

SESSION OF 2006

**SUPPLEMENTAL NOTE ON HOUSE
SUBSTITUTE FOR SENATE BILL NO. 243**

As Recommended by House Committee on
Appropriations

Brief*

House Sub. for SB 243 would exercise the state's option under federal law to allow convicted drug felons to receive public assistance upon release from prison if they meet the established eligibility criteria for such programs. To meet the requirements of the bill, the person must either be participating in a treatment program, have successfully completed a treatment program or have a determination by a licensed substance abuse treatment provider that they do not require treatment. The individual would be disqualified if drug use is confirmed while the individual is on probation, parole, conditional release or post-release supervision or during required substance abuse treatment. The individual could reapply for assistance after 30 days has elapsed.

Background

The House Committee deleted all of the original contents of SB 243 and inserted all of the provisions of HB 2861 with one amendment. The original language of SB 243 would have enacted the Private Contract Prison Act. The House Committee amended the language of HB 2861 to make the disqualification for drug use during participation in the assistance programs mandatory as opposed to discretionary.

The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) prohibits persons convicted of a drug felony from receiving Temporary Assistance to Needy Families and Food Stamp services. The federal law (21 U.S.C. §862a, subsection (s)(1)(A) allows states to opt out of this prohibition. House Sub. for SB 243 would exercise this option. These provisions only apply to persons convicted of drug offenses and not to felons

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

convicted of other more violent types of offenses. Current law does not deny access to assistance programs for other types of released offenders.

Proponents appearing on the original language contained in HB 2861 included the Department of Social and Rehabilitation Services and the Kansas Catholic Conference. Written testimony in support of the bill was submitted by the Department of Corrections. No opponents provided testimony on the bill.

The fiscal note for the original HB 2861 indicates that increased costs totaling \$380,640 from the State General Fund and \$730,236 all funds could be experienced by the Department of Social and Rehabilitation Services in FY 2007 due to additional persons accessing the Temporary Assistance for Families, Food Stamp and Child Care Assistance programs.