

44:10-48.14

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LAWS OF: 1999 **CHAPTER:** 427

NJSA: 44:10-48.1 (Persons convicted of drug possession—Work First NJ)

BILL NO: A2316 (Substituted for S1493)

SPONSOR(S): Vandervalk and Thompson

DATE INTRODUCED: July 27, 1998

COMMITTEE: **ASSEMBLY:** Senior Issues

SENATE: Senior Citizens, Veterans' Affairs & Human Services; Budget and Appropriations

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** January 10, 2000

SENATE: December 13, 1999

DATE OF APPROVAL: January 18, 2000

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: Second Reprint
(Amendments during passage denoted by superscript number)

A2316

SPONSORS STATEMENT: (Begins on page 4 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** [Yes](#)

SENATE: [Yes](#) [5-6-99](#) ([Senior Citizens](#))
 [Yes](#) [12-6-99](#) ([Budget](#))

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: [Yes](#)

S1493

SPONSORS STATEMENT: (Begins on page 4 of original bill) [Yes](#)

Bill and Sponsors Statement identical to A2316

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: [Yes](#) [5-6-99](#)
Identical to Senate Senior Citizens Statement for A2316

[Yes](#) [12-6-99](#)
Identical to Senate Budget Statement for A2316

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: [Yes](#)
Identical to Legislative Fiscal Estimate to A2316

VETO MESSAGE:

No

GOVERNOR'S PRESS RELEASE ON SIGNING:

No

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

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P.L. 1999, CHAPTER 427, *approved January 18, 2000*
Assembly, No. 2316 (*Second Reprint*)

1 AN ACT concerning eligibility for the Work First New Jersey program
2 ²**[and]**,² amending P.L.1997, c.14 ²and supplementing Title 44 of
3 the Revised Statutes².

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

- 7
8 ²1. (New section) The Legislature finds and declares that:
9 a. In order to better protect the health and welfare of the
10 community, it is important to support efforts to provide drug
11 treatment;
12 b. Encouraging persons who have had drug convictions to seek
13 treatment benefits the individuals as well as the communities in which
14 they reside;
15 c. Supporting rehabilitative efforts does not in any way condone
16 possession, use or distribution of controlled dangerous substances but,
17 instead, recognizes that there are impediments to persons who need
18 treatment; and
19 d. Drug treatment providers need to be supported in their efforts
20 to help low-income persons who are in need of drug rehabilitation.²

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22 ²**[1.]** ²2. Section 5 of P.L.1997, c.14 (C.44:10-48) is amended to
23 read as follows:

- 24 5. a. Only those persons who are United States citizens or eligible
25 aliens shall be eligible for benefits under the Work First New Jersey
26 program. Single adults or couples without dependent children who are
27 legal aliens who meet federal requirements and have applied for
28 citizenship, shall not receive benefits for more than six months unless
29 (1) they attain citizenship, or (2) they have passed the English
30 language and civics components for citizenship, and are awaiting final
31 determination of citizenship by the federal Immigration and
32 Naturalization Service.
33 b. The following persons shall not be eligible for assistance and
34 shall not be considered to be members of an assistance unit:
35 (1) non-needy caretakers, except that the eligibility of a dependent
36 child shall not be affected by the income or resources of a non-needy
37 caretaker;
38 (2) Supplemental Security Income recipients, except for the

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ASC committee amendments adopted October 5, 1998.

² Senate SSV committee amendments adopted May 6, 1999.

1 purposes of receiving emergency assistance benefits pursuant to
2 section 8 of P.L.1997, c.14 (C.44:10-51);
3 (3) illegal aliens;
4 (4) other aliens who are not eligible aliens;
5 (5) a person absent from the home who is incarcerated in a federal,
6 State, county or local corrective facility or under the custody of
7 correctional authorities, except as provided by regulation of the
8 commissioner;
9 (6) a person who: is fleeing to avoid prosecution, custody or
10 confinement after conviction, under the laws of the jurisdiction from
11 which the person has fled, for a crime or an attempt to commit a crime
12 which is a felony or a high misdemeanor under the laws of the
13 jurisdiction from which the person has fled; or is violating a condition
14 of probation or parole imposed under federal or state law;
15 (7) a person convicted on or after August 22, 1996 under federal
16 or state law of any offense which is classified as a felony or crime, as
17 appropriate, under the laws of the jurisdiction involved and which has
18 as an element the possession, use, or distribution of a controlled
19 substance as defined in section 102(6) of the federal "Controlled
20 Substances Act" (21 U.S.C.802 (6)); except that a person convicted
21 of any such offense ¹【which has as an element the possession or use
22 only of such a controlled substance】^{1 2} which has as an element the
23 possession or use only of such a controlled substance² may be eligible
24 for² Work First New Jersey² benefits², and food stamp benefits under
25 the federal "Food Stamp Act of 1977," Pub.L.95-113 (7 U.S.C.s.2011
26 et seq).² if the person ¹【is actively participating in an outpatient drug
27 treatment program】 enrolls in¹ or has ¹【successfully】¹ completed a
28 ¹licensed^{1 2}residential² drug treatment program ¹【approved by the
29 commissioner】¹. Eligibility for benefits shall commence upon the
30 person's ¹【beginning active participation in an outpatient】 enrollment
31 in the¹ drug treatment program, ¹【or completion of 【the】 a drug
32 treatment program, as applicable】 and shall continue during the
33 person's active participation in, and upon completion of, the drug
34 treatment program¹, except that during ²【a】 the ² person's active
35 participation in ¹【an outpatient】 a¹ drug treatment program and the
36 first 60 days after completion of 【the】 a drug treatment program, the
37 commissioner shall provide for testing of the person to determine if
38 the person is free of any controlled substance. If the person is
39 determined to not be free of any controlled substance during 【the
40 60-day】 ²【this】 the 60-day² period, the person's eligibility for benefits
41 pursuant to this paragraph shall be terminated; except that this
42 provision shall not apply to the use of methadone by a person who is
43 actively participating in ¹【an outpatient】 a¹ drug treatment program,
44 as prescribed by the drug treatment program. The commissioner, in
45 consultation with the Commissioner of Health and Senior Services,

1 shall adopt regulations to carry out the provisions of this paragraph,
 2 which shall include the criteria for determining active participation in
 3 and completion of a drug treatment program.

4 ¹[Benefits] Cash benefits^{1 2}, less a personal needs allowance, ² for
 5 a person ²receiving benefits under the Work First New Jersey program
 6 who is² enrolled in ² and actively participating in ² a ²licensed²
 7 ¹residential¹ drug treatment program shall be issued directly to the
 8 drug treatment ²[program] provider to offset the cost of
 9 treatment². Upon completion of the drug treatment program, the
 10 ¹cash¹ benefits shall be ² then² issued to the person. In the case of a
 11 delay in issuing ¹cash¹ benefits to a person ² receiving Work First New
 12 Jersey benefits² who has completed ¹[a] the¹ drug treatment program,
 13 the drug treatment ²[program]provider² shall transmit to the person
 14 those funds received on behalf of that person ² after completion of the
 15 drug treatment program²;

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

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

26 c. A person who makes a false statement with the intent to qualify
 27 for benefits and by reason thereof receives benefits for which the
 28 person is not eligible is guilty of a crime of the fourth degree.
 29 (cf: P.L.1997, c.14, s.5)

30
 31 ²3. (New section) a. Notwithstanding any other provision of law
 32 to the contrary, a person convicted of any offense that has as an
 33 element the distribution of a controlled substance as defined in section
 34 102(6) of the federal "Controlled Substances Act" (21 U.S.C.802 (6)),
 35 who meets the eligibility criteria for WFNJ-GA or WFNJ-TANF
 36 benefits may receive food stamp benefits under the federal "Food
 37 Stamp Act of 1977," Pub.L.95-113 (7 U.S.C. s.2011 et seq.).
 38 Eligibility for food stamps shall be determined by the department and
 39 may continue upon the completion of a licensed residential drug
 40 treatment program.

41 b. Notwithstanding any other provision of law to the contrary, a
 42 person convicted of any offense that has as an element the distribution
 43 of a controlled substance as defined in section 102(6) of the federal
 44 "Controlled Substances Act" (21 U.S.C.802 (6)), who meets the
 45 eligibility criteria for WFNJ-GA benefits may receive medical services
 46 only. The medical services shall not exceed benefits offered in the

1 WFNJ-GA program. Access to these medical services is limited to
2 the time a person is receiving treatment in a licensed residential drug
3 treatment program.

4 c. Eligibility for benefits under subsection a. or b. of this section
5 shall commence upon the person's enrollment in the drug treatment
6 program, and shall continue during the person's active participation in,
7 and upon completion of, the drug treatment program, except that
8 during a person's active participation in a drug treatment program and
9 the first 60 days after completion of a drug treatment program, the
10 commissioner shall provide for testing of the person to determine if the
11 person is free of any controlled substance. If the person is determined
12 to not be free of any controlled substance during the 60-day period,
13 the person's eligibility for benefits pursuant to this section shall be
14 terminated; except that this provision shall not apply to the use of
15 methadone by a person who is actively participating in a drug
16 treatment program, as prescribed by the drug treatment program. The
17 Commissioner of Human Services, in consultation with the
18 Commissioner of Health and Senior Services, shall adopt regulations
19 to carry out the provisions of this section, which shall include the
20 criteria for determining active participation in and completion of a
21 drug treatment program.

22 d. As used in this section:

23 "WFNJ-GA" means Work First New Jersey benefits provided to an
24 assistance unit composed of a single person without dependent
25 children or a couple without dependent children pursuant to P.L.1997,
26 c.38 (C.44:10-55 et seq.); and

27 "WFNJ-TANF" means Work First New Jersey benefits provided to
28 an assistance unit composed of dependent children only, or a person
29 or couple with one or more dependent children who are legally or
30 blood-related, or who is their legal guardian, and who live together as
31 a household unit pursuant to P.L.1997, c.38 (C.44:10-55 et seq.).²

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33 ²[2.] 4.² This act shall take effect immediately.

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38 Allows persons convicted of certain drug offenses who are admitted
39 into residential drug treatment to qualify for WFNJ and other benefits.

ASSEMBLY, No. 2316

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED JULY 27, 1998

Sponsored by:

Assemblywoman CHARLOTTE VANDERVALK

District 39 (Bergen)

Assemblyman SAMUEL D. THOMPSON

District 13 (Middlesex and Monmouth)

Co-Sponsored by:

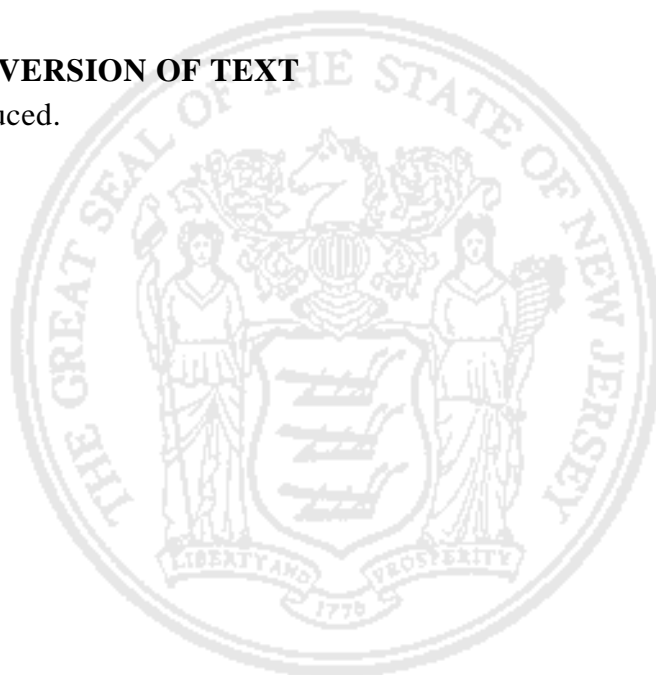
Assemblywoman Gill

SYNOPSIS

Allows person convicted of drug possession or use who is actively participating in outpatient drug treatment program to qualify for WFNJ benefits.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/6/1998)

1 AN ACT concerning eligibility for the Work First New Jersey program
2 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 as
8 follows:

9 5. a. Only those persons who are United States citizens or eligible
10 aliens shall be eligible for benefits under the Work First New Jersey
11 program. Single adults or couples without dependent children who are
12 legal aliens who meet federal requirements and have applied for
13 citizenship, shall not receive benefits for more than six months unless
14 (1) they attain citizenship, or (2) they have passed the English
15 language and civics components for citizenship, and are awaiting final
16 determination of citizenship by the federal Immigration and
17 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 dependent
21 child shall not be affected by the income or resources of a non-needy
22 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 federal,
29 State, county or local corrective facility or under the custody of
30 correctional authorities, except as provided by regulation of the
31 commissioner;

32 (6) a person who: is fleeing to avoid prosecution, custody or
33 confinement after conviction, under the laws of the jurisdiction from
34 which the person has fled, for a crime or an attempt to commit a crime
35 which is a felony or a high misdemeanor under the laws of the
36 jurisdiction from which the person has fled; or is violating a condition
37 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, as
40 appropriate, under the laws of the jurisdiction involved and which has
41 as an element the possession, use, or distribution of a controlled
42 substance as defined in section 102(6) of the federal "Controlled
43 Substances Act" (21 U.S.C.802 (6)); except that a person convicted

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 of any such offense which has as an element the possession or use only
2 of such a controlled substance may be eligible for benefits if the person
3 is actively participating in an outpatient drug treatment program or has
4 successfully completed a drug treatment program approved by the
5 commissioner. Eligibility for benefits shall commence upon the
6 person's beginning active participation in an outpatient drug treatment
7 program, or completion of [the], a drug treatment program, as
8 applicable, except that during a person's active participation in an
9 outpatient drug treatment program and the first 60 days after
10 completion of [the] a drug treatment program, the commissioner shall
11 provide for testing of the person to determine if the person is free of
12 any controlled substance. If the person is determined to not be free of
13 any controlled substance during [the 60-day] this period, the person's
14 eligibility for benefits pursuant to this paragraph shall be terminated;
15 except that this provision shall not apply to the use of methadone by
16 a person who is actively participating in an outpatient drug treatment
17 program, as prescribed by the drug treatment program. The
18 commissioner, in consultation with the Commissioner of Health and
19 Senior Services, shall adopt regulations to carry out the provisions of
20 this paragraph, which shall include the criteria for determining active
21 participation in and completion of a drug treatment program.

22 Benefits for a person enrolled in a drug treatment program shall be
23 issued directly to the drug treatment program. Upon completion of
24 the drug treatment program, the benefits shall be issued to the person.
25 In the case of a delay in issuing benefits to a person who has
26 completed a drug treatment program, the drug treatment program shall
27 transmit to the person those funds received on behalf of that person;

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

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

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

41 (cf: P.L.1997, c.14, s.5)

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43 2. This act shall take effect immediately.

STATEMENT

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This bill amends N.J.S.A.44:10-48 to permit a person who is otherwise eligible for Work First New Jersey (WFNJ) program benefits, except that the person was convicted of possession or use of a controlled substance, to receive benefits if the person is actively participating in an outpatient drug treatment program or has successfully completed a drug treatment program approved by the Commissioner of Human Services.

Under this bill, eligibility for WFNJ benefits would commence upon the person's beginning active participation in an outpatient drug treatment program, or completion of a drug treatment program, as applicable, except that during the person's active participation in an outpatient drug treatment program and the first 60 days after completion of a drug treatment program, the commissioner would provide for testing of the person to determine if the person is free of any controlled substance. If the person is determined to not be free of any controlled substance during this period, the person's eligibility for benefits would be terminated; however, this provision would not apply to the use of methadone by a person actively participating in an outpatient drug treatment program, as prescribed by the drug treatment program. The commissioner, in consultation with the Commissioner of Health and Senior Services, would be required to adopt regulations to carry out these provisions, including the criteria for determining active participation in and completion of a drug treatment program.

The bill stipulates that WFNJ benefits for a person enrolled in a drug treatment program shall be issued directly to the drug treatment program. Upon completion of the drug treatment program, the benefits shall be issued to the person. In the case of a delay in issuing benefits to a person who has completed a drug treatment program, the drug treatment program shall transmit to the person those funds received on behalf of that person.

This bill expands the potential eligibility for WFNJ benefits of otherwise eligible persons who have been convicted of drug possession or use by allowing them to receive benefits while actively participating in an outpatient drug treatment program, instead of limiting eligibility to persons who have actually completed a drug treatment program as current law does.

ASSEMBLY SENIOR ISSUES AND COMMUNITY SERVICES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2316

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 5, 1998

The Assembly Senior Issues and Community Services Committee favorably reports and with committee amendments Assembly Bill No. 2316.

As amended by committee, this bill amends N.J.S.A.44:10-48 to permit a person who is otherwise eligible for Work First New Jersey (WFNJ) program benefits, except that the person was convicted of possession, use or distribution of a controlled substance, to receive benefits if the person has enrolled in or has completed a licensed drug treatment program.

Under this bill, eligibility for WFNJ benefits would commence upon the person's enrollment in a drug treatment program, and shall continue during the person's active participation in, and upon completion of, the drug treatment program, except that during the person's active participation in a drug treatment program and the first 60 days after completion of a drug treatment program, the commissioner would provide for testing of the person to determine if the person is free of any controlled substance. If the person is determined to not be free of any controlled substance during this period, the person's eligibility for benefits would be terminated; however, this provision would not apply to the use of methadone by a person actively participating in a drug treatment program, as prescribed by the drug treatment program. The commissioner, in consultation with the Commissioner of Health and Senior Services, would be required to adopt regulations to carry out these provisions, including the criteria for determining active participation in and completion of a drug treatment program.

The bill stipulates that WFNJ cash benefits for a person enrolled in a drug treatment program shall be issued directly to the drug treatment program. Upon completion of the drug treatment program, the cash benefits shall be issued to the person. In the case of a delay in issuing cash benefits to a person who has completed a drug treatment program, the drug treatment program shall transmit to the person those funds received on behalf of that person.

This bill expands the potential eligibility for WFNJ benefits of otherwise eligible persons who have been convicted of drug possession or use by allowing them to receive benefits if enrolled in a drug treatment program, instead of limiting eligibility to persons who have actually completed a drug treatment program as current law does.

The committee amended the bill to: delete the provision that the drug offense shall have as an element the possession or use only of a controlled substance; clarify that eligibility for WFNJ benefits would commence upon enrollment and continue during the person's active participation in, and upon completion of, the drug treatment program; delete references to outpatient drug treatment programs and provide that the bill would apply generally to all licensed drug treatment programs; and clarify that cash WFNJ benefits for a person enrolled in a residential drug treatment program shall be issued directly to the drug treatment program until the person completes the program, at which time the cash benefits shall be issued to the person.

SENATE SENIOR CITIZENS, VETERANS' AFFAIRS AND
HUMAN SERVICES COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2316

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 6, 1999

The Senate Senior Citizens, Veterans' Affairs and Human Services Committee reports favorably and with committee amendments Assembly Bill No. 2316 (1R).

As amended by committee, this bill permits a person who is otherwise eligible for Work First New Jersey (WFNJ) program benefits, except that the person was convicted of possession or use of a controlled substance, to receive benefits if the person has enrolled in or has completed a licensed residential drug treatment program. Under current law, eligibility is limited to those persons who have actually completed the drug treatment program.

Under this bill, eligibility for WFNJ and federal food stamp benefits would commence upon the person's enrollment in a licensed residential drug treatment program, and shall continue during the person's active participation in, and upon completion of, the drug treatment program, except that during the person's active participation in a drug treatment program and the first 60 days after completion of a drug treatment program, the Commissioner of Human Services would provide for testing of the person to determine if the person is free of any controlled substance. If the person is determined to not be free of any controlled substance during the 60-day period, the person's eligibility for benefits would be terminated; however, this provision would not apply to the use of methadone by a person actively participating in a drug treatment program, as prescribed by the drug treatment program. The commissioner, in consultation with the Commissioner of Health and Senior Services, would be required to adopt regulations to carry out these provisions, including the criteria for determining active participation in and completion of a drug treatment program.

The bill provides that WFNJ cash benefits, less a personal needs allowance, for a person receiving WFNJ benefits who is enrolled in and actively participating in a licensed residential drug treatment program shall be issued directly to the drug treatment provider to

offset the cost of drug treatment. Upon completion of the drug treatment program, the cash benefits shall be issued to the person. In the case of a delay in issuing cash benefits to a person who has completed the drug treatment program, the drug treatment provider shall transmit to the person those funds received on behalf of that person after completion of the drug treatment program.

With respect to persons convicted of any offense that has as an element the distribution of a controlled substance, who meet the eligibility criteria for WFNJ-GA (single persons and couples without dependent children) or WFNJ-TANF benefits (families with dependent children), the bill provides that they may receive food stamp benefits under the federal food stamp program. Eligibility for food stamps shall be determined by the department and may continue upon the completion of a licensed residential drug treatment program. Also, if the person meets the eligibility criteria for WFNJ-GA benefits, that person may receive medical services only. The medical services shall not exceed those offered in the WFNJ-GA program. Access to these medical services is limited to the time a person is receiving treatment in a licensed residential drug treatment program.

The committee adopted amendments that provide that a person convicted of use or possession only is eligible to receive WFNJ and federal food stamp benefits if the person is enrolled in or has completed a licensed residential drug treatment program. Also, the amendments provide for a personal needs allowance for those recipients of WFNJ cash benefits, and require that the cash benefits that are issued directly to the residential drug treatment provider be used to offset the cost of treatment.

The amendments also provide that, in the case of a person convicted of drug distribution who meets the eligibility criteria for WFNJ-GA or WFNJ-TANF, that person may receive food stamps. In the case of a person convicted of drug distribution who meets the eligibility criteria for WFNJ-GA, that person also may receive medical services. (WFNJ-TANF recipients already qualify for Medicaid benefits.)

As amended by committee, this bill is identical to S1493 Sca (Bryant) which the committee also reported favorably on this date.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint]
ASSEMBLY, No. 2316

STATE OF NEW JERSEY

DATED: DECEMBER 6, 1999

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 2316 (2R).

This bill permits a person who is otherwise eligible for Work First New Jersey (WFNJ) program benefits, except that the person was convicted of possession or use of a controlled substance, to receive benefits if the person has enrolled in or has completed a licensed residential drug treatment program. Under current law, eligibility is limited to those persons who have actually completed the drug treatment program.

Under this bill, eligibility for WFNJ and federal food stamp benefits would commence upon the person's enrollment in a licensed residential drug treatment program, and shall continue during the person's active participation in, and upon completion of, the drug treatment program, except that during the person's active participation in a drug treatment program and the first 60 days after completion of the drug treatment program, the Commissioner of Human Services would provide for testing of the person to determine if the person is free of any controlled substance. If the person is determined to not be free of any controlled substance during the drug testing period, the person's eligibility for benefits would be terminated; however, this provision would not apply to the use of methadone by a person actively participating in a drug treatment program, as prescribed by the drug treatment program. The commissioner, in consultation with the Commissioner of Health and Senior Services, would be required to adopt regulations to carry out these provisions, including the criteria for determining active participation in and completion of a drug treatment program.

The bill provides that WFNJ cash benefits, less a personal needs allowance, for a person receiving WFNJ benefits who is enrolled in and actively participating in a licensed residential drug treatment program shall be issued directly to the drug treatment provider to offset the cost of drug treatment. Upon completion of the drug treatment program, the cash benefits shall be issued to the person. In the case of a delay in issuing cash benefits to a person who has completed the drug treatment program, the drug treatment provider

shall transmit to the person those funds received on behalf of that person after completion of the drug treatment program.

With respect to persons convicted of any offense that has as an element the *distribution* (as distinguished from possession or use) of a controlled substance who meet the eligibility criteria for WFNJ-GA (single persons and couples without dependent children) or WFNJ-TANF benefits (families with dependent children), the bill provides that they may receive food stamp benefits under the federal food stamp program. Eligibility for food stamps shall be determined by the department and may continue upon the completion of a licensed residential drug treatment program. Also, if the person meets the eligibility criteria for WFNJ-GA benefits, that person may receive medical services only. (WFNJ-TANF recipients already qualify for Medicaid benefits.) The medical services shall not exceed those offered in the WFNJ-GA program. Access to these medical services is limited to the time a person is receiving treatment in a licensed residential drug treatment program.

The same drug testing requirement during treatment and the 60-day period following treatment that applies to persons convicted of possession or use of drugs would apply to those convicted of distribution.

This bill is identical to Senate Bill No. 1493 (1R), which the committee also reports favorably on this date.

FISCAL IMPACT

The Office of Legislative Services is not able to determine the cost of the legislation, as information on the number of persons denied WFNJ benefits due to a conviction for possession, use or distribution of a controlled dangerous substance is not available.

No new State appropriations should be required to fund the legislation, as sufficient FY2000 State appropriations in the WFNJ and Medicaid accounts are available to support any additional costs associated with this legislation.

A WFNJ recipient currently receives approximately \$127 (gross) in monthly cash assistance. Thus, for every 1,000 persons affected by the legislation, approximately \$1.5 million (gross) in cash assistance would be provided on an annual basis. In addition, if such individuals are not eligible for Medicaid, they may be eligible to receive Medicaid benefits through a health maintenance organization at an estimated annual cost of approximately \$1.7 million (gross) for every 1,000 persons. Finally, such persons may be eligible to receive other WFNJ services related to employment, job training and related services to facilitate employment and training. Such costs cannot be determined, as the amount will vary from individual to individual.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 2316

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: DECEMBER 17, 1998

Bill Summary

Assembly Bill No. 2316 (1R) of 1998 amends N.J.S.A.44:10-48 to permit a person who has been convicted of possession, use or distribution of a controlled dangerous substance to receive benefits under the Work First New Jersey (WFNJ) program if the person is enrolled in or has completed a licensed drug treatment program and is otherwise eligible for WFNJ. During the person's active participation in a drug treatment program and the first 60 days after completion of a drug treatment program, the Commissioner of the Department of Human Services (DHS) would provide for drug testing to determine if the person is free of any controlled substance, except in situations where methadone is being prescribed. If the person is determined to not be free of any controlled substance during this period, the person's eligibility for WFNJ benefits would be terminated. In addition, while in inpatient treatment, cash benefits would be issued to the drug treatment program; upon completion of the program, the person would receive the cash benefits.

Agency Comments

DHS and the Office of Management and Budget have not provided any fiscal information on the legislation.

Office of Legislative Services Comments

The Office of Legislative Services is not able to determine the cost of the legislation as information on the number of persons denied WFNJ benefits due to a conviction for possession, use or distribution of a controlled dangerous substance is not available.

No new State appropriations should be required to fund the legislation as sufficient FY 1999 State appropriations in the WFNJ and Medicaid accounts are available to support any additional costs

associated with this legislation.

As a WFNJ recipient currently receives either \$138 (gross) in monthly cash assistance as an employable General Assistance recipient or \$129 (gross) in monthly cash assistance as a Temporary Assistance for Needy Families recipient, for every 1,000 persons affected by the legislation, between \$1.5 and \$1.7 million (gross) in cash assistance would be provided on an annual basis. In addition, such individuals may be eligible for GA medical assistance or Medicaid if TANF eligible, if they are not eligible to receive such benefits. Gross costs for such medical assistance may be between \$1.6 million and \$1.7 million for every 1,000 persons. Finally, such persons may be eligible to receive other WFNJ services related to employment, job training and related services to facilitate employment and training, however these costs cannot be determined as the amount will vary from individual to individual.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

SENATE, No. 1493

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED NOVEMBER 16, 1998

Sponsored by:

Senator WAYNE R. BRYANT

District 5 (Camden and Gloucester)

SYNOPSIS

Allows person convicted of drug offense who enrolls in drug treatment program to qualify for WFNJ benefits.

CURRENT VERSION OF TEXT

As introduced.



S1493 BRYANT

2

1 AN ACT concerning eligibility for the Work First New Jersey program
2 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 as
8 follows:

9 5. a. Only those persons who are United States citizens or eligible
10 aliens shall be eligible for benefits under the Work First New Jersey
11 program. Single adults or couples without dependent children who are
12 legal aliens who meet federal requirements and have applied for
13 citizenship, shall not receive benefits for more than six months unless
14 (1) they attain citizenship, or (2) they have passed the English
15 language and civics components for citizenship, and are awaiting final
16 determination of citizenship by the federal Immigration and
17 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 dependent
21 child shall not be affected by the income or resources of a non-needy
22 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 federal,
29 State, county or local corrective facility or under the custody of
30 correctional authorities, except as provided by regulation of the
31 commissioner;

32 (6) a person who: is fleeing to avoid prosecution, custody or
33 confinement after conviction, under the laws of the jurisdiction from
34 which the person has fled, for a crime or an attempt to commit a crime
35 which is a felony or a high misdemeanor under the laws of the
36 jurisdiction from which the person has fled; or is violating a condition
37 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, as
40 appropriate, under the laws of the jurisdiction involved and which has
41 as an element the possession, use, or distribution of a controlled
42 substance as defined in section 102(6) of the federal "Controlled
43 Substances Act" (21 U.S.C.802 (6)); except that a person convicted

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 of any such offense which has as an element the possession or use only
2 of such a controlled substance may be eligible for benefits if the person
3 enrolls in or has [successfully] completed a licensed drug treatment
4 program [approved by the commissioner]. Eligibility for benefits shall
5 commence upon [completion of the drug treatment program] ~~the~~
6 person's enrollment in the drug treatment program, and shall continue
7 during the person's active participation in, and upon completion of, the
8 drug treatment program, except that during a person's active
9 participation in a drug treatment program and the first 60 days after
10 completion of [the] a drug treatment program, the commissioner shall
11 provide for testing of the person to determine if the person is free of
12 any controlled substance. If the person is determined to not be free of
13 any controlled substance during [the 60-day] this period, the person's
14 eligibility for benefits pursuant to this paragraph shall be terminated;
15 except that this provision shall not apply to the use of methadone by
16 a person who is actively participating in a drug treatment program, as
17 prescribed by the drug treatment program. The commissioner, in
18 consultation with the Commissioner of Health and Senior Services,
19 shall adopt regulations to carry out the provisions of this paragraph,
20 which shall include the criteria for determining active participation in
21 and completion of a drug treatment program.

22 Cash benefits for a person enrolled in a residential drug treatment
23 program shall be issued directly to the drug treatment program. Upon
24 completion of the drug treatment program, the cash benefits shall be
25 issued to the person. In the case of a delay in issuing cash benefits to
26 a person who has completed the drug treatment program, the drug
27 treatment program shall transmit to the person those funds received on
28 behalf of that person;

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

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

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

42 (cf: P.L.1997, c.14, s.5)

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44 2. This act shall take effect immediately.

STATEMENT

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This bill amends N.J.S.A.44:10-48 to permit a person who is otherwise eligible for Work First New Jersey (WFNJ) program benefits, except that the person was convicted of possession or use of a controlled substance, to receive benefits if the person has enrolled in or has completed a licensed drug treatment program.

Under this bill, eligibility for WFNJ benefits would commence upon the person's enrollment in a drug treatment program, and shall continue during the person's active participation in, and upon completion of, the drug treatment program, except that during the person's active participation in a drug treatment program and the first 60 days after completion of a drug treatment program, the commissioner would provide for testing of the person to determine if the person is free of any controlled substance. If the person is determined to not be free of any controlled substance during this period, the person's eligibility for benefits would be terminated; however, this provision would not apply to the use of methadone by a person actively participating in a drug treatment program, as prescribed by the drug treatment program. The commissioner, in consultation with the Commissioner of Health and Senior Services, would be required to adopt regulations to carry out these provisions, including the criteria for determining active participation in and completion of a drug treatment program.

The bill stipulates that WFNJ cash benefits for a person enrolled in a drug treatment program shall be issued directly to the drug treatment program. Upon completion of the drug treatment program, the cash benefits shall be issued to the person. In the case of a delay in issuing cash benefits to a person who has completed a drug treatment program, the drug treatment program shall transmit to the person those funds received on behalf of that person.

This bill expands the potential eligibility for WFNJ benefits of otherwise eligible persons who have been convicted of drug possession or use by allowing them to receive benefits if enrolled in a drug treatment program, instead of limiting eligibility to persons who have actually completed a drug treatment program as current law does.

SENATE SENIOR CITIZENS, VETERANS' AFFAIRS AND
HUMAN SERVICES COMMITTEE

STATEMENT TO

SENATE, No. 1493

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 6, 1999

The Senate Senior Citizens, Veterans' Affairs and Human Services Committee reports favorably and with committee amendments Senate Bill No. 1493.

As amended by committee, this bill permits a person who is otherwise eligible for Work First New Jersey (WFNJ) program benefits, except that the person was convicted of possession or use of a controlled substance, to receive benefits if the person has enrolled in or has completed a licensed residential drug treatment program. Under current law, eligibility is limited to those persons who have actually completed the drug treatment program.

Under this bill, eligibility for WFNJ and federal food stamp benefits would commence upon the person's enrollment in a licensed residential drug treatment program, and shall continue during the person's active participation in, and upon completion of, the drug treatment program, except that during the person's active participation in a drug treatment program and the first 60 days after completion of the drug treatment program, the Commissioner of Human Services would provide for testing of the person to determine if the person is free of any controlled substance. If the person is determined to not be free of any controlled substance during the 60-day, the person's eligibility for benefits would be terminated; however, this provision would not apply to the use of methadone by a person actively participating in a drug treatment program, as prescribed by the drug treatment program. The commissioner, in consultation with the Commissioner of Health and Senior Services, would be required to adopt regulations to carry out these provisions, including the criteria for determining active participation in and completion of a drug treatment program.

The bill provides that WFNJ cash benefits, less a personal needs allowance, for a person receiving WFNJ benefits who is enrolled in and actively participating in a licensed residential drug treatment program shall be issued directly to the drug treatment provider to offset the cost of drug treatment. Upon completion of the drug

treatment program, the cash benefits shall be issued to the person. In the case of a delay in issuing cash benefits to a person who has completed the drug treatment program, the drug treatment provider shall transmit to the person those funds received on behalf of that person after completion of the drug treatment program.

With respect to persons convicted of any offense that has as an element the distribution of a controlled substance, who meet the eligibility criteria for WFNJ-GA (single persons and couples without dependent children) or WFNJ-TANF benefits (families with dependent children), the bill provides that they may receive food stamp benefits under the federal food stamp program. Eligibility for food stamps shall be determined by the department and may continue upon the completion of a licensed residential drug treatment program. Also, if the person meets the eligibility criteria for WFNJ-GA benefits, that person may receive medical services only. The medical services shall not exceed those offered in the WFNJ-GA program. Access to these medical services is limited to the time a person is receiving treatment in a licensed residential drug treatment program.

The committee adopted amendments that require that a person convicted of use or possession be enrolled in or complete a licensed residential drug treatment program in order to receive WFNJ and federal food stamp benefits. Also, the amendments provide for a personal needs allowance for those recipients of WFNJ cash benefits, and require that the cash benefits that are issued directly to the drug treatment provider be used to offset the cost of treatment.

The amendments also provide that, in the case of a person convicted of drug distribution who meets the eligibility criteria for WFNJ-GA or WFNJ-TANF, that person may receive food stamps. In the case of a person convicted of drug distribution who meets the eligibility criteria for WFNJ-GA, that person also may receive medical services. (WFNJ-TANF recipients already qualify for Medicaid benefits.)

As amended by committee, this bill is identical to Assembly Bill No. 2316 (1R) Sca (Vandervalk/Thompson) which the committee also reported favorably on this date.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1493

STATE OF NEW JERSEY

DATED: DECEMBER 6, 1999

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1493 (1R).

This bill permits a person who is otherwise eligible for Work First New Jersey (WFNJ) program benefits, except that the person was convicted of possession or use of a controlled substance, to receive benefits if the person has enrolled in or has completed a licensed residential drug treatment program. Under current law, eligibility is limited to those persons who have actually completed the drug treatment program.

Under this bill, eligibility for WFNJ and federal food stamp benefits would commence upon the person's enrollment in a licensed residential drug treatment program, and shall continue during the person's active participation in, and upon completion of, the drug treatment program, except that during the person's active participation in a drug treatment program and the first 60 days after completion of the drug treatment program, the Commissioner of Human Services would provide for testing of the person to determine if the person is free of any controlled substance. If the person is determined to not be free of any controlled substance during the drug testing period, the person's eligibility for benefits would be terminated; however, this provision would not apply to the use of methadone by a person actively participating in a drug treatment program, as prescribed by the drug treatment program. The commissioner, in consultation with the Commissioner of Health and Senior Services, would be required to adopt regulations to carry out these provisions, including the criteria for determining active participation in and completion of a drug treatment program.

The bill provides that WFNJ cash benefits, less a personal needs allowance, for a person receiving WFNJ benefits who is enrolled in and actively participating in a licensed residential drug treatment program shall be issued directly to the drug treatment provider to offset the cost of drug treatment. Upon completion of the drug treatment program, the cash benefits shall be issued to the person. In the case of a delay in issuing cash benefits to a person who has completed the drug treatment program, the drug treatment provider

shall transmit to the person those funds received on behalf of that person after completion of the drug treatment program.

With respect to persons convicted of any offense that has as an element the *distribution* (as distinguished from possession or use) of a controlled substance who meet the eligibility criteria for WFNJ-GA (single persons and couples without dependent children) or WFNJ-TANF benefits (families with dependent children), the bill provides that they may receive food stamp benefits under the federal food stamp program. Eligibility for food stamps shall be determined by the department and may continue upon the completion of a licensed residential drug treatment program. Also, if the person meets the eligibility criteria for WFNJ-GA benefits, that person may receive medical services only. (WFNJ-TANF recipients already qualify for Medicaid benefits.) The medical services shall not exceed those offered in the WFNJ-GA program. Access to these medical services is limited to the time a person is receiving treatment in a licensed residential drug treatment program.

The same drug testing requirement during treatment and the 60-day period following treatment that applies to persons convicted of possession or use of drugs would apply to those convicted of distribution.

This bill is identical to Assembly Bill No. 2316 (2R), which the committee also reports favorably on this date.

FISCAL IMPACT

The Office of Legislative Services is not able to determine the cost of the legislation, as information on the number of persons denied WFNJ benefits due to a conviction for possession, use or distribution of a controlled dangerous substance is not available.

No new State appropriations should be required to fund the legislation, as sufficient FY2000 State appropriations in the WFNJ and Medicaid accounts are available to support any additional costs associated with this legislation.

A WFNJ recipient currently receives approximately \$127 (gross) in monthly cash assistance. Thus, for every 1,000 persons affected by the legislation, approximately \$1.5 million (gross) in cash assistance would be provided on an annual basis. In addition, if such individuals are not eligible for Medicaid, they may be eligible to receive Medicaid benefits through a health maintenance organization at an estimated annual cost of approximately \$1.7 million (gross) for every 1,000 persons. Finally, such persons may be eligible to receive other WFNJ services related to employment, job training and related services to facilitate employment and training. Such costs cannot be determined, as the amount will vary from individual to individual.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 1493

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: JANUARY 18, 2000

BILL SUMMARY

Senate Bill No.1493 (1R) of 1998 amends N.J.S.A. 44:10-48 to permit a person who has been convicted of possession, use or distribution of a controlled dangerous substance to receive benefits under the Work First New Jersey (WFNJ) program if the person is enrolled in or has completed a licensed drug treatment program and is otherwise eligible for WFNJ. During the person's active participation in a drug treatment program and the first 60 days after completion of a drug treatment program, the Commissioner of the Department of Human Services (DHS) would provide for drug testing to determine if the person is free of any controlled substance, except in situations where methadone is being prescribed. If the person is determined to not be free of any controlled substance during this period, the person's eligibility for WFNJ benefits would be terminated. In addition, while in treatment, cash benefits would be issued to the drug treatment program; upon completion of the program, the person would receive the cash benefits.

AGENCY COMMENTS

DHS and the Office of Management and Budget have not provided any fiscal information on the legislation.

OFFICE OF LEGISLATIVE SERVICES COMMENTS

The Office of Legislative Services (OLS) is not able to determine the cost of the legislation as information on the number of persons denied WFNJ benefits due to a conviction for possession, use or distribution of a controlled dangerous substance is not available.

No new State appropriations should be required to fund the legislation as sufficient FY 2000 State appropriations in the WFNJ and Medicaid accounts are available to support any additional costs associated with this legislation, as discussed in the next paragraph.

As a WFNJ recipient currently receives approximately \$127 (gross) in monthly cash assistance, for every 1,000 persons affected by the legislation, approximately \$1.5 million (gross) in cash assistance would be provided on an annual basis. In addition, if such individuals are not eligible for Medicaid, they may be eligible to receive Medicaid benefits through a health maintenance organization at an estimated annual cost of approximately \$1.7 million (gross) for every 1,000 persons. Finally, such persons may be eligible to receive other WFNJ services related to employment, job training and related services to facilitate employment and training. Such costs cannot be determined as the amount will vary from individual to individual.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.