



TESTIMONY OF HALEY KOTTLER
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HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE
IN SUPPORT OF HB 2215
JANUARY 26, 2022

Members of the House Committee on Corrections and Juvenile Justice:

My name is Haley Kottler; I am a Campaign Director for Kansas Appleseed Center for Law and Justice, a nonprofit, nonpartisan organization dedicated to the belief that Kansans, working together, can build a state full of thriving, inclusive, and just communities.

Kansas Appleseed supports HB 2215. This bill would allow people in Kansas with more than one felony drug conviction to receive food assistance. Currently anyone with more than one felony drug conviction is banned for life from receiving food assistance in Kansas.

Food insecurity continues to rise. Estimates show that 1 in 8 Kansans is food insecure, meaning they may not know where their next meal may come from. In some parts of the state, such as Southeast Kansas, this number is a staggering 1 in 6 Kansans and 1 in 4 Kansans kids facing food insecurity.¹

All Kansans deserve access to food- no matter their past. Withholding SNAP benefits due to drug felonies is punitive far beyond the punishment that a person has already served. HB 2215 is a sound policy that will allow more Kansans to put food on the tables for themselves and their families. If we really want to create a thriving Kansas where no one goes hungry, we must do everything we can to put food on Kansans tables.

The reality is that SNAP is one of the most effective programs to keep Kansans out of poverty. We can no longer ignore the harsh realities people with drug felonies experience. You will hear some of their stories today. How can we ensure Kansans are on a road to success if our state continues to withhold much-needed resources that are proven to keep them healthy, thriving, and successful?

¹ Kansas Appleseed. "Hunger in Southeast Kansas." 2021. https://www.kansasappleseed.org/uploads/2/1/9/2/21929892/sek_hunger__1_.pdf

Background:

The current Kansas law under K.S.A. 39-709(b)(13) prevents food assistance from being provided to anyone who has been convicted of a drug felony (defined as any felony offense, an element of which includes the manufacture, cultivation, distribution, possession or use of a controlled substance or controlled substance analog). After a first drug felony conviction you can maintain food assistance if you enroll and participate in a drug treatment program approved by the DCF secretary, submit to and pass a drug test, and agree to submit to additional drug testing if requested by DCF pursuant to a drug testing plan. After a second or subsequent drug felony conviction, you are banned for life from receiving food assistance.

HB 2215 strikes out the entire subsection and replaces it with the following language:

“A person shall not be denied food assistance solely because such person has been convicted of a drug-related felony. The secretary for children and families shall submit to the federal government any approval request required to implement the provisions of this paragraph.”

The DCF secretary is required to submit a request to the federal government for this because of the federal welfare reform law passed in 1996 - the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). The act imposes a default lifetime ban on SNAP (food assistance) and TANF (cash assistance) for those with a drug felony conviction. States, however, can opt to remove or modify this federal ban. Currently, every state and DC has modified the ban except for South Carolina.

Why is this important?

Drug felony bans do not deter drug use or drug crime. For example, one study of women with drug convictions or pending felony drug charges found that not a single one of the 26 women interviewed was aware prior to her involvement with the criminal justice system that a felony drug conviction could lead to a loss in SNAP or TANF benefits. 92% of the women reported that even if they had known of the ban, it “would not have acted as a deterrent during active addiction.”²

Drug felony bans on food access keep people in poverty. A 2016 study showed that predicted probabilities of poverty among people with drug convictions are almost double in states that have a full ban on SNAP benefits than in states with no drug ban, even after controlling for individual and state characteristics ³

² Mauer, M. “A Lifetime of Punishment: The Impact of the Felony Drug Ban on Welfare Benefits.” Sentencing Project. 2013.
<http://www.sentencingproject.org/publications/a-lifetime-of-punishment-the-impact-of-the-felony-drug-ban-on-welfare-benefits/>

³ Sheely, A. “State supervision, punishment and poverty: The case of drug bans on welfare receipt.” Punishment & Society. 2020.
<http://journals.sagepub.com/doi/pdf/10.1177/1462474520959433>

Food assistance reduces crime. Research shows that food assistance access for those with drug felonies reduces the risk of returning to prison by approximately 10%.⁴

Racial Equity. Black and Latino/a people are more likely to be convicted of drug-related crimes despite clear evidence that White, Black, and Latino/a populations have similar rates of drug use.⁵

Cost. Given the current recidivism rates, drug felony prisoner rates, and research around reductions in food assistance related recidivism, our analysis shows an estimated 60 fewer people would be incarcerated per year if this bill was passed - saving approximately \$1,750,000 annually just in incarceration costs.

The Economy. Every dollar in food assistance benefits used generates an estimated \$1.54 in economic activity.⁶ Given the average monthly SNAP benefit in SFY 2022 of \$256.85, if 60 more people received SNAP that would generate an estimated \$284,795 more in annual economic activity.

Health. Food assistance is strongly correlated with improved health outcomes and lower overall health care expenditures.⁷ People lacking access to adequate food at some point during the year due to limited resources spend an average of nearly \$2,000 more per year on medical care than people in food-secure households, and SNAP participants are more likely to report excellent or very good health than non-participants with similar income.⁸

Conclusion

HB 2215 is good policy for the state of Kansas. Losing access to food, no matter one's past, does not help. Access to food assistance for those who need it helps all of Kansas to thrive. For these reasons, we urge you to support HB 2215 and recommend its passage.

⁴ Yang, C. "Does Public Assistance Reduce Recidivism?" American Economic Review. 2017.
<http://pdfs.semanticscholar.org/8f28/e331e2a798686bf340b26af04f9282ae6e00.pdf>

⁵ U.S. Department of Health & Human Services: Substance Abuse & Mental Health Services Administration. "Results from the 2011 National Survey on Drug Use and Health: Survey of National Findings." 2012.
<https://www.samhsa.gov/data/sites/default/files/Revised2k11NSDUHSummNatFindings/Revised2k11NSDUHSummNatFindings/NSDUHresults2011.htm>

⁶ Canning, P. & Mentzer Morrison, R. "Quantifying the Impact of SNAP Benefits on the U.S. Economy and Jobs." U.S. Department of Agriculture Economic Research Service. 2019.

<http://www.ers.usda.gov/amber-waves/2019/july/quantifying-the-impact-of-snap-benefits-on-the-us-economy-and-jobs/>

⁷ Carlson, S. & Keith-Jennings, B. "SNAP Is Linked with Improved Nutritional Outcomes and Lower Health Care Costs." Center on Budget and Policy Priorities. 2018.

<https://www.cbpp.org/research/food-assistance/snap-is-linked-with-improved-nutritional-outcomes-and-lower-health-care>

⁸ Id.