

AMENDED IN SENATE JUNE 13, 2012

AMENDED IN SENATE MARCH 8, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 828

Introduced by Assembly Member Swanson

February 17, 2011

An act to repeal and add Section 18901.3 of the Welfare and Institutions Code, relating to CalFresh.

LEGISLATIVE COUNSEL'S DIGEST

AB 828, as amended, Swanson. CalFresh: eligibility: drug felonies.

Existing law provides for the CalFresh program, under which supplemental nutrition assistance benefits 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 ~~exemptions~~ *exceptions*, is eligible for aid under CalFresh, if *any one of* specified *eligibility* requirements ~~are~~ *is* met.

This bill ~~would, instead,~~ *instead would* provide that a person convicted of ~~a~~ *any* drug felony shall be eligible for aid under CalFresh, ~~provided that 6 months have passed since the person has been convicted of any crime, and would~~ eliminate the above-referenced ~~eligibility requirements~~ *exceptions, and make related changes. The bill would authorize the State Department of Social Services to implement its provisions through an all-county letter or similar instruction from the director.*

By changing the eligibility standards under CalFresh, 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- 2 Code is repealed.
- 3 SEC. 2. Section 18901.3 is added to the Welfare and
- 4 Institutions Code, to read:
- 5 18901.3. (a) Pursuant to Section 115(d)(1)(A) of Public Law
- 6 104-193 (21 U.S.C. Sec. 862a(d)(1)(A)), California opts out of
- 7 Section 115(a)(2) of Public Law 104-193 (21 U.S.C. Sec.
- 8 862a(a)(2)). A convicted drug felon shall be eligible to apply to
- 9 receive CalFresh benefits under this section, ~~provided that the~~
- 10 ~~person has not been convicted of any crime during the six months~~
- 11 ~~immediately preceding his or her application~~ *section.*
- 12 (b) *As a condition of eligibility to receive CalFresh pursuant*
- 13 *to subdivision (a), an applicant convicted of a felony drug offense*
- 14 *shall be required to provide proof of one of the following:*
- 15 (1) *Completion of a government-recognized drug treatment*
- 16 *program, subsequent to the most recent drug-related conviction.*
- 17 (2) *Participation in a government-recognized drug treatment*
- 18 *program, subsequent to the most recent drug-related conviction.*
- 19 (3) *Enrollment in a government-recognized drug treatment*
- 20 *program, subsequent to the most recent drug-related conviction.*
- 21 (4) *Placement on a waiting list for a government-recognized*
- 22 *drug treatment program, subsequent to the most recent*
- 23 *drug-related conviction.*
- 24 (5) *Other evidence that all illegal use, possession, or distribution*
- 25 *of controlled substances has ceased, as established by regulations*
- 26 *of the department.*
- 27 (c) *Notwithstanding the rulemaking provisions of the*
- 28 *Administrative Procedure Act (Chapter 3.5 (commencing with*

1 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*
2 *Code), the department may implement this section through an*
3 *all-county letter or similar instruction from the director, no later*
4 *than January 1, 2013.*

5 SEC. 3. If the Commission on State Mandates determines that
6 this act contains costs mandated by the state, reimbursement to
7 local agencies and school districts for those costs shall be made
8 pursuant to Part 7 (commencing with Section 17500) of Division
9 4 of Title 2 of the Government Code.

O