

SENATE BILL No. 286

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-14; IC 35-38-9-11.

Synopsis: SNAP and TANF benefits. Provides that a person who is otherwise eligible for benefits and has had certain drug convictions expunged is eligible to receive benefits under the federal Supplemental Nutrition Assistance Program (SNAP) and under the Temporary Assistance for Needy Families (TANF) program as if the person had not been convicted of the expunged offense. Makes a technical change by changing "food stamps" references to "federal Supplemental Nutrition Assistance Program."

Effective: July 1, 2014.

Taylor

January 13, 2014, read first time and referred to Committee on Health and Provider Services.



Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 286

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-14-28-3.3, AS ADDED BY P.L.161-2007,
2 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 3.3. (a) **Except as provided in subsection (e)**, an
4 individual who:
5 (1) except for 21 U.S.C. 862a(a), meets the federal and Indiana
6 TANF program eligibility requirements;
7 (2) has been convicted of an offense under federal or state law
8 that:
9 (A) is classified as a felony;
10 (B) has as an element the possession or use of a controlled
11 substance (as defined in 21 U.S.C. 802(6)); and
12 (C) does not have as an element the distribution or
13 manufacturing of a controlled substance (as defined in 21
14 U.S.C. 802(6)); and
15 (3) either has completed or is participating in substance abuse or
16 mental health treatment provided by:



- 1 (A) an addiction services provider certified by the division of
 2 mental health and addiction;
 3 (B) a mental health provider (as defined in IC 16-36-1.5-2);
 4 (C) the department of correction;
 5 (D) the federal government; or
 6 (E) a faith based program certified by the division of mental
 7 health and addiction;
 8 is eligible to receive assistance under this chapter for not more than
 9 twelve (12) months.
- 10 (b) For purposes of eligibility for assistance under this chapter, a
 11 court may order an individual described in subsection (a) to participate
 12 in substance abuse or mental health treatment under this section.
- 13 (c) The department of correction shall assist an individual who:
 14 (1) is incarcerated by the department of correction; and
 15 (2) will be eligible for assistance under this chapter upon:
 16 (A) release to parole;
 17 (B) assignment to a community transition program; or
 18 (C) discharge from the department of correction;
 19 with applying for assistance under this chapter as described in
 20 IC 11-10-12-5.
- 21 (d) An individual who is receiving TANF under this section must be
 22 tested not less than one (1) time every two (2) months for drugs at a
 23 time chosen by the provider of the substance abuse or mental health
 24 treatment the individual completed or is participating in under this
 25 section. Nothing in this section shall prevent the provider from testing
 26 for drugs more frequently if more frequent testing is part of the
 27 program operated by the provider.
- 28 **(e) An individual who is otherwise eligible for TANF assistance**
 29 **under this section, has been convicted of an offense described in**
 30 **subsection (a)(2), and has had that conviction expunged under**
 31 **IC 35-38-9 is eligible to receive TANF assistance under this section**
 32 **as if the individual had not been convicted of the offense.**
- 33 SECTION 2. IC 12-14-29-2, AS ADDED BY P.L.92-2005,
 34 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2014]: Sec. 2. Under this chapter, an individual is eligible for
 36 ~~food stamps~~ **federal Supplemental Nutrition Assistance Program**
 37 **benefits** if the individual meets all the following requirements:
 38 (1) The individual is a resident of a county having a reentry court
 39 program.
 40 (2) The individual was convicted of an offense under IC 35-48
 41 (controlled substances) for conduct occurring after August 22,
 42 1996.



1 (3) Except for 21 U.S.C. 862a(a), the individual meets the federal
 2 and Indiana ~~food stamp~~ **Supplemental Nutrition Assistance**
 3 Program requirements.

4 (4) The individual is successfully participating in a reentry court
 5 program.

6 SECTION 3. IC 12-14-29-5, AS ADDED BY P.L.92-2005,
 7 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2014]: Sec. 5. (a) **Except as provided in subsection (c)**, if
 9 referred by a court, an individual who meets the requirements of
 10 section 2 of this chapter may receive ~~food stamps~~ **federal**
 11 **Supplemental Nutrition Assistance Program benefits** for not more
 12 than twelve (12) months.

13 (b) **Except as provided in subsection (c)**, if referred by a court, an
 14 individual who meets the requirements of section 3 of this chapter may
 15 receive TANF benefits for not more than twelve (12) months.

16 (c) **If:**

17 (1) **an individual is otherwise eligible for Supplemental**
 18 **Nutrition Assistance Program benefits or TANF, or both;**

19 (2) **the individual's federal Supplemental Nutrition Assistance**
 20 **Program benefits or TANF benefits, or both, under this**
 21 **chapter are limited under section 2(2) or 3(2) of this chapter;**
 22 **and**

23 (3) **that individual's conviction under IC 35-48 is expunged**
 24 **under IC 35-38-9;**

25 **the individual is eligible to receive federal Supplemental Nutrition**
 26 **Assistance Program benefits or TANF benefits, or both, as if the**
 27 **individual had not been convicted of the expunged offense.**

28 SECTION 4. IC 12-14-29-7, AS AMENDED BY P.L.128-2012,
 29 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2014]: Sec. 7. A court shall immediately notify the division of
 31 family resources local office:

32 (1) upon the court's finding of probable cause that an individual
 33 has committed a felony offense during the period in which the
 34 individual is eligible for TANF or ~~food stamps~~; **federal**
 35 **Supplemental Nutrition Assistance Program benefits**; or

36 (2) when an individual has been terminated from a reentry court
 37 program during the period in which the individual is eligible for
 38 TANF or ~~food stamps~~. **federal Supplemental Nutrition**
 39 **Assistance Program benefits.**

40 SECTION 5. IC 35-38-9-11 IS ADDED TO THE INDIANA CODE
 41 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 42 1, 2014]: **Sec. 11. A person who has a conviction under IC 35-48**



1 **expunged under this chapter is eligible to receive benefits under the**
2 **federal Supplemental Nutrition Assistance Program and under the**
3 **Temporary Assistance for Needy Families (TANF) program as if**
4 **the person had not been convicted of the expunged offense, as set**
5 **forth in IC 12-14-28-3.3(e) and IC 12-14-29-5(c).**

