

HOUSE BILL 860

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7lr2024
CF 7lr0578

By: **Delegates Lierman, Anderson, Angel, Carr, Conaway, Dumais, Gaines, Glenn, Haynes, Hettleman, Hill, Jackson, Jones, Lewis, McCray, McIntosh, A. Miller, Moon, Morales, Morhaim, Patterson, Pena–Melnyk, Platt, Queen, Reznik, Rosenberg, Sydnor, Valentino–Smith, A. Washington, M. Washington, Wilkins, and K. Young**

Introduced and read first time: February 3, 2017

Assigned to: Appropriations

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 temporary cash assistance or food stamps to certain testing and treatment
6 requirements and sanctions; altering the criminal violations that make certain
7 recipients ineligible for temporary cash assistance or food stamps for a certain period
8 of time after a certain date and subject to certain testing and treatment requirements
9 and sanctions; and generally relating to participation in the temporary cash
10 assistance and food stamp programs.

11 BY repealing and reenacting, with amendments,
12 Article – Human Services
13 Section 5–601
14 Annotated Code of Maryland
15 (2007 Volume and 2016 Supplement)

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

18 **Article – Human Services**

19 5–601.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) Subject to § 5–314 of this title and as authorized under 21 U.S.C. § 862a(d)(1),
2 the State removes itself from the application of § 115 of the federal Personal Responsibility
3 and Work Opportunity Act of 1996 to allow the Department to provide temporary cash
4 assistance and food stamps to a resident who has been convicted of a felony involving the
5 possession, use, or distribution of a controlled dangerous substance.

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

12 (2) Notwithstanding subsection (b) of this section, if a resident receiving
13 temporary cash assistance or food stamps is found to be in violation of [§§ 5–602 through
14 5–609,] § 5–612[,] or § 5–613 of the Criminal Law Article, [or 21 U.S.C. § 841,] the resident
15 is:

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

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

21 1. the date the individual is released from incarceration;

22 2. the date the individual completes any term of probation;

23 or

24 3. the date the individual completes any term of parole or
25 mandatory supervision.

26 [(3) (2) [An applicant or] A recipient who fails to comply with the testing
27 required under this subsection or the treatment required under § 5–314 of this title or who
28 tests positive for the abuse of controlled dangerous substances is subject to the sanctions
29 provided under § 5–314 of this title.

30 [(4) (3) In consultation with the Department of Health and Mental
31 Hygiene, the Secretary shall adopt regulations to establish the testing methods and
32 procedures, consistent with § 5–314 of this title, to be required by the Department under
33 this subsection, including the intervals of testing and methods required.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 2017.