

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 889

STATE OF NEW JERSEY
217th LEGISLATURE

ADOPTED MARCH 7, 2016

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SYNOPSIS

Revises treatment requirements for convicted drug offenders receiving general assistance benefits under Work First New Jersey program.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Human Services Committee.

(Sponsorship Updated As Of: 4/8/2016)

1 **AN ACT** concerning eligibility for Work First New Jersey General
2 Assistance benefits and amending P.L.1997, c.14.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 5 of P.L.1997, c.14 (C.44:10-48) is amended to read
8 as follows:

9 5. a. Only those persons who are United States citizens or
10 eligible aliens shall be eligible for benefits under the Work First
11 New Jersey program. Single adults or couples without dependent
12 children who are legal aliens who meet federal requirements and
13 have applied for citizenship, shall not receive benefits for more than
14 six months unless (1) they attain citizenship, or (2) they have passed
15 the English language and civics components for citizenship, and are
16 awaiting final determination of citizenship by the federal
17 Immigration and Naturalization Service.

18 b. The following persons shall not be eligible for assistance and
19 shall not be considered to be members of an assistance unit:

20 (1) non-needy caretakers, except that the eligibility of a
21 dependent child shall not be affected by the income or resources of
22 a non-needy caretaker;

23 (2) Supplemental Security Income recipients, except for the
24 purposes of receiving emergency assistance benefits pursuant to
25 section 8 of P.L.1997, c.14 (C.44:10-51);

26 (3) illegal aliens;

27 (4) other aliens who are not eligible aliens;

28 (5) a person absent from the home who is incarcerated in a
29 federal, State, county or local corrective facility or under the
30 custody of correctional authorities, except as provided by regulation
31 of the commissioner;

32 (6) a person who: is fleeing to avoid prosecution, custody or
33 confinement after conviction, under the laws of the jurisdiction
34 from which the person has fled, for a crime or an attempt to commit
35 a crime which is a felony or a high misdemeanor under the laws of
36 the jurisdiction from which the person has fled; or is violating a
37 condition of probation or parole imposed under federal or state law;

38 (7) a person convicted on or after August 22, 1996 under federal
39 or state law of any offense which is classified as a felony or crime,
40 as appropriate, under the laws of the jurisdiction involved and
41 which has as an element the possession, use, or distribution of a
42 controlled substance as defined in section 102(6) of the federal
43 "Controlled Substances Act" (21 U.S.C. s.802 (6)), who would
44 otherwise be eligible for general public assistance pursuant to

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 P.L.1947, c.156 (C.44:8-107 et seq.); except that such a person
2 **【who is convicted of any such offense which has as an element the**
3 **possession or use only of such a controlled substance may】** shall be
4 eligible for Work First New Jersey general public assistance
5 benefits if the person enrolls in or has completed a licensed
6 residential or outpatient drug treatment program. An otherwise
7 eligible individual who has a past drug conviction shall be eligible
8 for general public assistance without enrolling in or completing a
9 drug treatment program if either: (1) an appropriate treatment
10 program is not available; or (2) the person is excused from enrolling
11 in a treatment program for good cause pursuant to regulation.

12 Eligibility for benefits for a person entering a licensed
13 **【residential】** drug treatment program which does not operate in a
14 State correctional facility or county jail shall commence upon the
15 person's enrollment in the drug treatment program, and shall
16 continue during the person's active participation in, and upon
17 completion of, the drug treatment program, except that during the
18 person's active participation in a drug treatment program and the
19 first 60 days after completion of a drug treatment program, the
20 commissioner shall provide for testing of the person to determine if
21 the person is free of any controlled substance. If the person is
22 determined to not be free of any controlled substance during the 60-
23 day period, the person's eligibility for benefits pursuant to this
24 paragraph shall be terminated; except that this provision shall not
25 apply to the use of **【methadone】** prescription drugs by a person who
26 is actively participating in a drug treatment program, as prescribed
27 by the drug treatment program. The commissioner **【,** in
28 consultation with the Commissioner of Health and Senior
29 Services,**】** shall adopt regulations to carry out the provisions of this
30 paragraph, which shall include the criteria for determining active
31 participation in and completion of a drug treatment program.

32 Eligibility for benefits for a person who completes a licensed
33 residential drug treatment program which operates in a State
34 correctional facility or county jail, in accordance with section 1 of
35 P.L.2014, c.1 (C.26:2B-40), shall commence upon release from
36 incarceration.

37 Cash benefits, less a personal needs allowance, for a person
38 receiving general public assistance benefits under the Work First
39 New Jersey program who is enrolled in and actively participating in
40 a licensed residential drug treatment program shall be issued
41 directly to the drug treatment provider to offset the cost of
42 treatment. Upon completion of the drug treatment program, the
43 cash benefits shall be then issued to the person. In the case of a
44 delay in issuing cash benefits to a person receiving Work First New
45 Jersey general public assistance benefits who has completed the
46 drug treatment program, the drug treatment provider shall transmit

1 to the person those funds received on behalf of that person after
2 completion of the drug treatment program;

3 (8) a person found to have fraudulently misrepresented his
4 residence in order to obtain means-tested, public benefits in two or
5 more states or jurisdictions, who shall be ineligible for benefits for
6 a period of 10 years from the date of conviction in a federal or state
7 court; or

8 (9) a person who intentionally makes a false or misleading
9 statement or misrepresents, conceals or withholds facts for the
10 purpose of receiving benefits, who shall be ineligible for benefits
11 for a period of six months for the first violation, 12 months for the
12 second violation, and permanently for the third violation.

13 c. A person who makes a false statement with the intent to
14 qualify for benefits and by reason thereof receives benefits for
15 which the person is not eligible is guilty of a crime of the fourth
16 degree.

17 d. Pursuant to the authorization provided to the states under 21
18 U.S.C. s.862a(d)(1), this State elects to exempt from the application
19 of 21 U.S.C. s.862a(a):

20 (1) needy persons and their dependent children domiciled in
21 New Jersey for the purposes of receiving benefits under the Work
22 First New Jersey program and food assistance under the federal
23 "Food and Nutrition Act of 2008," Pub.L.110-234 (7 U.S.C. s.2011
24 et seq.); and

25 (2) single persons and married couples without dependent
26 children domiciled in New Jersey for the purposes of receiving food
27 assistance under Pub.L.110-234.

28 (cf: P.L.2014, c.1, s.2)

29

30 2. The Commissioner of Human Services shall, pursuant to the
31 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
32 seq.), adopt rules and regulations to effectuate the purposes of this
33 act.

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35 3. This act shall take effect immediately.