

1 HB53
2 125485-1
3 By Representative England
4 RFD: State Government
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.