



**HB 854 – relating to the eligibility of and requirements applicable to certain persons for food stamps**

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The Center for Public Policy Priorities supports HB 854 by Representative Naishtat, which removes the lifetime ban on Food Stamps for people convicted of a drug felony. Food stamps are 100% federally funded and can be a lifeline to ex-offenders in their attempts to rehabilitate themselves and reintegrate into society.

**BACKGROUND**

In 1996, as part of federal welfare reform, Congress enacted a lifetime ban on receiving Food Stamps (and TANF) for people convicted of a drug felony. The law gives states the option to lift the ban, but states are required to pass legislation in order to opt out of the ban. To date, Texas has chosen not to opt out of the ban. This is a *lifetime* ban—even if someone has completed his or her sentence, overcome an addiction, been employed but gotten laid off, or earned a certificate of rehabilitation.

The lifetime ban on food stamps for people convicted of a drug felony harms Texas communities. By taking away the supports former prisoners need to make the transition from prison, we encourage recidivism, break-up families, and perpetuate a discriminatory system of imprisoning the poor, who are disproportionately people of color. Texas also loses out on federal funds that could be used to help people with drug felony convictions reestablish themselves as productive, lawful members of our society. Without the support of Food Stamps, these people must rely on state, local, or privately funded services, which are limited.

**REASONS TO SUPPORT HB 854**

- **The lifetime ban on public benefits for people with past drug felony convictions is counterproductive and harmful for individuals and society.** It creates barriers to successful integration back into society and undermines Texas' efforts to reduce recidivism of parolees and probationers.
- **An ex-offender's eligibility to receive these benefits is critical to helping ex-offenders become employed.** Many people with criminal records are not "job-ready" immediately and require services such as substance abuse treatment, job training, or education before they can enter the job market. During this process of becoming "job-ready," ex-offenders rely on having access to food stamps to pay for food.
- **The lifetime drug felony conviction ban also hurts children.** When a mother is denied food stamps, her children suffer. Although the kids of ex-offenders can still qualify for benefits, a family's funds go toward caring for the *entire* family, not just the individuals who qualify for federal assistance. Denying assistance to adults with drug convictions forces families to stretch their already meager budgets. Lifting the ban supports parents in caring for their families and rebuilding their relationships with their children.
- **No other kind of felon is prohibited from receiving Food Stamps.** Drug felons have been singled out unfairly and denied a basic benefit to get back on their feet.
- **The lifetime drug felony conviction ban may increase the cost of state-funded programs.** Persons denied food stamp benefits because of the drug felony conviction ban may turn to state-funded services for support. For example, Project RIO (Reintegration of Offenders) is a successful partnership among the Texas Workforce

Commission, Texas Department of Criminal Justice, and Texas Youth Commission to reduce recidivism and unemployment among ex-offenders by providing prerelease and post-release workforce skills training, education, vocational skills training, and job placement assistance. RIO staff are located in career centers throughout the Texas Workforce Network, the state's one-stop career center system. Program evaluation findings indicate participants in Project RIO experienced a 23-percent recidivism rate, compared with 38 percent among a comparable group of non-RIO ex-offenders. The project is funded using state general revenue dollars, but could draw down federal Food Stamp Employment and Training dollars to serve drug felons should the state pass this bill and provide Food Stamps to this population.

Parents who are denied benefits also may lose their children to the child welfare and foster care systems at a great financial cost to the taxpayer and great emotional cost to the children. Some may turn to crime to support their families and themselves, and inevitably enter the crowded and costly criminal justice system. Texas spends a significant amount of its own money to incarcerate repeat offenders. If Texas can use federal Food Stamp dollars to reduce recidivism among first-time drug felons, we can reduce these costs to the state.

- **The lifetime drug felony conviction ban is unjust and contradicts basic Judeo-Christian ethics that hold redemption and forgiveness as central values.** A permanent ban on receipt of benefits, regardless of what the individuals did after the conviction to repent and become productive citizens, is unjust and immoral. People who overcome an addiction, go to school, work, pay taxes or otherwise demonstrate their responsibility should not be punished for the rest of their lives by denying them help in times of need.

## OTHER STATES

- Sixteen (16) states (including the District of Columbia) have adopted legislation opting out of the lifetime ban.
- Twenty-one (21) states have decided to modify the lifetime ban in some way. States have modified the lifetime ban in a number of ways; for example, by imposing it only on individuals who have drug *trafficking* convictions; exempting individuals with drug felony convictions who have undergone drug treatment, or limiting the ban to a specific period of time, such as five years.
- Sixteen (16) states (including Guam and the Virgin Islands) have a lifetime ban on the receipt of food stamps for individuals convicted of drug felonies.

### A Snapshot of the Food Stamp Program

"A Government Reform That Worked" -- Carl M. Cannon, the *National Journal*, January 19, 2007

**What?** A 100% federally funded program that provides food assistance to low-income families to help them buy food. Also provides employment services to unemployed adults. Average per person benefit is \$99/month, or \$1 per meal. Benefits are disbursed through the Electronic Benefits Transfer (EBT or Lone Star) card.

**Who?** Families, children, seniors, persons with disabilities, and childless adults are eligible if their income is below 130% of poverty (\$20,928/yr for a family of three) and they have limited resources. Legal immigrants face a five-year residency requirement (except children) before they can get benefits. Undocumented immigrants are not eligible. In Texas, 2.3 million people receive Food Stamps. Three-quarters are children, seniors, and persons with disabilities. The average household size is 2.7 persons.

**Why?** Texas has among the highest rates of hunger and families at risk of hunger in the nation. Low-income Texans often struggle to afford a nutritious diet and meet other basic needs. Food Stamps help these families meet their basic needs and serve as a cushion during periods in which a parent loses a job or a parent's earnings fall due to circumstances such as an illness in the family. Food Stamps also support work by helping families while they transition from welfare to the workforce.