

**ASSEMBLY BILL**

**No. 233**

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**Introduced by Assembly Member Haynes**

February 7, 2005

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An act to amend and repeal Section 11251.3 of the Welfare and Institutions Code, relating to CalWORKs.

LEGISLATIVE COUNSEL'S DIGEST

AB 233, as introduced, Haynes. CalWORKs: eligibility.

Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families and individuals. Existing law provides that an individual who has been convicted in state or federal court of a felony that has as an element the possession, use, or distribution of a controlled substance, as defined under federal law or the California Uniform Controlled Substances Act, is ineligible for aid under the CalWORKs program.

Existing law also provides for a substantially similar provision that does not make reference to controlled substances defined in the California Uniform Controlled Substances Act.

This bill would repeal the substantially similar provision that does not make reference to the California Uniform Controlled Substances Act.

This bill would also provide that an individual who has been convicted in state court after March 1, 2006, of any offense that is a felony and a violation of certain sex offenses, where the victim of the crime is a member of the household otherwise eligible for assistance, or is related to a member of that household, is ineligible for aid under

the CalWORKs program unless the individual meets any 1 of 5 conditions.

To the extent this bill would expand a county’s duties under the CalWORKs program, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 11251.3 of the Welfare and Institutions  
2 Code, as added by Section 1 of Chapter 283 of the Statutes of  
3 1997, is repealed.

4 ~~11251.3. (a) An individual shall be ineligible for aid under  
5 this chapter if the individual has been convicted in state or  
6 federal court after December 31, 1997, including any plea of  
7 guilty or nolo contendere, of any offense classified as a felony  
8 and that has as an element of the possession, use, or distribution  
9 of a controlled substance, defined in Section 102(6) of the  
10 Controlled Substance Act (21 U.S.C. Sec. 802(6)).~~

11 ~~(b) For a family receiving aid under this chapter that includes  
12 an individual who is ineligible pursuant to subdivision (a), a  
13 county shall issue vouchers or vendor payments for at least rent  
14 and utilities payments.~~

15 SEC. 2. Section 11251.3 of the Welfare and Institutions Code,  
16 as added by Section 1 of Chapter 284 of the Statutes of 1997, is  
17 amended to read:

18 11251.3. (a) An individual shall be ineligible for aid under  
19 this chapter if the individual has been convicted in state or  
20 federal court after December 31, 1997, including any plea of  
21 guilty or nolo contendere, of a felony that has as an element the  
22 possession, use, or distribution of a controlled substance, defined

1 in Section 102(6) of the Controlled Substances Act (21 U.S.C.  
2 Sec. 802(6)) or Division 10 (commencing with Section 11000) of  
3 the Health and Safety Code.

4 (b) (1) *Subject to paragraph (2) an individual shall be*  
5 *ineligible for aid under this chapter if the individual has been*  
6 *convicted in a state court after March 1, 2006, including any*  
7 *plea of guilty or nolo contendere, of any offense that is a felony*  
8 *and a violation of Section 266j, 269, 273a, 273ab, or 273d,*  
9 *paragraph (1) of subdivision (c) of Section 286, subdivision (a)*  
10 *or paragraph (1) of subdivision (c) of Section 288, paragraph (2)*  
11 *of subdivision (b) or paragraph (1) of subdivision (c) of Section*  
12 *288a, Section 288.5, or Section 289, of the Penal Code, where*  
13 *the victim of the crime is a member of the household otherwise*  
14 *eligible for assistance, or is related to a member of that*  
15 *household.*

16 (2) *A person is not ineligible under paragraph (1) if he or she*  
17 *meets any one of the following conditions:*

18 (A) *Completion of conditions of probation or parole for the*  
19 *crime on which the disqualification is based, without a*  
20 *subsequent conviction for abuse or molestation of a child.*

21 (B) *Current compliance with conditions of probation or parole*  
22 *for the crime on which the disqualification is based.*

23 (C) *Completion of at least one year of treatment or counseling*  
24 *related to the crime on which the disqualification is based,*  
25 *without subsequent conviction for abuse or molestation of a*  
26 *child.*

27 (D) *Current participation in child abuser's treatment and*  
28 *receipt of a determination by the counselor or treatment provider*  
29 *that the person does not pose an unwarranted risk of abuse to*  
30 *children in the home.*

31 (E) *A successful petition to a superior court in the county*  
32 *where the aid is sought resulting in a finding by the court that the*  
33 *individual's residence in the household is in the best interests of*  
34 *the children and does not pose an unwarranted risk of abuse to*  
35 *children in the home.*

36 (c) *For a family receiving aid under this chapter that includes*  
37 *an individual who is ineligible pursuant to subdivision (a), a*  
38 *county shall issue vouchers or vendor payments for at least rent*  
39 *and ~~utilities~~ utility payments.*

1     SEC. 3. If the Commission on State Mandates determines that  
2 this act contains costs mandated by the state, reimbursement to  
3 local agencies and school districts for those costs shall be made  
4 pursuant to Part 7 (commencing with Section 17500) of Division  
5 4 of Title 2 of the Government Code.

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