

# Reducing Recidivism by Ending the Federal Lifetime Drug Felony Ban on SNAP and TANF in Mississippi

In 1996, Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act, which disqualified individuals convicted of a state or federal drug felony from receiving Supplemental Nutrition Assistance (SNAP, formerly called food stamps) and Temporary Assistance for Needy Families (TANF) **for life—unless their state legislature opts out.**<sup>i</sup> Since then, 47 state legislatures have opted out or limited the scope of the ban. **Today, only Mississippi, West Virginia, and South Carolina operate under the full ban.**

## SNAP and TANF Support Reentry

Many individuals reentering society struggle with hunger, food insecurity (the absence of access at all times to enough food for a healthy and active life), and economic instability—significant risk factors for recidivism.<sup>ii</sup> SNAP and TANF ease these significant barriers to reentry by providing modest food and economic assistance<sup>iii</sup> to help individuals afford groceries and other basic needs, as well as employment and job-readiness training to aid in securing and maintaining stable employment. Emerging evidence suggests that fully lifting the SNAP and TANF ban greatly reduces the risk of recidivism for newly released individuals with drug felony convictions.<sup>iv</sup>

The SNAP/TANF drug felony ban's exacerbating effects on hunger, economic instability, and unemployment is antithetical to the key mission of drug courts and other diversionary programs to support successful reentry and recovery from substance use disorders, including opioid dependency. Many individuals with drug felonies were convicted for possession of controlled substances or other offenses resulting from substance use disorders, before drug courts and other diversionary programs existed.

## Disparate Impact on Women & Children

Women—especially single mothers—are significantly more likely than men to participate in SNAP or TANF during their lifetimes but are also more likely to receive a drug felony conviction, disqualifying them from assistance.<sup>v</sup> By denying otherwise eligible parents SNAP and TANF, the federal drug felony ban significantly reduces total household food and economic

assistance below intended per-person levels, punishing entire families with material hardships including food insecurity and hunger. These conditions—which impair children's physical and mental health, cognitive development, and ability to learn—can prevent family reunification after incarceration, cost-burdening Mississippi's foster care system.

On average, participants stay on SNAP and TANF for less than a year while they get back on their feet, but thousands of Mississippians could be harmed by the ban during their lifetimes. As of 2017, an estimated 67,376 Mississippians who had state drug felony convictions could be affected by the federal SNAP ban at some point in their lives.<sup>vi</sup> As of 2011, an estimated 5,200 women statewide could be impacted by the TANF ban during their lifetimes.<sup>vii</sup>

## Opting Out Has Minimal State Costs

SNAP benefits are 100 percent federally funded. The Mississippi Department of Human Services must currently screen applicants for drug felony convictions—an administrative burden. Lifting the ban would reduce recidivism and its significant costs to correctional and foster care systems.

## Policy Recommendation

Lifting the SNAP and TANF drug felony ban in Mississippi would significantly decrease recidivism and lift a lifetime punishment that heightens hunger, unemployment, and economic instability, especially for women and their families, with significant costs to Mississippi. The Mississippi Center for Justice respectfully urges the Reentry Council to support state legislation that would address the federal SNAP/TANF drug felony ban, including H.B. 1360 and S.B. 2526 (2019).

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## Resources

<sup>i</sup> 21 U.S.C.A. § 862a (1996) (specifically disqualifying individuals convicted of a state or federal felony involving the “possession, use or distribution of a controlled substance” after August 22, 1996).

<sup>ii</sup> See, e.g., Emily Wang et. al, *A Pilot Study Examining Food Insecurity and HIV Risk Behaviors Among Individuals Recently Released from Prison*, 25(2) AIDS EDUC. PREV. 112–123 (2013) (finding that 91 percent of individuals recently released from prison reported food insecurity and 37 percent reported not having eaten enough for an entire day because they lacked sufficient money).

<sup>iii</sup> See *State-Level Monthly Data: Persons, Households, Benefits, and Average Monthly Benefit Per Person & Household*, U.S. DEPT. OF AGRICULTURE FOOD & NUTRITION SERV. (Sept. 2018), available at <https://www.fns.usda.gov/pd/supplemental-nutrition-assistance-program-snap> (between 2017 and 2018, the average monthly SNAP benefit in Mississippi was \$112—equivalent to about \$1.30 per meal).

<sup>iv</sup> Crystal S. Lang, *Does Public Assistance Reduce Recidivism?* 107(5) AM. ECON. REV. (2017), available at [http://www.law.harvard.edu/programs/olin\\_center/papers/pdf/Yang\\_920.pdf](http://www.law.harvard.edu/programs/olin_center/papers/pdf/Yang_920.pdf) (fully lifting the SNAP ban reduced the likelihood that newly released individuals with drug felonies will return to prison within a year by 2.2 percentage points relative to ex-nondrug offenders—a 13.1 percent decrease from the drug offender mean. Restoring TANF eligibility decreased recidivism by 1.7 percentage points compared to those with nondrug felonies—a 10.1 percent decrease from the drug offender mean).

<sup>v</sup> Marc Mauer & Virginia McCalmont, *A Lifetime of Punishment: The Impact of the Felony Drug Ban on Welfare Benefits*, The Sentencing Project 1–10, 4 (2015).

<sup>vi</sup> Email from Zach Scruggs, Executive Director of 2nd Chance MS, Inc., to Madeline Morcelle, Staff Attorney, Mississippi Center for Justice (Oct. 25, 2018, 11:45 CT) (estimating the number of individuals affected by the drug felony ban on SNAP using data from the Mississippi Department of Corrections).

<sup>vii</sup> Mauer & McCalmont, *supra* note v at 5.

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