

[First Reprint]  
ASSEMBLY, No. 251

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman GARCIA

1 **ANACT** suspending general public assistance benefits upon conviction  
2 for a drug offense and supplementing P.L.1947, c.156 (C.44:8-107  
3 et seq.) and P.L.1987, c.106 (C.2C:35-1 et al.).

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

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8 1. a. A person who is eligible for or receiving benefits under the  
9 program of general public assistance established pursuant to P.L.1947,  
10 c.156 (C.44:8-107 et seq.), and who is convicted of, or enters a plea  
11 of guilty to a charge of, an offense under the "Comprehensive Drug  
12 Reform Act of 1987," P.L.1987, c.106 (C.2C:35-1 et al.), involving  
13 the use, possession, manufacture, dispensing or distribution of a  
14 controlled dangerous substance, controlled dangerous substance  
15 analog or drug paraphernalia, is subject to a suspension of cash general  
16 public assistance benefits for the period commencing on the first day  
17 of the first full month following the date on which a period of  
18 probation begins and ending on the last day of the month in which the  
19 term of the period of probation to which the person is sentenced ends,  
20 except as provided under subsection b. of this section, at the  
21 conclusion of which period the person's cash general public assistance  
22 benefits shall be reinstated, if otherwise eligible for benefits.

23 Nothing in this section shall be construed to deny a public  
24 assistance recipient any benefits other than the cash assistance  
25 provided by the program of general public assistance.

26 If the person is convicted of, or enters a plea of guilty to a charge  
27 of, an offense specified in this section, a second time, the person shall  
28 forfeit any eligibility for benefits under the program of general public  
29 assistance, unless he demonstrates that he is receiving or seeking  
30 treatment for the substance abuse problem.

31 b. Before suspending a convicted person's benefits under

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and 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> Assembly ACO committee amendments adopted January 29, 1996.**

1 subsection a. of this section, the municipal welfare agency shall  
2 determine whether the person has a drug addiction and promptly refer  
3 the person to a substance abuse treatment program, if available. Any  
4 convicted person who is participating in a substance abuse treatment  
5 program or who is willing to participate in a substance abuse treatment  
6 program when the program becomes available shall continue to receive  
7 benefits during the period of probation. In the case of a convicted  
8 person who is determined not to have a drug addiction by the  
9 municipal welfare agency, the person shall forfeit any eligibility for  
10 benefits under the program of general public assistance for the period  
11 commencing on the first day of the first full month following the date  
12 on which a period of probation begins and ending on the last day of  
13 the month in which the term of the period of probation to which the  
14 person is sentenced ends.

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

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21 3. The <sup>1</sup>[prosecutor] probation department<sup>1</sup> in the county in which  
22 a term of probation is given in a sentence for a conviction or a plea of  
23 guilty to a charge of an offense under the "Comprehensive Drug  
24 Reform Act of 1987," P.L.1987, c.106 (C. 2C:35-1 et al.), involving  
25 the use, possession, manufacture, dispensing or distribution of a  
26 controlled dangerous substance, controlled dangerous substance  
27 analog or drug paraphernalia, shall ascertain whether the person is a  
28 recipient of benefits under the program of general public assistance  
29 established pursuant to P.L.1947, c.156 (C.44:8-107 et seq.). Upon  
30 determining that the person is a recipient, the <sup>1</sup>[prosecutor] probation  
31 department<sup>1</sup> shall immediately notify in writing the municipal welfare  
32 agency of the municipality in which the person receives benefits. The  
33 notice shall indicate, in addition to any information necessary to  
34 identify the person, the first and last date of the period of probation to  
35 which the person is sentenced, and the offense for which the person  
36 was convicted.

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38 4. The New Jersey Supreme Court, in consultation with the  
39 Commissioner of Human Services, shall adopt rules and regulations to  
40 effectuate the purposes of section 3 of P.L. , c. (C. )  
41 (pending before the Legislature as this bill).

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43 5. This act shall take effect immediately.

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3 Suspends general assistance benefits to persons convicted of a drug  
4 offense.