

Senate Public Health and Welfare Committee
March 5, 2015
Senate Bill 256

Testimony of Jennifer Roth
on behalf of the Kansas Association of Criminal Defense Lawyers
Opponent (written only)

Dear Chairwoman Pilcher-Cook and Members of the Committee:

SB 256 would permanently disqualify individuals convicted of a felony drug offense from receiving food assistance (often referred to as food stamps). Currently, Kansas is one of 17 states that "opted out" of making its state law mirror the federal law. The federal law imposes a lifetime ban, even if individuals have completed their probation or sentence, were gainfully employed but then laid off, or successfully completed treatment. 25 states have "modified" bans. Only nine states have the ban proposed in SB 256. The trend is to modify or "opt out", which Kansas has already done.ⁱ

As if a lifetime ban in SB 256 is not startling enough of a collateral consequence to a drug felony (which includes possession for personal use)ⁱⁱ, unlike the subsection proceeding it (which deals with people convicted of theft of public benefits or fraud), there is no apparent provision for children of those individuals to receive food assistance.

In Kansas, 1 out of 5 kids lives in poverty.ⁱⁱⁱ The number of public school students who were homeless during the 2013-14 school year (10,378) was up 11% from the year before. For the first time ever, more than half of our state's K-12 students qualify for free or reduced-price school lunches based on low family incomes.^{iv} "Food insecurity is harmful to all people, but it is particularly devastating to children. Proper nutrition is critical to a child's development. Not having enough of the right kinds of food can have serious implications for a child's physical and mental health, academic achievement and future economic prosperity."^v

In Fiscal Year 2014, 3,472 people were convicted of felony drug crimes in Kansas. Almost 82% of them received probation.^{vi} That is 2,855 people who remained in their communities – and most likely with their children. Every one of those people was or could have been ordered to some kind of treatment as a condition of their probation; in fact, 1,098 of them were ordered to mandatory drug treatment under 2003 SB 123 (i.e. treatment funded by the State of Kansas). The policy intention is that these individuals will address their substance abuse issues and keep on a path of being healthy and productive citizens (and parents). As for the 616 people sentenced to prison, they will return to their communities – and hopefully to their children.

The numbers are straight forward: if you permanently ban thousands of people a year from access to food assistance for the rest of their lives, then those individuals who need it – as well as their children – will have fewer resources and could be even worse off than under current circumstances.

Furthermore, including this mirror-of-federal-law provision in SB 256 is moving Kansas backward from where it has been and where other states are going. This move also seems counter to the policy decisions this Legislature made in 2013 SB 149, which made an individual with a first-time controlled substance-related felony ineligible for cash assistance for five years (and lifetime for a second conviction).^{vii} In other words, with the very same conviction, a person could get cash assistance after five years but never get food stamps again.^{viii}

We ask that you keep existing law with regard to food assistance.

Thank you for your consideration,


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ⁱ *A Lifetime of Punishment: The Impact of the Felony Drug Ban on Welfare Benefits* prepared by The Sentencing Project, November 2013. It explains how we got to this place, the impacts of this policy on women, children, and minorities, how this ban is not good public policy, and much more.
http://sentencingproject.org/doc/publications/cc_A%20Lifetime%20of%20Punishment.pdf
and http://www.huffingtonpost.com/2014/06/23/food-stamps_n_5515159.html

ⁱⁱ Because of the impact of collateral consequences on people's lives, there are many resources on it and many states are reforming their laws to reduce the impact of such consequences.
<http://ccresourcecenter.org/about-the-collateral-consequences-resource-center/> and
<http://www.vera.org/pubs/states-rethink-collateral-consequences>

ⁱⁱⁱ <http://www.kansas.com/opinion/editorials/article5465637.html> and
<http://www.ksde.org/Portals/0/Title%20Programs%20and%20Services/Homeless/Data-2013-2014KansasEH CY.pdf>

^{iv} <http://cjonline.com/news/2014-12-09/kansas-low-income-students-exceed-50-first-time>

^v <http://www.feedingamerica.org/hunger-in-america/impact-of-hunger/child-hunger/>

^{vi} These numbers are from the Prison Bed Impact Assessment for HB 2275, prepared by the Kansas Sentencing Commission, dated 2/22/15.

^{vii} http://kslegislature.org/li_2014/b2013_14/measures/sb149/

^{viii} As you probably know, food stamps are no longer stamps at all. Food assistance is issued on an electronic benefit card that functions like a regular benefit card, which makes it harder to misuse and easier for the issuer to track suspicious activity. See *A Lifetime of Punishment: The Impact of the Felony Drug Ban on Welfare Benefits*, link in endnote i above.