

**Controlled Substance Felony Chart
Conviction in North Carolina:**

General Information:

Conviction Out of North Carolina:

| | | |
|--|--|--|
| <p>Determine the classification of the controlled substance felony.</p> <ul style="list-style-type: none"> • Use available information from Department of Corrections Inquiry; or • Contact the individual's parole or probation officer; or • Contact the Clerk of Court. <ul style="list-style-type: none"> • Determine eligibility based on eligibility criteria in Section 200, Eligibility Requirements, if a household states that there are no convicted drug felons. Accept verbal verification if a change in household composition is reported by telephone. <ul style="list-style-type: none"> • If a household states that a member is a convicted drug felon, verify the following: <ul style="list-style-type: none"> • Class of controlled substance felony; • State where conviction occurred; • Verify that it has been six months since release from custody or six months since conviction if individual was not committed to custody. • Verify that no other controlled substance felony offenses have been committed. <p>Obtain a signed DSS-8219, Consent For Release of Confidential Information, if necessary.</p> <ul style="list-style-type: none"> • The signed release is necessary so substance abuse professionals can notify the county of the individual's progress with treatment. • Refer an individual even though he/she may already be in a court ordered treatment program. • Verify compliance before issuing benefits since assessment and/or participation in a treatment program is required for eligibility. • Disqualify any individual who fails to follow through with the required assessment and/or treatment or refuses to sign the DSS-8219. | <p>Convicted of a controlled substance felony offense committed prior to August 23, 1996 in the State of N.C.</p> <ul style="list-style-type: none"> • No controlled substance provisions apply. The individual is eligible for participation in the Food Stamp Program. <p>Convicted under State law since August 23, 1996, of any offense classified as a felony by the law of the jurisdiction involved with an element of the possession, use, or distribution of a controlled substance which was committed on or after August 23, 1996 in the State of N.C.</p> <ul style="list-style-type: none"> • Permanently disqualified from participating in the Food Stamp Program unless Class H or Class I Felony. <p>Convicted under State law since August 23, 1996, of any offense classified as a felony by the law of the jurisdiction involved with an element of the possession, use, or distribution of a controlled substance which was committed on or after August 23, 1996 in the State of N.C. and the Felony Class is H or I.</p> <ul style="list-style-type: none"> • The individual may be eligible to participate in the Food Stamp Program: <ul style="list-style-type: none"> • Six months after release from custody; or • Six months after the date of conviction if never committed to custody; and • There have been no additional controlled substance felonies; and • The individual successfully completes or continuously participates in a substance abuse treatment program deemed appropriate by the area mental health authority; and • The individual provides a notice of compliance from the area mental health authority. | <p>Convicted of a controlled substance felony offense committed prior to August 23, 1996 outside the State of N.C.</p> <ul style="list-style-type: none"> • No controlled substance provisions apply. The individual is eligible for participation in the Food Stamp Program. <p>Convicted under Federal or State law since August 23, 1996, of any offense classified as a felony by the law of the jurisdiction involved with an element of the possession, use, or distribution of a controlled substance which was committed on or after August 23, 1996 outside the State of N.C.</p> <ul style="list-style-type: none"> • Permanently disqualified from participating in the Food Stamp Program. |
|--|--|--|

Figure 290-1

Controlled Substance Felony Chart

General Information:

Conviction in North Carolina:

Conviction Out of North Carolina:

| | | |
|---|--|--|
| <p>Applications</p> <ul style="list-style-type: none"> • Add the disqualified individual to the Food Stamp case if: <ul style="list-style-type: none"> • It has been six months since release from custody or six months from conviction date if not committed to custody; and • There have been no additional controlled substance felony convictions; and • The treatment provision is met. <p>Ongoing Cases</p> <ul style="list-style-type: none"> • Add the disqualified individual to the Food Stamp case: <ul style="list-style-type: none"> • The month following the sixth month after release from custody; or • The month following the sixth month after date of conviction if not committed to custody; and • There have been no additional controlled substance felony convictions; and • Treatment provisions are met. <p>Report of a change involving a controlled substance felon:</p> <ul style="list-style-type: none"> • A FSU is not required to report a controlled substance felony conviction but if reported, act on the change unless the case is in SR status. • FSU s are required to report changes involving individuals disqualified from the Food Stamp Program. If a change is reported by a third-party source, refer to Section 400, 450, or 500 of the Food Stamp Certification Manual and follow the appropriate procedures for changes reported by a third-party source. | <p>Convicted of repeated Class H or I controlled substance felony offenses in the State of N.C.</p> <ul style="list-style-type: none"> • No permanent disqualifications for repeat Class H or Class I substance felons exist. • An individual is ineligible to receive Food Stamp benefits until six months from the most recent conviction if a second Class H or Class I controlled substance felony occurs during the initial six month disqualification period. | |
|---|--|--|

Figure 290-1