

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



June 28, 1996

ALL-COUNTY LETTER NO. 96-35

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY DISTRICT ATTORNEYS

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order or Settlement Agreement
- Clarification Requested One or More Counties
- Initiated by CDSS

SUBJECT: ENHANCED INTENTIONAL PROGRAM VIOLATION (IPV) SANCTIONS IN THE FOOD STAMP PROGRAM

This All-County Letter is to notify counties of regulation changes in the Food Stamp Program based upon Public Law 103-66, Section 13942 of the Mickey Leland Childhood Hunger Relief Act.

These changes provide increased penalties for trading and/or selling Food Stamps for controlled substances, firearms, ammunitions and/or explosives. These changes are effective January 12, 1996.

Currently, people who are found to have committed an Intentional Program Violation are disqualified for Food Stamp benefits for six months for the first offense, twelve months for the second offense, and permanently for the third offense. The attached regulation change provides a twelve month sanction period for the first offense of trading Food Stamps for a controlled substance and permanent disqualifications for the second offense of trading Food Stamps for a controlled substance. Permanent disqualifications are also provided for the first offense of trading Food Stamps for firearms, ammunition and/or explosives.

These penalties can only be imposed for individuals found guilty in federal, State or local court. These penalties cannot be imposed based upon an administrative hearing.

These additional penalty periods have been incorporated into the Notice of Administrative Disqualification, form #DFA 377.7A, which accompanied All County Letter 95-81.

If you have any questions regarding this increase in penalties in the Food Stamp Program, please contact Mr. Dave Hessler of the Fraud Bureau at (916) 445-0946.

BRUCE WAGSTAFF
Deputy Director
Welfare Programs Division

Attachment

Amend Section 20-300.31 to read:

20-300 INTENTIONAL PROGRAM VIOLATIONS IN THE FOOD STAMP PROGRAM

20-300

- .1 Definition: Intentional Program Violation (Continued)
- .2 County Responsibilities (Continued)
- .3 Disqualification Penalties

.31 Individuals found to have committed an intentional Program violation ~~either through an administrative disqualification hearing or by a court of appropriate jurisdiction~~ shall be ineligible to participate in the Food Stamp Program as follows:

§.311 Except as specified in Sections 20-300.312 and .313, §six months for the first violation, twelve months for the second violation, and permanently for the third violation.

(a) For the penalties specified in Section 20-300.311 above, the individual(s) shall have been found to have committed the intentional Program violation either through an administrative disqualification hearing or by a court of appropriate jurisdiction.

§.312 Twelve months for the ~~second violation~~ first occasion of trading food stamps for a controlled substance, as defined in Section 102 of the Controlled Substance Act (21 USC 802).

HANDBOOK BEGINS HERE

21 USC 802(6) provides:

"The term 'controlled substance' means a drug or other substance, or immediate precursor, included in schedule I, II, III, IV, or V of part B of this subchapter. The term does not include distilled spirits, wine, malt beverages, or tobacco, as those terms are defined or used in subtitle E of the Internal Revenue Code of 1954."

HANDBOOK ENDS HERE

(a) For the penalties specified in Section 20-300.312 above, the individual(s) shall have been found to have committed the intentional Program violation by a court of appropriate jurisdiction.

d.313 Permanently for the ~~first violation~~ second occasion of trading food stamps for a controlled substance:

or

for the first occasion of trading food stamps for firearms, ammunition, or explosives.

(a) For the penalties specified in Section 20-300.313 above, the individual(s) shall have been found to have committed the intentional Program violation by a court of appropriate jurisdiction. (Continued)

Authority Cited: Sections 10554 and 18901, Welfare and Institutions Code.

Reference: Public Law (P.L.) 103-66, Section 13942; and 21 USC 802.