

MODEL LAW FOR MODIFYING THE BAN ON FOOD STAMPS AND TANF

For states that are not willing to completely opt out of the lifetime ban, the Legal Action Center has drafted and recommends that states adopt the following model law that exempts from the ban all those who are participating in or have completed drug or alcohol treatment, or are complying with the terms of their probation, or are otherwise taking action toward rehabilitation. This model law, based on the laws of Colorado and Connecticut, will enable those who were convicted but are now obeying the rules and taking steps to become productive, tax-paying, law-abiding individuals can receive the assistance they need to succeed in those goals. Replacing the lifetime ban with this law will benefit not just those individuals but also their families, communities, and our entire nation.

◆ LAC's Model Law to Modify the Lifetime Ban on Food Stamps and TANF

Any person convicted of a drug-related felony shall be eligible for benefits pursuant to the Temporary Assistance for Needy Families program or the food stamp program pursuant to the Food Stamp Act of 1977, if such person has completed a sentence imposed by a court. A person shall also be eligible for said benefits if such person is satisfactorily serving a sentence of a period of probation or is in the process of completing or has completed mandatory participation in a drug or alcohol treatment program,¹ or if the person has taken action toward rehabilitation, such as, but not limited to, participation in a drug or alcohol treatment program.²

¹ This example is mirrored after the Connecticut statute, C.G.S.A. § 17b-112d.

² This part of the model law is based on Colorado's statute, Colo. Rev. Stat. Ann. § 26-2-706(3).