

ASSEMBLY BILL

No. 2435

Introduced by Assembly Member Hagman

February 21, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2435, as introduced, Hagman. CalWORKs: ineligibility.

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, 2015, 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 one of 5 conditions.

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

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3 1997, is repealed.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 federal
6 court after December 31, 1997, including any plea of guilty or
7 nolo contendere, of any offense classified as a felony and that has
8 as an element of the possession, use, or distribution of a controlled
9 substance, defined in Section 102(6) of the Controlled Substance
10 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 county
13 shall issue vouchers or vendor payments for at least rent and
14 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 federal
20 court after December 31, 1997, including any plea of guilty or
21 nolo contendere, of any offense classified as a felony and that has
22 as an element of the possession, use, or distribution of a controlled
23 substance, defined in Section 102(6) of the Controlled Substance
24 Substances Act (21 U.S.C. Sec. ~~802(6)~~; 802(6)) or Division 10
25 (commencing with Section 11000) of the Health and Safety Code.

26 (b) (1) Subject to paragraph (2), an individual shall be
27 ineligible for aid under this chapter if the individual has been
28 convicted in a state court after March 1, 2015, including any plea
29 of guilty or nolo contendere, of any offense that is a felony and a
30 violation of Section 266j, 269, 273a, 273ab, or 273d, paragraph
31 (1) of subdivision (c) of Section 286, subdivision (a) or paragraph
32 (1) of subdivision (c) of Section 288, Section 288.5, or paragraph
33 (2) of subdivision (b) or paragraph (1) of subdivision (c) of Section

1 288a of the Penal Code, where the victim of the crime is a member
2 of the household otherwise eligible for assistance, or is related to
3 a member of that household.

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

6 (A) Completion of conditions of probation or parole for the
7 crime on which the disqualification is based, without a subsequent
8 conviction for abuse or molestation of a child.

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

11 (C) Completion of at least one year of treatment or counseling
12 related to the crime on which the disqualification is based, without
13 subsequent conviction for abuse or molestation of a child.

14 (D) Current participation in child abuser's treatment and receipt
15 of a determination by the counselor or treatment provider that the
16 person does not pose an unwarranted risk of abuse to children in
17 the home.

18 (E) A successful petition to a superior court in the county where
19 the aid is sought resulting in a finding by the court that the
20 individual's residence in the household is in the best interests of
21 the children and does not pose an unwarranted risk of abuse to
22 children in the home.

23 ~~(b)~~

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