



Douglas Smith, MSSW, Policy Analyst

Work: (512) 441-8123, ext. 102

Cell: (512) 960-0534

dsmith@TexasCJC.org

www.TexasCJC.org

FACT SHEET 2015

HB 1267

Promote Family and Employment Stability

Allow Texas to Develop its Own Reentry Policies with Federal Food Assistance Funds

TEXAS REMAINS UNNECESSARILY COMPLIANT WITH FEDERAL REGULATIONS, MISSING OPPORTUNITIES TO PREVENT RECIDIVISM

Missed Opportunities Leave Texas Lagging Behind Other States

The Supplemental Nutrition Assistance Program (SNAP) is a federal program, administered by each state, that provides assistance to qualifying recipients so they can buy food while participating in structured job search and training programs. **Federal funds cover nearly all of the costs associated with food benefits, administration, and Employment and Training (E&T) programs.**¹

According to Section 115 of the Personal Responsibility and Work Opportunity Act of 1996, those convicted of felony drug offenses are not eligible for these benefits “unless the state passes legislation to extend benefits to these individuals.”² Already, 41 states have elected to develop their own policies when it comes to SNAP eligibility, yet **Texas remains among a handful of states that has continued to abide by federal law.**³

This is a surprising lack of action given the state’s history of taking the lead in public-policy innovations. Texas was one of the first states to pass its own work-centered public assistance policies, at least a year before the federal government took action.⁴ The result is that **the state continues to miss a major opportunity to promote employment stability and reintegration** for a large number of formerly incarcerated individuals, as well as those convicted of certain felony offenses.

Already, 21 states have changed statute to eliminate the felony drug offense bar on SNAP benefits, and another 20 have modified law to allow SNAP benefits for this population after meeting certain requirements.

Source:
*Congressional
Research Service*

SNAP Promotes Employment Stability

Once an individual qualifies for SNAP benefits, he or she is required to report to a local workforce development center for job-search assistance, training, or other employment-related activities authorized by the state.⁵ Unless disabled or elderly, **a head of household who is not working must participate in these programs at least 30 hours weekly or they risk losing food benefits.**

These programs are an important part of the overall strategy to promote employment stability among individuals with a past felony conviction. Many of the local E&T programs refer participants to specialized programs aimed at providing quick and intensive vocational training to speed the path toward financial stability. The SNAP food benefits provide some degree of stability to the individual’s family while the E&T participant completes job search and training programs.

Given that nearly 30 percent of all individuals received by the Texas Department of Criminal Justice were referred for drug-related offenses, Texas’ lack of action on SNAP eligibility removes an important tool to promote successful reintegration for a significant portion this population.

Continued on reverse.

Texas' Inaction Harms Children

Promoting employment stability among those with felony offenses is essential for restoring stability in the lives of their children. Of those arrested and/or incarcerated for felony offenses, **nearly two-thirds of females and 40 percent of males were the primary caregivers of children.**⁶ Parental felony arrest is traumatic to children, and the related consequences can create upheaval in their lives. These children experience emotional problems, housing dislocation, and undernourishment due to changes in financial stability. The effects of these experiences can have long-term effects if stability and security are not restored to their lives.⁷

SNAP benefits and related E&T programs help parents become self-reliant and provide financial stability in the lives of their children. It is critically important that Texas use every tool at its disposal to promote financial and employment stability for the parents of children affected by felony arrest.

KEY FINDINGS

- **People convicted of felony drug offenses are often responsible for substantial probation or parole fees, court costs, and fines, which make it more difficult to afford food for their children.**⁸ Failure to pay these costs can result in harsh consequences, putting additional pressure on individuals trying to rebuild their lives post-conviction. Ineligibility for SNAP benefits adds to these difficulties, and harms successful reentry.
- **Amending current restrictions relating to SNAP eligibility would increase the flow of federal funds to low-income Texans, resulting in an “increase [in] both state and local sales tax revenue.”**⁹

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 1267 BY REPRESENTATIVE THOMPSON

- **HB 1267 will amend eligibility requirements for Texans seeking SNAP benefits, enabling broader participation in work programs among those convicted of felony drug offenses.** This will help eligible individuals develop employment skills that reduce costly recidivism. It will also improve financial stability for children impacted by parental felony arrest.

Note: HB 1267 will prohibit SNAP eligibility for the first two years following a person’s felony drug conviction.

Citations

¹ Texas Workforce Commission, *Supplemental Nutrition Assistance Program Employment and Training Guide*, 2011, 12, <http://www.twc.state.tx.us/files/partners/snap-et-guide-twc.pdf>.

² U.S. Department of Agriculture, *Food and Nutrition Service, Reentry Myth Buster: A Product of the Federal Interagency Reentry Council*, http://www.fns.usda.gov/sites/default/files/SNAP_MythBusters.pdf.

³ Maggie McCarty, et. al, *Drug Testing and Crime-Related Restrictions in TANF, SNAP, and Housing Assistance*, (Congressional Research Service Publication R42394), 2013, <https://www.fas.org/sgp/crs/misc/R42394.pdf>.

⁴ Texas Workforce Commission, *History of Texas Welfare Reform*, 2011, <http://www.twc.state.tx.us/welref/wrhistory.html>.

⁵ Texas Workforce Commission, *Supplemental Nutrition Assistance Program Employment and Training Guide*, 2011,” 25, <http://www.twc.state.tx.us/files/partners/snap-et-guide-twc.pdf>.

⁶ Urban Institute (2003), *Families Left Behind: The Hidden Costs of Incarceration and Reentry*, (CPR03 0105), 4, www.urban.org/UploadedPDF/310882_families_left_behind.pdf.

⁷ *Ibid*, 3.

⁸ Bannon, et. al., *Criminal Justice Debt: A Barrier to Reentry*, (Brennen Center for Justice, New York University School of Law, 2010), <http://www.brennancenter.org/sites/default/files/legacy/Fees%20and%20Fines%20FINAL.pdf>.

⁹ Legislative Budget Board, *Texas State Government Effectiveness and Efficiency Report*, January 2013, 166, <http://www.lbb.state.tx.us/GEER/Government%20Effectiveness%20and%20Efficiency%20Report%202012.pdf>.