

ACT 128

H.B. NO. 480

A Bill for an Act Relating to Public Assistance.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that with recently enacted federal welfare reform legislation, individuals with a felony conviction after August 22, 1996, which has as an element the possession, use, or distribution of a controlled substance, will no longer be eligible for participation in the Temporary Assistance for Needy Families and Food Stamp programs unless the State enacts state law opting out of the federal disqualification. Withholding temporary assistance for needy families funds and food stamps could push individuals who have served their time deeper into poverty and could overburden already limited local resources leading to: increased homelessness; hunger; family breakup, abuse and neglect; deteriorating educational achievement for children; poorer overall health and an increase in health-related expenditures; and increased costs for criminal justice programs and agencies. Further, withholding public assistance will greatly increase the likelihood that these individuals will commit further offenses. Therefore, the legislature finds that it is in the public interest to conditionally continue the current cash assistance and food stamp safety net for individuals with a felony conviction which has as an element the possession, use, or distribution of a controlled substance.

SECTION 2. Chapter 346, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§346- Temporary assistance for needy families and food stamps for individuals with a felony conviction which has as an element the possession, use, or distribution of a controlled substance. Section 115(a) of Public Law 104-193

shall not apply in Hawaii to persons who are complying with treatment or who have not refused or failed to comply with treatment.’’

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval; provided that this Act shall be repealed two years after its effective date.

(Approved June 16, 1997.)

Note

1. Edited pursuant to HRS §23G-16.5.