SPONSOR: Rep. Bentz & Rep. Heffernan & Sen. McDowell
Reps. Baumbach, J. Johnson, Kowalko, Longhurst, Viola;
Sen. Henry, Townsend

DELAWARE STATE HOUSE
149th GENERAL ASSEMBLY

HOUSE BILL NO. 11

AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO ELIGIBILITY FOR PUBLIC ASSISTANCE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 5, Title 31 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 524. Eligibility for Temporary Assistance for Needy Families.

Pursuant to the option granted the State by 21 U.S.C. § 862a(d)(1), an individual convicted under federal or state law of any offense which is classified as a felony by the law of the jurisdiction involved and which has as an element the possession, use, or distribution of a controlled substance shall be exempt from the prohibition contained in 21 U.S.C. § 862a(a) against eligibility for assistance under 42 U.S.C. 601 et seq. if the individual is otherwise eligible for assistance under the Temporary Assistance for Needy Families (TANF) funded program.

Section 2. This Act shall take effect 30 days after its enactment into law.

SYNOPSIS

This Act removes the prohibition against receipt of Temporary Assistance for Needy Families ("TANF" also referred to by the name Aid for Families with Dependent Children or "AFDC") funds by persons convicted of a drug felony, so long as that person is otherwise eligible or TANF assistance.

Even though federal laws such as PRWORA passed during the War on Drugs frequently prohibited access to public assistance for persons with drug felonies, these laws also gave states flexibility in determining eligibility for food aid and cash assistance for families with children when applicants had a criminal conviction. The majority of states have limited the federal bans in whole or in part. In 2011, Delaware opted out of restrictions on food aid, but it has not opted out of or limited federal restrictions on TANF—the cash assistance program that is the principal form of assistance available to most families in poverty to pay for things like electricity bills or school supplies.

Under existing law, individuals convicted of any state or federal drug felony, including possession of marijuana (which can be a felony under federal law), are ineligible for TANF for life. Although the children of a parent convicted of a drug crime can still receive assistance, the family's overall award is significantly reduced, and in practice this affects the well-being of families and children.

HD : KL : TEH
1031490009
Released: 01/04/2017 10:12 AM