b) Subject to § 50A of this article and as permitted under 21 U.S.C. §  
 4 862a(d)(1), the State hereby removes itself from the application of § 115 of the Federal  
 5 Personal Responsibility and Work Opportunity Act of 1996, Public Law 104-193, in  
 6 order to allow the Department to provide cash assistance and food stamps to a  
 7 [custodial parent] RESIDENT who has previously been convicted of a felony involving  
 8 the possession, use, or distribution of a controlled dangerous substance.

9 (c) (1) Notwithstanding subsection (b) of this section, if a [custodial parent]  
 10 RESIDENT applies for public assistance and has been convicted of a felony involving  
 11 the possession, use, or distribution of a controlled dangerous substance since August  
 12 22, 1996, the [custodial parent] RESIDENT shall be subject to testing for substance  
 13 abuse, as provided by the Department, and to treatment, as required under § 50A of  
 14 this article, for a period of 2 years starting from the date of application, to the extent  
 15 permissible by federal law.

16 (2) Notwithstanding subsection (b) of this section, if a resident [custodial  
 17 parent] receiving cash assistance or food stamps is found to be in violation of §§  
 18 5-602 through 5-609, § 5-612, or § 5-613 of the Criminal Law Article, or 21 U.S.C., §  
 19 841, after July 1, 2000, the recipient:

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

22 (ii) Shall be subject to testing for substance abuse, as provided by  
 23 the Department, and to treatment, as required under § 50A of this article, for a period  
 24 of 2 years starting from the later of:

- 25 1. The date the individual is released from incarceration;  
 26 2. The date the individual completes any term of probation;  
 27 or  
 28 3. The date the individual completes any term of parole or  
 29 mandatory supervision; AND

30 (III) SHALL BE LIMITED TO 6 MONTHS ELIGIBILITY FOR CASH  
 31 ASSISTANCE OR FOOD STAMPS IF THE RESIDENT IS A NONCUSTODIAL PARENT.

32 (3) An applicant or recipient subject to this subsection who fails to  
 33 comply with the testing required under this subsection or the treatment required  
 34 under § 50A of this article or who tests positive for the abuse of controlled dangerous  
 35 substances shall be subject to the sanctions provided under § 50A of this article.

36 (4) In consultation with the Department of Health and Mental Hygiene,  
 37 the Secretary shall adopt regulations establishing the testing methods and  
 38 procedures, consistent with § 50A of this article, to be required by the Department  
 39 under this subsection, including the intervals of testing and methods required.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2004. It shall remain effective for a period of 1 year and, at the end of  
3 September 30, 2005, with no further action required by the General Assembly, this  
4 Act shall be abrogated and of no further force and effect.