



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
MARGARET M. O'NEILL BUILDING
410 FEDERAL STREET, SUITE 1
DOVER, DE 19901

VOICE: (302) 739-3620
TTY/TDD: (302) 739-3699
FAX: (302) 739-6704

MEMORANDUM

DATE: June 17, 2010

TO: All Members of the Delaware State Senate
and House of Representatives

FROM: Ms. Daniese McMullin-Powell *DMP/Kit* Chairperson
State Council for Persons with Disabilities

RE: S.B. 255 [Removal of Bar on Food Supp. Program Eligibility Based on Drug Conviction]

The State Council for Persons with Disabilities (SCPD) has reviewed S.B. 255 which would remove the prohibition against persons convicted of any drug felony from receiving federal food benefit assistance. SCPD endorses the proposed legislation and has the following observations.

As background, the statute (Title 31 Del.C. §605) currently bars Food Supplement Program (a/k/a Food Stamps) eligibility for persons convicted of drug felonies subject to some exceptions. This bill would result in the following simplified §605:

Pursuant to the option granted the State by 21 U.S.C. §862a(d)(1), an individual convicted under federal or state law of a felony involving possession, distribution or use of a controlled substance shall be exempt from the prohibition contained in 21 U.S.C. §862a(a) against eligibility for food stamp program benefits for such convictions.

Given the common co-occurrence of substance abuse with mental health and other disorders, the bill would ostensibly enhance flexibility in State "safety-net" programs. On a practical level, if a person lacks access to basic sustenance for self and family, the prospect for recidivism may increase. A majority of states have already lifted the lifetime drug felony conviction ban altogether or lifted part of the prohibition. The attached December 17, 2009 article notes that enforcement of the ban seriously undermines the successful reintegration of persons released from prison into the community and has a disproportionate effect on women.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position on the proposed legislation.

cc: The Honorable Jack A. Markell
Mr. Brian Hartman, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council