

Defined term: "Person" § 1-101

SUBTITLE 6. MISCELLANEOUS PROVISIONS.

5-601. ASSISTANCE TO RESIDENT CONVICTED OF CONTROLLED DANGEROUS SUBSTANCE FELONY.

(A) "RESIDENT" DEFINED.

IN THIS SECTION, "RESIDENT" MEANS AN INDIVIDUAL WHO RESIDES IN THIS STATE ON THE DATE THE INDIVIDUAL APPLIES FOR PUBLIC ASSISTANCE.

(B) FEDERAL LAW NOT APPLICABLE.

SUBJECT TO § 5-314 OF THIS TITLE AND AS AUTHORIZED UNDER 21 U.S.C. § 862A(D)(1), THE STATE REMOVES ITSELF FROM THE APPLICATION OF § 115 OF THE FEDERAL PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY ACT OF 1996 TO ALLOW THE DEPARTMENT TO PROVIDE TEMPORARY CASH ASSISTANCE AND FOOD STAMPS TO A RESIDENT WHO HAS BEEN CONVICTED OF A FELONY INVOLVING THE POSSESSION, USE, OR DISTRIBUTION OF A CONTROLLED DANGEROUS SUBSTANCE.

(C) EFFECT OF CONTROLLED DANGEROUS SUBSTANCE CONVICTION.

(1) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, IF A RESIDENT APPLYING FOR TEMPORARY CASH ASSISTANCE OR FOOD STAMPS HAS BEEN CONVICTED OF A FELONY INVOLVING THE POSSESSION, USE, OR DISTRIBUTION OF A CONTROLLED DANGEROUS SUBSTANCE AFTER AUGUST 22, 1996, THE RESIDENT IS SUBJECT TO TESTING FOR SUBSTANCE ABUSE, AS PROVIDED BY THE DEPARTMENT, AND TO TREATMENT AS REQUIRED UNDER § 5-314 OF THIS TITLE FOR 2 YEARS, BEGINNING ON THE DATE OF APPLICATION, TO THE EXTENT AUTHORIZED UNDER FEDERAL LAW.

(2) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, IF A RESIDENT RECEIVING TEMPORARY CASH ASSISTANCE OR FOOD STAMPS IS FOUND TO BE IN VIOLATION OF §§ 5-602 THROUGH 5-609, § 5-612, OR § 5-613 OF THE CRIMINAL LAW ARTICLE, OR 21 U.S.C. § 841, THE RESIDENT IS:

(I) INELIGIBLE FOR TEMPORARY CASH ASSISTANCE OR FOOD STAMPS FOR 1 YEAR AFTER THE DATE OF THE CONVICTION; AND

(II) SUBJECT TO TESTING FOR SUBSTANCE ABUSE, AS PROVIDED BY THE DEPARTMENT, AND TO TREATMENT AS REQUIRED UNDER § 5-314 OF THIS TITLE, FOR 2 YEARS BEGINNING ON THE LATER OF:

1. THE DATE THE INDIVIDUAL IS RELEASED FROM INCARCERATION;
2. THE DATE THE INDIVIDUAL COMPLETES ANY TERM OF PROBATION; OR
3. THE DATE THE INDIVIDUAL COMPLETES ANY TERM OF PAROLE OR MANDATORY SUPERVISION.