

SENATE BILL REPORT

SB 6211

As Reported by Senate Committee On:
Human Services & Corrections, February 5, 2014

Title: An act relating to the termination of basic food benefits to incarcerated persons.

Brief Description: Concerning the termination of basic food benefits to incarcerated persons.

Sponsors: Senators Fain, Padden, Sheldon, O'Ban, Becker, Dammeier, Brown, Honeyford, Hill and Benton.

Brief History:

Committee Activity: Human Services & Corrections: 1/30/14, 2/05/14 [DPS, w/oRec].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6211 be substituted therefor, and the substitute bill do pass.

Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Hargrove and Padden.

Minority Report: That it be referred without recommendation.

Signed by Senator Darneille, Ranking Member.

Staff: Joan Miller (786-7784)

Background: The Basic Food Program provides benefits under the federally funded Supplemental Nutrition Assistance Program (SNAP), formerly known as food stamps, and the state-funded Food Assistance Program for legal immigrants who meet federal income requirements for eligibility but do not meet federal immigrant eligibility requirements for SNAP.

Public assistance benefits are provided to recipients through an electronic benefits transfer (EBT) card. The benefit amount is electronically added to the card each month. The EBT card can be used at ATMs and also at stores through a point-of-sale machine, similar to how debit cards are used.

When a basic food recipient becomes incarcerated, the impact on eligibility to continue those benefits depends on the recipient's length of time out of the home and on the change reporting requirements. If a recipient moves out of the home for at least a full issuance

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month, then the recipient is not eligible for basic food as part of the assistance unit, unless the household is receiving Transitional Food Assistance.

Washington's Basic Food Program exercises an option under federal law to allow for simplified reporting, which means that between the time a recipient's eligibility is certified and the recipient's annual review, there are few changes that the recipient must report. Five and one-half months after basic food cases are open or approved for annual recertification, the Department of Social and Health Services (DSHS) mails the recipient a mid-certification review form (MCR), which must be completed by the end of the sixth month. If the recipient does not complete the MCR on time, then food assistance would stop immediately. If a recipient is able to complete the MCR while incarcerated, then the recipient would need to report the incarceration status, which would also trigger a close in benefits.

Under simplified reporting rules, the only change a recipient is required to report between the application or annual recertification and the MCR is if the gross monthly income exceeds 200 percent of the federal poverty line for the recipient's household size.

Currently, DSHS does not have an automated data match that allows it to receive prisoner information from local or county jails or Department of Corrections (DOC) facilities regarding recipients of basic food.

Summary of Bill (Recommended Substitute): When a basic food recipient in a one-person household becomes an incarcerated person, DSHS must take appropriate action to terminate the recipient's benefits, including the deactivation of the EBT card provided under the Washington Basic Food Program.

When an incarcerated person is included in the assistance unit of a multiple-person household, DSHS must adjust the basic food benefits of the assistance unit to exclude the incarcerated person.

When the incarcerated person is released from custody, the person is responsible for contacting DSHS to apply for benefits lost while incarcerated.

DSHS must enter into an agreement with the Washington Association of Sheriffs and Police Chiefs (WASPC) and DOC to allow DSHS to data match with WASPC's jail booking and reporting system and DOC's database of incarcerated persons. Data matches must be conducted at least every five days. Records of a person confined in jail may be made available to DSHS for this purpose.

Under this bill, incarcerated person means any person committed to the custody of a DOC facility, a county jail, or a municipal jail for a period of 30 consecutive days or more.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Substitute): The requirement that DSHS must immediately terminate the food benefits of a recipient in a one-person household who becomes incarcerated is removed. Instead, DSHS must take appropriate action to terminate the benefits, including deactivation of the EBT card. A delayed implementation date of January 1, 2015 is added.

Appropriation: None.

Fiscal Note: Requested on January 27, 2014.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on January 1, 2015.

Staff Summary of Public Testimony on Original Bill: CON: The question in my mind about this bill is what problem we are trying to solve? Incarcerated persons are not eligible for food stamps under current law, so why are we creating a process and a bureaucracy to deal with this issue? The fraud rate does not justify this bill or this bureaucratic response. The Washington food stamp error rate was 2.4 percent last year. This percentage includes not only fraud but also administrative error and unintentional error. This means that the amount of actual food stamp fraud in our state is less than 2.4 percent over 540,000 people who receive basic food benefits each month. This bill just adds hoops, both for DSHS who must create forms and rules for data matching, as well as for families. This bill is a solution in search of a problem. We oppose this bill because denying basic food benefits to incarcerated persons is already federal law. Our state's food stamp program is one of the most effective and efficient in the country. It has been recognized by the U.S. Department of Agriculture many times, and is a model for other states. That said, Washington does have a real problem when it comes to hunger and food stamps. The state food assistance program provides 25 percent fewer benefits than it used to. Food banks have seen anywhere from a 30 percent to 90 percent increase in demand over recent years. We urge you to focus on solving these issues instead.

Persons Testifying: CON: Robin Zukoski, Columbia Legal Services; Claire Lane, NW Harvest.