

AMENDED IN ASSEMBLY MARCH 28, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1996

Introduced by Assembly Member Swanson

February 14, 2008

An act to amend Section 18901.3 of the Welfare and Institutions Code, relating to food stamps.

LEGISLATIVE COUNSEL'S DIGEST

AB 1996, as amended, Swanson. Food stamps: eligibility: drug felonies.

Existing law provides for the Food Stamp Program, under which food stamps allocated to the state by the federal government are distributed to eligible individuals by each county. Existing law provides that a person convicted of a drug-related felony, with certain exceptions, is eligible for aid under the Food Stamp Program, if specified drug treatment conditions are met.

This bill would remove the limitation that excepts certain drug-related felonies from these provisions, ~~and would revise the drug treatment conditions to require a food stamp applicant convicted of a drug felony to complete a government-approved drug treatment program during his or her incarceration, as specified.~~

The bill would authorize the State Department of Social Services to implement its provisions through an all-county letter or similar instructions from the director.

By changing the eligibility standards under the Food Stamp Program, this bill would increase the responsibilities of counties in the administration of the program, thereby imposing 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 18901.3 of the Welfare and Institutions
2 Code is amended to read:

3 18901.3. (a) Pursuant to Section 115(d)(1)(A) of Public Law
4 104-193 (21 U.S.C. Sec. 862a(d)(1)(A)), California opts out of the
5 provisions of Section 115(a)(2) of Public Law 104-193 (21 U.S.C.
6 Sec. 862a(a)(2)). A convicted drug felon shall be eligible to receive
7 food stamps under this section. ~~As a condition of eligibility to
8 receive food stamps, an applicant convicted of a felony drug
9 offense shall have successfully completed a government-recognized
10 drug treatment program during the period of incarceration for his
11 or her most recent drug-related conviction.~~

12 (b) *As a condition of eligibility to receive food stamps pursuant
13 to subdivision (a), an applicant shall be required to provide proof
14 of one of the following subsequent to the most recent drug-related
15 conviction:*

16 (1) *Completion of a government-recognized drug treatment
17 program.*

18 (2) *Participation in a government-recognized drug treatment
19 program.*

20 (3) *Enrollment in a government-recognized drug treatment
21 program.*

22 (4) *Placement on a waiting list for a government-recognized
23 drug treatment program.*

24 (5) *Other evidence that the illegal use of controlled substances
25 has ceased, as established by the State Department of Social
26 Services' regulations.*

27 (b)

1 (c) Notwithstanding the Administrative Procedure Act (Chapter
2 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
3 Title 2 of the Government Code), the department may implement
4 the amendments made to this section during the 2008 portion fo
5 the 2007–08 Regular Session through an all-county letter or similar
6 instructions from the director no later than January 1, 2010.

7 SEC. 2. If the Commission on State Mandates determines that
8 this act contains costs mandated by the state, reimbursement to
9 local agencies and school districts for those costs shall be made
10 pursuant to Part 7 (commencing with Section 17500) of Division
11 4 of Title 2 of the Government Code.

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