

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 727, Page 3, Section 208.018, Line 38, by
2 adding after all of said section and line the following:

3 "208.247. 1. Pursuant to the option granted the state by 21 U.S.C. Section 862a(d), an
4 individual who has pled guilty to or is found guilty under federal or state law of a felony involving
5 possession or use of a controlled substance shall be exempt from the prohibition contained in 21
6 U.S.C. Section 862a(a) against eligibility for food stamp program benefits for such convictions, if
7 such person, as determined by the department:

8 (1) Is currently successfully participating in a substance abuse treatment program approved
9 by the division of alcohol and drug abuse within the department of mental health;

10 (2) Is currently accepted for treatment in and participating in a substance abuse treatment
11 program approved by the division of alcohol and drug abuse, but is subject to a waiting list to receive
12 available treatment, and the individual remains enrolled in the treatment program and enters the
13 treatment program at the first available opportunity;

14 (3) Has satisfactorily completed a substance abuse treatment program approved by the
15 division of alcohol and drug abuse;

16 (4) Is determined by a division of alcohol and drug abuse certified treatment provider not to
17 need substance abuse treatment;

18 (5) Is successfully complying with, or has already complied with, all obligations imposed by
19 the court, the division of alcohol and drug abuse, and the division of probation and parole; and

20 (6) Does not have an additional controlled substance felony offense one year after release
21 from custody or, if not committed to custody, such person does not have an additional controlled
22 substance felony offense one year after the date of conviction.

23 2. Eligibility based upon the factors in subsection 1 of this section shall be based upon
24 documentary or other evidence satisfactory to the department of social services, and the applicant
25 shall meet all other factors for program eligibility.

26 3. The department of social services, in consultation with the division of alcohol and drug
27 abuse, shall promulgate rules to carry out the provisions of this section including specifying criteria
28 for determining active participation in and completion of a substance abuse treatment program.

29 4. The exemption under this section shall not apply to an individual who has pled guilty to or
30 is found guilty of two subsequent felony offenses involving possession or use of a controlled
31 substance after the date of the first controlled substance felony conviction."; and

Action Taken _____ Date _____

- 1 Further amend said bill by amending the title, enacting clause, and intersectional references
- 2 accordingly.