



**MICHIGAN
POVERTY
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October 19, 2020

The Honorable Kathy Crawford,
State Representative, and Chair,
House Families, Children and Seniors Committee
State Capitol
P.O. Box 30014
Lansing, MI 48909-7514

Dear Chairwoman Crawford:

I am writing today to respectfully urge you to hold a hearing as soon as possible on Senate Bill 1006, and to support this bill, which eliminates the lifetime ban on individuals convicted of drug-related felonies from receiving food assistance (FAP). I am the public benefits attorney at the Michigan Poverty Law Program (MPLP), the statewide support center for Legal Services programs in Michigan.

A brief review of the legislative history of felony drug convictions and eligibility for food assistance provides context for the current bill. In 1996, federal law 21 USC 862a was passed as part of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. This law denies FAP to individuals convicted of drug-related felonies. However, the federal law also contains an opt-out provision, permitting states to opt out by passing a law stating such. A majority of states have passed such opt-out laws and permit individuals with drug-related felonies to become eligible for Food Assistance. For example, effective July 1, 2019, Indiana revised its opt-out law to permit individuals to receive Food Assistance who have successfully completed the terms of their sentences, including probation and/or parole. If the individual violates any of these terms, the individual is not eligible. By enacting this



legislation, Indiana predicts that about 7,000 individuals will become eligible for Food Assistance, which is 100% federally funded.

Since 2011, Michigan has imposed a lifetime ban on eligibility for food assistance. This ban was retroactive to 1996, meaning that convictions from 1996 to the present caused lifetime ineligibility for food assistance for thousands of individuals. Thankfully, the Legislature took action to change this policy in the 2020-2021 Fiscal Year (FY) budget for the Department of Health and Human Services (Public Act 166 of 2020), by adding new boilerplate, Section 619:

“The department shall not deny title IV-A assistance and food assistance benefits under 21 USC 862a to any individual who has been convicted of a felony that included the possession, use, or distribution of a controlled substance, for which the act that resulted in the conviction occurred after August 22, 1996, if the individual is not in violation of his or her probation or parole requirements.”¹

As you know, the omnibus budget bill was signed into law and became effective on October 1, 2020. The Michigan Department of Health and Human Services quickly changed its written policy to reflect the change by updating its Bridges Eligibility Manual (BEM), removing all language in BEM 203 disqualifying individuals from receiving assistance based on criminal activity involving controlled substances. This is great news and a huge first step, but without an opt-out law codified in the Michigan Compiled Laws, the policy could be up for modification every year with every new budget cycle.

Meaningful criminal justice reform must include repealing civil penalties. Permitting those with felony records to receive public benefits that they would otherwise be eligible for reduces recidivism. According to one study, 91 percent of felons coming out of prison are food insecure, meaning they lack reliable access to food. And a 2017 paper from Harvard University found that recently released felons with full access to public benefits are 10 percent less likely to return to prison within a year.² It is time for Michigan to rejoin the

¹ <http://legislature.mi.gov/documents/2019-2020/publicact/pdf/2020-PA-0166.pdf>

² <https://www.clasp.org/press-room/news-clips/criminal-justice-reform-paves-way-welfare-reform>

ranks of states who recognize that unending civil penalties for individuals who have completed their criminal punishment serve no purpose. It is excessive and unfair. We are extremely grateful to state lawmakers for the recent change in the DHHS budget. Now is the time to establish this policy in statute. Chairwoman Crawford, we urge you to make passage of SB 1006 a priority for the House Families, Children and Seniors Committee this fall.

Thank you for the opportunity to submit these comments. If you would, please share a copy of this letter with your fellow committee members. Please contact me if you have any questions.

Respectfully submitted,

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