



Rep. Mary E. Flowers

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09800HB0641ham002

LRB098 03464 KTG 43555 a

1 AMENDMENT TO HOUSE BILL 641

2 AMENDMENT NO. _____. Amend House Bill 641 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Aid Code is amended by
5 changing Section 1-10 as follows:

6 (305 ILCS 5/1-10)

7 Sec. 1-10. Drug convictions.

8 (a) Persons convicted of an offense under the Illinois
9 Controlled Substances Act, the Cannabis Control Act, or the
10 Methamphetamine Control and Community Protection Act which is a
11 Class X felony, or a Class 1 felony, or comparable federal
12 criminal law which has as an element the possession, use, or
13 distribution of a controlled substance, as defined in Section
14 102(6) of the federal Controlled Substances Act (21 U.S.C.
15 802(c)), shall not be eligible for cash assistance provided
16 under this Code. The Department may exempt persons applying for

1 cash assistance from this prohibition under the following
2 circumstances:

3 (1) If the Class X or Class 1 felony conviction
4 occurred 5 years prior to the date of application for cash
5 assistance.

6 (2) If the person has no subsequent criminal
7 conviction.

8 (3) If the person is satisfactorily serving a sentence
9 of a period of probation or is in the process of completing
10 or has completed mandatory participation in a drug or
11 alcohol treatment program, or if the person has taken
12 action towards rehabilitation, such as participation in a
13 drug treatment program, aftercare program, or similar
14 program as defined by rule.

15 (b) Persons convicted of any other felony under the
16 Illinois Controlled Substances Act, the Cannabis Control Act,
17 or the Methamphetamine Control and Community Protection Act
18 which is not a Class X or Class 1 felony, or comparable federal
19 criminal law which has as an element the possession, use, or
20 distribution of a controlled substance, as defined in Section
21 102(6) of the federal Controlled Substances Act (21 U.S.C.
22 802(c)), shall not be eligible for cash assistance provided
23 under this Code ~~for 2 years from the date of conviction~~. This
24 prohibition shall not apply if the person is satisfactorily
25 serving a sentence of a period of probation or is in the
26 process of completing or has completed mandatory participation

1 in a drug treatment program, or if the person has taken action
2 towards rehabilitation, such as participation in a drug
3 treatment program, aftercare program, or similar program as
4 defined by rule.

5 (c) Persons shall not be determined ineligible for food
6 stamps provided under this Code based upon a conviction of any
7 felony or comparable federal or State criminal law which has an
8 element the possession, use or distribution of a controlled
9 substance, as defined in Section 102(6) of the federal
10 Controlled Substance Act (21 U.S.C. 802(c)).

11 (Source: P.A. 94-556, eff. 9-11-05.)".