Assembly Bill No. 696

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Passed the Assembly September 1, 2005

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Chief Clerk of the Assembly

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Passed the Senate August 23, 2005

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Secretary of the Senate

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This bill was received by the Governor this _____ day of _____, 2005, at _____ o'clock ___M.

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Private Secretary of the Governor

CHAPTER _____

An act to amend Section 10830 of the Welfare and Institutions Code, relating to public social services.

AB 696, Chu. Public social services: CalWORKs and Food Stamp Program.

Existing law requires the State Department of Social Services and the California Health and Human Services Agency Data Center to design, implement, and maintain a statewide fingerprint imaging system for use in connection with the determination of eligibility for benefits under the CalWORKs program, excluding the Aid to Families with Dependent Children-Foster Care program, and the Food Stamp Program. Existing law, with specified exceptions, requires applicants for, and recipients of, CalWORKs and Food Stamp Program benefits, as a condition of eligibility, to be fingerprint imaged, pursuant to the statewide fingerprint imaging system.

This bill, instead, would require the department and the Office of Systems Integration to design, implement, and maintain the system. The bill would require the fingerprint imaging system to apply to use under the Food Stamp Program only to the extent the applicants for, or recipients of, food stamps also apply for or receive designated nonhealth benefits associated with county aid and relief to indigents.

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

SECTION 1. Section 10830 of the Welfare and Institutions Code, as added by Section 1.5 of Chapter 206 of the Statutes of 1996, is amended to read:

10830. (a) The department and the Office of Systems Integration shall design, implement, and maintain a statewide fingerprint imaging system for use in connection with the determination of eligibility for benefits under both of the following programs:

(1) The California Work Opportunity and Responsibility to Kids (CalWORKs) program, under Chapter 2 (commencing with

Section 11200) of Part 3, excluding Aid to Families with Dependent Children-Foster Care (AFDC-FC).

(2) The Food Stamp Program, under Chapter 10 (commencing with Section 18900) of Part 6, to the extent that applicants for, or recipients of, food stamp benefits also apply for or receive nonhealth benefits under Part 5 (commencing with Section 17000).

(b) (1) Every applicant for, or recipient of, aid under Chapter 2 (commencing with Section 11200) of Part 3, excluding the AFDC-FC program, and every applicant for, or recipient of, aid under Chapter 10 (commencing with Section 18900) of Part 6, who is also an applicant for, or recipient of, nonhealth benefits under Part 5 (commencing with Section 17000), other than dependent children or persons who are physically unable to be fingerprint imaged, shall, as a condition of eligibility for assistance, be required to be fingerprint imaged.

(2) A person subject to the requirements of paragraph (1) shall not be eligible for the CalWORKs program until fingerprint images are provided, except as provided in subdivision (e). Ineligibility may extend to an entire case of any person who refuses to provide fingerprint images.

(c) The department may adopt emergency regulations to implement this section specifying the statewide fingerprint imaging requirements and exemptions to the requirements in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The initial adoption of any emergency regulations implementing this section, as added during the 1996 portion of the 1995–96 Regular Session, shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare. Emergency regulations adopted pursuant to this subdivision shall remain in effect for no more than 180 days.

(d) All persons required to be fingerprint imaged pursuant to this section shall be informed that fingerprint images obtained pursuant to this section shall be used only for the purpose of verifying eligibility and preventing multiple enrollments in the CalWORKs program. The department, county welfare agencies, and all others shall not use or disclose the data collected and maintained for any purpose other than the prevention or

prosecution of fraud. Fingerprint imaging information obtained pursuant to this section shall be confidential under Section 10850.

(e) (1) Except as provided in paragraph (2), the fingerprint imaging required under this chapter shall be scheduled only during the application appointment or other regularly scheduled appointments. No other special appointment shall be required. No otherwise eligible individual shall be ineligible to receive benefits under this chapter due to any technical problem occurring in the fingerprint imaging system or as long as the person consents to and is available for fingerprint imaging at a mutually agreed upon time, not later than 60 days from the initial attempt to complete fingerprint imaging.

(2) During the first nine months following implementation, recipients may be scheduled for separate appointments to complete the fingerprint imaging required by this section. Notice shall be mailed first class by the department to recipients at least 10 days prior to the appointment, and shall include procedures for the recipient to reschedule the scheduled appointment within 30 days.

(f) If the fingerprint image of an applicant or recipient of aid to which this section applies matches another fingerprint image on file, the county shall notify the applicant or recipient. In the event that a match is appealed, the fingerprint image match shall be verified by a trained individual and any matching case files reviewed prior to the denial of benefits. Upon confirmation that the applicant or recipient is receiving or attempting to receive multiple Aid to Families with Dependent Children program checks, a county fraud investigator shall be notified.

Approved _____, 2005

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                    Governor