

1 HB85  
2 125485-1  
3 By Representative England  
4 RFD: Judiciary  
5 First Read: 07-FEB-12  
6 PFD: 01/23/2012

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8 SYNOPSIS: Under existing federal law in 21 U.S.C.  
9 §862a., a person convicted under federal or state  
10 law of any offense classified as a felony which has  
11 as an element the possession, use, or sale of a  
12 controlled substance is not eligible for benefits  
13 under the federal temporary assistance for needy  
14 families or under the federal food stamp program.  
15 The federal law provides that a state, by specific  
16 reference in a law, may exempt any or all  
17 individuals domiciled in the state from the federal  
18 law or limit the time period which the federal law  
19 applies to any or all individuals domiciled in the  
20 state.

21 This bill would provide that any person  
22 convicted of a drug related felony would be  
23 eligible for assistance under the federal temporary  
24 assistance for needy families program and the  
25 federal food stamp program upon the completion of  
26 his or her sentence or if the person is  
27 satisfactorily serving a sentence of a period of

1           probation, including if the person is in the  
2           process of completing or has completed mandatory  
3           participation in a drug or alcohol treatment  
4           program.

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6                           A BILL  
7                           TO BE ENTITLED  
8                           AN ACT

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10                    Relating to eligibility for assistance under the  
11           federal temporary assistance for needy families program and  
12           the federal food stamp program for persons convicted of a drug  
13           related felony; to provide eligibility under certain  
14           conditions.

15   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16                    Section 1. Pursuant to subsection (d) of 21 U.S.C.  
17           §862a., a person convicted of a drug related felony who is  
18           otherwise ineligible for aid under the temporary assistance  
19           for needy families program and the federal food stamp program  
20           shall be eligible for the aid upon completion of his or her  
21           sentence or if the person is satisfactorily serving a sentence  
22           of a period of probation, including if the person is in the  
23           process of completing or has completed mandatory participation  
24           in a drug or alcohol treatment program, provided the person  
25           meets all other requirements for eligibility under the  
26           programs.

1                   Section 2. This act shall become effective on the  
2           first day of the third month following its passage and  
3           approval by the Governor, or its otherwise becoming law.