

SENATE, No. 805

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

SYNOPSIS

Revises eligibility for convicted drug offenders to receive general assistance benefits under Work First New Jersey program.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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:*

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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
45 P.L.1947, c.156 (C.44:8-107 et seq.); except that such a person who
46 is convicted of any such offense **【which has as an element the**
47 possession or use only of such a controlled substance may **】** shall be

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 eligible for Work First New Jersey general public assistance
2 benefits if the person enrolls in or has completed a licensed
3 residential or outpatient drug treatment program. An otherwise
4 eligible individual who has a past drug conviction shall be eligible
5 for general public assistance without enrolling in or completing a
6 drug treatment program if either: (1) an appropriate treatment
7 program is not available; or (2) the person is excused from enrolling
8 in a treatment program for good cause pursuant to regulation.

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

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

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

45 (8) a person found to have fraudulently misrepresented his
46 residence in order to obtain means-tested, public benefits in two or
47 more states or jurisdictions, who shall be ineligible for benefits for

1 a period of 10 years from the date of conviction in a federal or state
2 court; or

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

8 c. A person who makes a false statement with the intent to
9 qualify for benefits and by reason thereof receives benefits for
10 which the person is not eligible is guilty of a crime of the fourth
11 degree.

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

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

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

23 (cf: P.L.2016, c.69, s.1)

24

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

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30 3. This act shall take effect immediately.

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STATEMENT

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35 This bill revises the eligibility requirements for general
36 assistance benefits under the Work First New Jersey program for
37 individuals convicted of an offense involving the use, possession, or
38 distribution of a controlled dangerous substance.

39 Currently, persons convicted of offenses involving the use or
40 possession of a controlled dangerous substance may be eligible for
41 general assistance benefits if they enroll in or complete a licensed
42 drug treatment program, and persons convicted of an offense
43 involving the possession of a controlled dangerous substance are
44 permanently ineligible for benefits. Certain exceptions to the
45 requirement to complete a drug treatment program apply if no
46 program was available or the applicant was excused from meeting
47 the requirement for good cause.

S805 CUNNINGHAM

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1 This bill revises these restrictions to provide that anyone who is
2 convicted of an offense involving the use, possession, or
3 distribution of a controlled dangerous substance will be eligible for
4 general assistance benefits under the Work First New Jersey
5 program if the individual completes a drug treatment program or
6 otherwise qualifies for one of the current statutory exceptions.