

# ARKANSAS SENATE

81st GENERAL ASSEMBLY  
Regular Session, 1997

## Amendment Form

Amendment No. \_\_\_\_\_ to HOUSE Bill No. 1295

Amend HOUSE Bill No. 1295 as engrossed 2-7-97  
by

deleting line 21 of page 16 and substituting the following:

"20-76-409. ~~General relief.~~ TEA recipients - Controlled substance offenders.";

AND

by deleting lines 1 through 25 of page 17 and substituting the following:

(a) Each individual applying for assistance under this chapter shall state in writing during the application process whether the individual, or any member of the household of the individual has been found guilty of or pleaded guilty or nolo contendere to a crime described in subsection (b).

(b) Except as provided in subsection (c), no individual who has been found guilty of or has pleaded guilty or nolo contendere to any state or federal offense classified as a felony by the law of the jurisdiction involved, and which has as an element of the offense, the distribution or manufacture of a controlled substance (as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) shall be eligible for:

(1) assistance under any state program funded wholly or partially under part A of title IV of the Social Security Act;

(2) assistance under any state program created by this chapter; or

(3) benefits under the food stamp program.

(c) An individual who is otherwise eligible for assistance described in subsection (b) of this section shall be eligible for such assistance, after a suspension from the assistance program for a period of one (1) year,

The amendment was read the first time, rules suspended and read the second time and

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regardless of being found guilty of or pleading guilty or nolo contendere to a first offense of any state or federal offense classified as a felony by the law of the jurisdiction involved, and which has as an element of the offense, the distribution of a controlled substance, as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), provided the person meets the following conditions:

(1) the person completes a departmentally approved substance abuse program upon being found guilty of a first offense of any state or federal offense classified as a felony by the law of the jurisdiction involved, and which has as an element of the offense, the distribution of a controlled substance, as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)); and

(2) the person maintains negative drug screen and is not found guilty of or does not plead guilty or nolo contendere to a second offense of any state or federal offense classified as a felony by the law of the jurisdiction involved, and which has as an element of the offense, the distribution of the controlled substance, as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

(d) Failure to comply with the condition set forth in subsection (c) of this section shall render the person ineligible for assistance as described in subsection (b).

(e) (1) The amount of the assistance otherwise required to be provided

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under TEA to the family members of an individual made ineligible by this section shall be reduced by the amount which would have otherwise been made available to the individual.

(2) The amount of benefits otherwise required to be provided to a household under the food stamp program shall be determined by considering the individual made ineligible by this section not to be a member of such household, except that the income and resources of the individual shall be considered to be income and resources of the household.

(f) Clear notice of this section shall be provided in the personal responsibility agreement.

(g) This section shall not apply to findings of guilt or pleas of guilty or nolo contendere for offenses occurring on or before July 1, 1997.

(h) In accordance with this section, the State of Arkansas opts out of Section 115 of the Personal Responsibility and Work Opportunity Act of 1996."

The amendment was read the first time, rules suspended and read the second time and

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Secretary