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## DIGEST

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HB 263 Original

2016 Regular Session

Mack

**Abstract:** Prohibits persons who have been convicted of, or have pled guilty or nolo contendere to, more than one felony offense from receiving certain public benefits.

### General provisions

Proposed law provides that its purpose is to provide appropriate regulations for publicly funded benefit programs.

Proposed law provides definitions for the terms "criminal history", "federal public benefit", and "state or local public benefit".

Proposed law requires each agency, department, board, commission, and political subdivision of the state which administers a program providing a federal, state, or local public benefit to submit to the legislature an annual report addressing compliance with the prohibition provided in proposed law on issuance of public benefits to persons who have been convicted of, or pled guilty or nolo contendere to, more than one felony offense. Requires that these entities submit the first such report on or before Jan. 1, 2017.

### Prohibition on issuance of public benefits

Proposed law provides that with certain exceptions specified therein, notwithstanding any provision of present law to the contrary, no person 18 years of age or older who has been convicted of, or pled guilty or nolo contendere to, more than one felony offense shall be eligible for any federal, state, or local public benefit in this state.

Proposed law stipulates that if an eligibility standard with respect to criminal history for a public benefit is more restrictive than the standard provided in proposed law, then the more restrictive eligibility standard shall prevail.

Proposed law requires each agency, department, board, commission, and political subdivision of the state to review the criminal history of each person 18 years of age or older who applies or seeks recertification for a federal, state, or local public benefit prior to approving issuance of the benefit.

Proposed law provides that if an agency, department, board, commission, or political subdivision determines that a person is subject to the public benefits eligibility prohibition provided in proposed law, then it shall not provide the public benefit to the person. Provides further that it shall be

unlawful for any state entity to provide a public benefit in violation of proposed law.

Proposed law authorizes each agency, department, board, commission, and political subdivision of the state which administers a program providing a federal, state, or local public benefit to promulgate all rules and regulations in accordance with the Administrative Procedure Act as may be necessary to implement the provisions of proposed law. Provides further that these state entities may cooperate with the La. Bureau of Criminal Identification and Information in promulgating the administrative rules authorized in proposed law.

Proposed law provides that its provisions shall be enforced without regard to race, religion, gender, ethnicity, or national origin.

### **Exceptions**

Proposed law stipulates that the prohibition on public benefits eligibility based on felony offenses provided therein shall not apply in cases involving any of the following assistance, benefits, programs, and services:

- (1) Treatment of an emergency medical condition as defined in federal law.
- (2) Short-term, noncash, in-kind emergency disaster relief.
- (3) Public health assistance for certain immunizations and for testing and treatment of symptoms of communicable diseases.
- (4) A program, service, or assistance such as that provided by a soup kitchen, a crisis counseling and intervention service, or short-term shelter specified by federal law or regulation that meets all of the following qualifications:
  - (a) Delivers in-kind services at the community level, including services through public or private nonprofit agencies.
  - (b) Does not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources.
  - (c) Provides services that are necessary for the protection of life or safety.
- (5) Competency restoration services and mental health treatment for uninsured forensic patients who are remanded to the state through criminal proceedings.
- (6) Health services for persons who are incarcerated.

(7) Any retirement benefit or survivor benefit provided for in present law.

(Adds R.S. 36:21-26)