

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 601**

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**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

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ADOPTED FEBRUARY 29, 2016

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**SYNOPSIS**

Revises treatment requirements for convicted drug offenders receiving general assistance benefits under Work First New Jersey program.

**CURRENT VERSION OF TEXT**

As amended on October 20, 2016 by the Senate pursuant to the Governor's recommendations.

(Sponsorship Updated As Of: 11/15/2016)

1 **AN ACT** concerning eligibility for Work First New Jersey General  
2 Assistance benefits and amending P.L.1997, c.14.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 5 of P.L.1997, c.14 (C.44:10-48) is amended to read  
8 as follows:

9 5. a. Only those persons who are United States citizens or  
10 eligible aliens shall be eligible for benefits under the Work First  
11 New Jersey program. Single adults or couples without dependent  
12 children who are legal aliens who meet federal requirements and  
13 have applied for citizenship, shall not receive benefits for more than  
14 six months unless (1) they attain citizenship, or (2) they have passed  
15 the English language and civics components for citizenship, and are  
16 awaiting final determination of citizenship by the federal  
17 Immigration and Naturalization Service.

18 b. The following persons shall not be eligible for assistance and  
19 shall not be considered to be members of an assistance unit:

20 (1) non-needy caretakers, except that the eligibility of a  
21 dependent child shall not be affected by the income or resources of  
22 a non-needy caretaker;

23 (2) Supplemental Security Income recipients, except for the  
24 purposes of receiving emergency assistance benefits pursuant to  
25 section 8 of P.L.1997, c.14 (C.44:10-51);

26 (3) illegal aliens;

27 (4) other aliens who are not eligible aliens;

28 (5) a person absent from the home who is incarcerated in a  
29 federal, State, county or local corrective facility or under the  
30 custody of correctional authorities, except as provided by regulation  
31 of the commissioner;

32 (6) a person who: is fleeing to avoid prosecution, custody or  
33 confinement after conviction, under the laws of the jurisdiction  
34 from which the person has fled, for a crime or an attempt to commit  
35 a crime which is a felony or a high misdemeanor under the laws of  
36 the jurisdiction from which the person has fled; or is violating a  
37 condition of probation or parole imposed under federal or state law;

38 (7) a person convicted on or after August 22, 1996 under federal  
39 or state law of any offense which is classified as a felony or crime,  
40 as appropriate, under the laws of the jurisdiction involved and  
41 which has as an element the possession, use, or distribution of a  
42 controlled substance as defined in section 102(6) of the federal  
43 "Controlled Substances Act" (21 U.S.C. s.802 (6)), who would

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

**<sup>1</sup> Senate amendments adopted in accordance with Governor's recommendations October 20, 2016.**

1 otherwise be eligible for general public assistance pursuant to  
2 P.L.1947, c.156 (C.44:8-107 et seq.); except that such a person  
3 **【who is convicted of any such offense which has as an element the**  
4 **possession or use only of such a controlled substance may】** <sup>1</sup>**【shall】**  
5 who is convicted of any such offense which has as an element the  
6 possession or use only of such a controlled substance may<sup>1</sup> be  
7 eligible for Work First New Jersey general public assistance  
8 benefits if the person enrolls in or has completed a licensed  
9 residential or outpatient drug treatment program. An otherwise  
10 eligible individual who has a past drug conviction shall be eligible  
11 for general public assistance without enrolling in or completing a  
12 drug treatment program if either: (1) an appropriate treatment  
13 program is not available; or (2) the person is excused from enrolling  
14 in a treatment program for good cause pursuant to regulation.

15 Eligibility for benefits for a person entering a licensed  
16 **【residential】** drug treatment program which does not operate in a  
17 State correctional facility or county jail shall commence upon the  
18 person's enrollment in the drug treatment program, and shall  
19 continue during the person's active participation in, and upon  
20 completion of, the drug treatment program, except that during the  
21 person's active participation in a drug treatment program and the  
22 first 60 days after completion of a drug treatment program, the  
23 commissioner shall provide for testing of the person to determine if  
24 the person is free of any controlled substance. If the person is  
25 determined to not be free of any controlled substance during the 60-  
26 day period, the person's eligibility for benefits pursuant to this  
27 paragraph shall be terminated; except that this provision shall not  
28 apply to the use of **【methadone】** prescription drugs by a person who  
29 is actively participating in a drug treatment program, as prescribed  
30 by the drug treatment program. The commissioner **【,** in  
31 consultation with the Commissioner of Health and Senior  
32 Services,**】** shall adopt regulations to carry out the provisions of this  
33 paragraph, which shall include the criteria for determining active  
34 participation in and completion of a drug treatment program.

35 Eligibility for benefits for a person who completes a licensed  
36 residential drug treatment program which operates in a State  
37 correctional facility or county jail, in accordance with section 1 of  
38 P.L.2014, c.1 (C.26:2B-40), shall commence upon release from  
39 incarceration.

40 Cash benefits, less a personal needs allowance, for a person  
41 receiving general public assistance benefits under the Work First  
42 New Jersey program who is enrolled in and actively participating in  
43 a licensed <sup>1</sup>**【residential】**<sup>1</sup> drug treatment program shall be issued  
44 directly to the drug treatment provider to offset the cost of  
45 treatment. Upon completion of the drug treatment program, the  
46 cash benefits shall be then issued to the person. In the case of a  
47 delay in issuing cash benefits to a person receiving Work First New

1 Jersey general public assistance benefits who has completed the  
2 drug treatment program, the drug treatment provider shall transmit  
3 to the person those funds received on behalf of that person after  
4 completion of the drug treatment program;

5 (8) a person found to have fraudulently misrepresented his  
6 residence in order to obtain means-tested, public benefits in two or  
7 more states or jurisdictions, who shall be ineligible for benefits for  
8 a period of 10 years from the date of conviction in a federal or state  
9 court; or

10 (9) a person who intentionally makes a false or misleading  
11 statement or misrepresents, conceals or withholds facts for the  
12 purpose of receiving benefits, who shall be ineligible for benefits  
13 for a period of six months for the first violation, 12 months for the  
14 second violation, and permanently for the third violation.

15 c. A person who makes a false statement with the intent to  
16 qualify for benefits and by reason thereof receives benefits for  
17 which the person is not eligible is guilty of a crime of the fourth  
18 degree.

19 d. Pursuant to the authorization provided to the states under 21  
20 U.S.C. s.862a(d)(1), this State elects to exempt from the application  
21 of 21 U.S.C. s.862a(a):

22 (1) needy persons and their dependent children domiciled in  
23 New Jersey for the purposes of receiving benefits under the Work  
24 First New Jersey program and food assistance under the federal  
25 "Food and Nutrition Act of 2008," Pub.L.110-234 (7 U.S.C. s.2011  
26 et seq.); and

27 (2) single persons and married couples without dependent  
28 children domiciled in New Jersey for the purposes of receiving food  
29 assistance under Pub.L.110-234.

30 (cf: P.L.2014, c.1, s.2)

31

32 2. The Commissioner of Human Services shall, pursuant to the  
33 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
34 seq.), adopt rules and regulations to effectuate the purposes of this  
35 act.

36

37 3. This act shall take effect immediately.