



January 26, 2015

The Honorable S. Chris Jones, Chairman
House Appropriations Committee
Virginia House of Delegates
9th Floor, General Assembly Building
Capitol Square
Richmond, Virginia 23219

Via Email

RE: The Sentencing Project Endorses House Bill 1569

Dear Chairman Jones:

The Sentencing Project, a national criminal justice research and advocacy organization, applauds House Bill 1569 which allows certain persons with felony drug convictions to receive Temporary Assistance for Needy Families (TANF) assistance, promoting their stability and rehabilitation. I urge you to support this legislation, a policy solution that will reduce recidivism and promote public safety. Federal policy gives states the option to lift the ban, but states are required to pass legislation in order to do so.

House Bill 1569 is a measured approach that would result in effective and fair treatment of certain persons with felony drug convictions. In recent years, a number of states have moved to opt out of the federal ban or modify their policies in some capacity.

- Thirteen states¹ have fully opted out of the ban.
- Twenty-four states have modified the federal ban, in some instances requiring individuals to comply with community based treatment before eligibility is restored.²

Virginia is one of only thirteen states that permanently deny TANF assistance benefits to persons with felony drug convictions.³ Denying TANF assistance makes it much more difficult for low income persons with felony drug convictions to support themselves as they leave the criminal justice system and reenter society. By denying such benefits we raise the risk that they may return to criminal activity and drug and alcohol use instead of attaining sobriety and gainful employment.

¹ States include Kansas, Maine, Michigan, New Hampshire, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Vermont, and Wyoming.

² States include Arkansas, Arizona, California, Colorado, Connecticut, Florida, Hawaii, Iowa, Idaho, Indiana, Kentucky, Louisiana, Massachusetts, Maryland, Minnesota, Montana, North Carolina, North Dakota, Nevada, Oregon, Tennessee, Utah, Washington and Wisconsin.

³ Other states include Arkansas, Alabama, Delaware, Georgia, Illinois, Missouri, Mississippi, Nebraska, South Carolina, South Dakota, Texas, and West Virginia.

Research has shown that denying public assistance to persons with felony drug convictions may have troubling public health consequences. One of the few analyses done in this area was a pilot study that examined the relationship between “food insecurity and HIV risk behaviors among individuals recently released from U.S. prisons.” The study found that formerly incarcerated persons who were excluded from certain public benefits programs were more likely to report having gone an entire day without eating than people who lived in states that did not maintain the policy. Furthermore, low income people who lived in states that fully enforced public benefit bans and did not eat for an entire day were more likely to engage in illegal behavior such as using heroin or cocaine before sex or exchanging sex for money.⁴

The Sentencing Project encourages members of the House Appropriations Committee to vote in favor of House Bill 1569. Expanding TANF eligibility to persons with felony drug convictions will strengthen basic needs and help to reduce recidivism. Identifying opportunities to help those in need of these life-sustaining public benefits will allow for successful reentry and improve public safety.

Sincerely,



Nicole D. Porter
Director of Advocacy

cc: House Appropriations Committee

⁴ Emily A. Wang et al. *A Pilot Study Examining Food Insecurity and HIV Risk Behaviors Among Individuals Recently Released from Prison*, 25 AIDS Educ. & Prevention (2013) at 117.