

HOUSE BILL 860

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7lr2024
CF SB 853

By: Delegates Lierman, Anderson, Angel, Carr, Conaway, Dumais, Gaines, Glenn, Haynes, Hettleman, Hill, Jackson, Jones, R. 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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2017

CHAPTER _____

1 AN ACT concerning

2 **Transitional Supports for Ex–Offenders – ~~Repeal~~ Alteration of Restrictions**
3 **(Maryland Equal Access to Food Act of 2017)**

4 FOR the purpose of repealing certain provisions of law subjecting certain individuals
5 convicted of certain felonies involving a controlled dangerous substance who apply
6 for temporary cash assistance or food stamps to certain testing and treatment
7 requirements and sanctions; altering the criminal violations that make certain
8 recipients ineligible for temporary cash assistance or food stamps for a certain period
9 of time after a certain date and subject to certain testing and treatment requirements
10 and sanctions; altering the conditions under which certain recipients are subject to
11 certain testing and treatment or become ineligible for temporary cash assistance or
12 food stamps; and generally relating to participation in the temporary cash assistance
13 and food stamp programs.

14 BY repealing and reenacting, with amendments,
15 Article – Human Services
16 Section 5–601
17 Annotated Code of Maryland
18 (2007 Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Human Services**

4 5–601.

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

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

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

18 (2) Notwithstanding subsection (b) of this section, if a resident receiving
19 temporary cash assistance or food stamps is found to be in violation of [§§ 5–602 through
20 5–609,] § 5–612[,] or § 5–613 of the Criminal Law Article, [or 21 U.S.C. § 841,] the resident
21 is:

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

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

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

32 **(2) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, IF A**
33 **RESIDENT RECEIVING TEMPORARY CASH ASSISTANCE OR FOOD STAMPS IS FOUND**
34 **TO BE IN VIOLATION OF §§ 5–602 THROUGH 5–609 OR 21 U.S.C. § 841 FOR:**

1 **(I) A SECOND OR SUBSEQUENT TIME AFTER THE RESIDENT**
 2 **BEGAN RECEIVING TEMPORARY CASH ASSISTANCE OR FOOD STAMPS, THE RESIDENT**
 3 **IS SUBJECT TO TESTING FOR SUBSTANCE ABUSE, AS PROVIDED BY THE**
 4 **DEPARTMENT, AND TO TREATMENT AS REQUIRED UNDER § 5-314 OF THIS TITLE,**
 5 **FOR 2 YEARS BEGINNING ON THE LATER OF:**

6 **1. THE DATE THE INDIVIDUAL IS RELEASED FROM**
 7 **INCARCERATION;**

8 **2. THE DATE THE INDIVIDUAL COMPLETES ANY TERM OF**
 9 **PROBATION; OR**

10 **3. THE DATE THE INDIVIDUAL COMPLETES ANY TERM OF**
 11 **PAROLE OR MANDATORY SUPERVISION; AND**

12 **(II) A THIRD OR SUBSEQUENT TIME AFTER THE RESIDENT**
 13 **BEGAN RECEIVING TEMPORARY CASH ASSISTANCE OR FOOD STAMPS, THE RESIDENT**
 14 **IS INELIGIBLE FOR TEMPORARY CASH ASSISTANCE OR FOOD STAMPS FOR 1 YEAR**
 15 **AFTER THE DATE OF THE MOST RECENT CONVICTION.**

16 **[(3)] ~~(2)~~ (3)** [An applicant or] A recipient who fails to comply with the testing
 17 required under this subsection or the treatment required under § 5-314 of this title or who
 18 tests positive for the abuse of controlled dangerous substances is subject to the sanctions
 19 provided under § 5-314 of this title.

20 **[(4)] ~~(3)~~ (4)** In consultation with the Department of Health and Mental
 21 Hygiene, the Secretary shall adopt regulations to establish the testing methods and
 22 procedures, consistent with § 5-314 of this title, to be required by the Department under
 23 this subsection, including the intervals of testing and methods required.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.