

Austin/Travis County Reentry Roundtable



*Coming Full Circle:
Building Successful Strategies for Offender Reentry*

Legislative Agenda Issue Paper

The mission of the Austin/Travis County Reentry Roundtable is to implement collaborative community-wide strategies for the effective reintegration of offenders, thereby reducing recidivism, supporting victims and promoting public safety in Texas.

Food Stamps & Temp. Assistance to Needy Families

Individuals with felony drug convictions are ineligible to receive nutritional assistance through the federally funded Food Stamp Program, or cash assistance from the Temporary Assistance to Needy Families Program (TANF).

This policy is counter-productive and harmful for the individual, their family members and society. It creates barriers to successful integration back into society and undermines Texas' efforts to reduce recidivism of parolees and probationers.

Background

Under current Texas law, individuals who have a conviction of a drug felony are ineligible to receive food stamps or Temporary Assistance to Needy Families (TANF) cash assistance.

Federal law requires states to impose a lifetime ban on the receipt of TANF cash assistance and food stamps for those individuals who have been convicted of drug felonies for conduct that occurred after August 22, 1996.

However, states have the option to either modify or opt out of the lifetime ban. This would require passage of legislation at the state level.

Solution

Legislation that would authorize Texas to take advantage of the state's option to eliminate the lifetime ban would authorize the Texas Health and Human Services Commission to consider eligibility determination of applicants for food stamps or TANF cash assistance regardless of felony drug convictions.

Why Texas should opt out of the ban

- Food stamps and TANF help people with past convictions with the recovery process by giving them access to nutritious food and other basic needs.
- An ex-offender's eligibility to receive these benefits is critical to helping them become employed. Many individuals with criminal records are not "job-ready" immediately and may require services such as substance abuse treatment, job training, or education before they can enter the job market. During this process of becoming "job-ready", ex-offenders rely on having access to TANF cash assistance and food stamps for food and housing.
- The lifetime ban also hurts children. When a mother is denied cash assistance or food stamps, her children suffer. Although children of ex-offenders can still qualify for benefits, a family's funds go toward caring for the entire family, not just the individuals who qualify for federal assistance. Denying assistance to adults with drug convictions forces families to stretch their already meager budgets. Lifting the ban supports parents in caring for their families and rebuilding relationships with their children.
- No other kind of felon is prohibited from receiving food stamps or TANF.

- The lifetime ban may increase the cost of state-funded programs, as individuals with felony drug convictions may turn to state-funded services for support.

Other states

Sixteen (16) states have implemented a lifetime ban on the receipt of TANF assistance and food stamps for individuals convicted of drug felonies.

Twenty-two (22) states have decided to modify the lifetime ban in some way. States have modified the lifetime ban in a number of ways, such as imposing it only on individuals who have drug trafficking convictions, exempting individuals with drug felony convictions who have undergone drug treatment, or limiting the ban to a specific period of time, rather than a lifetime ban.

Twelve (12) states and the District of Columbia have adopted legislation opting out of the lifetime ban (see attached chart).

Cost analysis

- The average monthly food stamp benefit is \$70, and the Food Stamp Program is 100% federally funded. This would result in bringing more federal dollars into the State, eliminating the drain on other resources where these individuals enter the system to address their nutritional needs. There would be an initial cost to the state to make computer programming changes, but this should be a one-time expense.
- Exact estimates on TANF assistance are unavailable at this time.

State Responses to the Federal Drug Felon Ban on *TANF and Food Stamps*

As of January 2005

Adopted Federal Ban on TANF and Food Stamps	Opted Out of Federal Ban Entirely	Opted Out of Food Stamps and Modified Ban on TANF	Modified Ban by Requiring Treatment	Modified Ban by Requiring Completion of Sentence or Treatment	Other Modifications (i.e. Limiting Ban to Distribution or Sale Offenses or Requiring Submission to Drug Testing)
Alabama Alaska Arizona Georgia Indiana Kansas Mississippi Missouri Montana Nebraska North Dakota South Dakota Texas Virginia West Virginia Wyoming	Idaho Maine Michigan New Hampshire New Mexico New York Ohio Oklahoma Pennsylvania Oregon Utah Vermont	Illinois Massachusetts	Colorado Hawaii Iowa Kentucky Nevada South Carolina Tennessee	Connecticut	Arkansas California Delaware Florida Louisiana Maryland Minnesota New Jersey North Carolina Rhode Island Washington Wisconsin