

Chapter 3

➤ ***Convicted of a Felony Offense That Occurred After 8/22/96 Involving a Controlled Substance***

The offense involved one of the following elements due to the possession, use or distribution of a controlled substance as defined by Section 802 (6) of the Controlled Substance Act:

- Misuse of SNAP benefits
- Loss of life
- The causing of physical injury

This does not include convictions which have since been expunged or reduced to lesser convictions as part of a criminal offense reduction program.

House Bill 2459 was passed by the West Virginia Legislature on February 20, 2019. This law requires that individuals with drug felonies, that do not include any of the three elements listed above be eligible for SNAP benefits. This law is effective 90 days from passage. In order for a convicted drug felon to be eligible for SNAP benefits in May 2019, the application must be received on or after May 21, 2019.

Period of ineligibility: Permanent exclusion

There is no period of ineligibility for a drug felony conviction, that does not result in misuse of SNAP benefits, loss of life or the causing of physical injury.

➤ ***Conviction of Certain Felonies when Individuals are out of Compliance with the Terms of their Sentence for Conduct Occurring after February 7, 2014***

Effective June 14, 2019, individuals who are convicted of any of the following offenses and are not in compliance with the terms of their sentence are ineligible for SNAP.

- Section 2241 of Title 18, United States Code – Aggravated Sexual Abuse
- Section 1111 of Title 18, United States Code – Murder
- Chapter 110 of Title 18, United States Code – Sexual Exploitation and other Abuse of Children
- Section 40002(a) the Violence Against Women Act of 1994, i.e. sexual assault, gender-based attacks, domestic sex-crimes, sex trafficking

- Any offense under State law determined by the Attorney General to be substantially similar to an offense listed above

Period of ineligibility: Ineligible while identified in this category.

Individuals are required to self-attest at application and redetermination whether they or any other member of their household have been convicted of such crimes and are complying with the terms of their sentence. This self-attestation can be made in writing, verbally, or both. This information must be documented in the case record. The individual should not be required to come to the office solely to self-attest this information. If verification is not received timely, the Agency must process the application without consideration of the individual's felony and compliance.

3.2.1.B.4 *Ineligible Noncitizen*

Individuals who do not meet the citizenship or eligible noncitizen status are ineligible to participate in SNAP and may not be a separate AG. When an individual indicates inability or unwillingness to provide documentation of noncitizen status, that client is classified as an ineligible noncitizen.

The income of the ineligible noncitizen is deemed and expenses are prorated according to Section 4.4. Eligibility is determined for the remaining eligible AG members. See Chapter 15.

Once the Worker determines the individual is an ineligible noncitizen and would normally be included in the AG, no additional status, such as student, is determined.

Ineligible Noncitizen Example: An ineligible noncitizen lives with her 15-year-old child who was born in the United States (U.S.) and is a citizen. The ineligible noncitizen is attending college and does not meet an exception to the student policy. Her countable income and assets are deemed according to the policy for ineligible noncitizens.

3.2.1.B.5 *Intentional Program Violation (IPV)*

Persons who have been found guilty of an IPV are disqualified as follows:

- First offense: One year
- Second offense: Two years
- Third offense: Permanent