
By: **Senators Exum, Britt, Conway, Currie, Della, Forehand, Gladden,
Grosfeld, Kelley, Middleton, Pinsky, and Teitelbaum**

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Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted

Read second time: March 28, 2005

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; 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 and 2004 Supplement)

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.

1 (b) Subject to § 50A of this article and as permitted under 21 U.S.C. §
2 862a(d)(1), the State hereby removes itself from the application of § 115 of the Federal
3 Personal Responsibility and Work Opportunity Act of 1996, Public Law 104-193, in
4 order to allow the Department to provide cash assistance and food stamps to a
5 [custodial parent] RESIDENT who has previously been convicted of a felony involving
6 the possession, use, or distribution of a controlled dangerous substance.

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

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

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

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

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

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

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

36 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
37 October 1, 2005.

