

Introduced by Senator HancockFebruary 14, 2013

An act to amend Section 18901.3 of, to add Section 18901.35 to, to repeal Section 17012.5 of, and to repeal and add Section 11251.3 of, the Welfare and Institutions Code, relating to social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 283, as introduced, Hancock. CalWORKs and CalFresh eligibility.

Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families (TANF) block grant program, state, and county funds. Under existing law, an individual is ineligible for aid if the individual has been convicted in state or federal court after December 31, 1997, of any offense classified as a felony and that has as an element the possession, use, or distribution of a controlled substance.

This bill would authorize CalWORKs benefits to be paid to an individual who is convicted in state or federal court after December 31, 1997, of any offense classified as a felony that has as an element the possession, use, or distribution of a controlled substance. If the person is on supervised release, he or she would be ineligible for CalWORKs benefits during any period of revocation of that supervised release.

Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, formerly the Food Stamp Program, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county. Under existing law, a person convicted of specified drug offenses, including transporting, selling,

furnishing, administering, giving away, possessing for sale, purchasing for purpose of sale, or manufacturing a controlled substance, is ineligible to receive CalFresh benefits. Existing law authorizes the payment of CalFresh benefits to other convicted drug felons who have participated in, or are on the waiting list for, a drug treatment program, or who can show other evidence that the illegal use of controlled substances has ceased.

This bill would authorize CalFresh benefits to be paid to an individual who is convicted in state or federal court after December 31, 1997, of any offense classified as a felony that has as an element the possession, use, or distribution of a controlled substance. If the person is on supervised release, he or she would be ineligible for CalFresh benefits during any period of revocation of that supervised release. The bill would also require the department to request a waiver from the federal government for the preenrollment of otherwise eligible applicants to the CalFresh program within one month of the applicant's reentry into the community from county jail or state prison, and would require the counties to implement the preenrollment program within 6 months of the waiver being granted. By requiring a new level of service from local government, this bill 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 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~~

1 substance, defined in Section 102(6) of the Controlled Substance
2 Act (21 U.S.C. Sec. 802(6)).

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

7 SEC. 2. Section 11251.3 of the Welfare and Institutions Code,
8 as added by Section 1 of Chapter 284 of the Statutes of 1997, is
9 repealed.

10 ~~11251.3. (a) An individual shall be ineligible for aid under~~
11 ~~this chapter if the individual has been convicted in state or federal~~
12 ~~court after December 31, 1997, including any plea of guilty or~~
13 ~~nolo contendere, of a felony that has as an element the possession,~~
14 ~~use, or distribution of a controlled substance, defined in Section~~
15 ~~102(6) of the Controlled Substances Act (21 U.S.C. Sec. 802(6))~~
16 ~~or Division 10 (commencing with Section 11000) of the Health~~
17 ~~and Safety Code.~~

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

22 SEC. 3. Section 11251.3 is added to the Welfare and
23 Institutions Code, to read:

24 11251.3. (a) Subject to the limitations of subdivision (b),
25 pursuant to Section 115(d)(1)(A) of Public Law 104-193 (21 U.S.C.
26 Sec. 862a(d)(1)(A)), California opts out of the provisions of Section
27 115(a)(1) of Public Law 104-193 (21 U.S.C. Sec. 862a(a)(1)). An
28 individual convicted in state or federal court after December 31,
29 1997, including any plea of nolo contendere, of any offense
30 classified as a felony that has as an element the possession, use,
31 or distribution of a controlled substance shall be eligible to receive
32 CalWORKs benefits under this section.

33 (b) As a condition of eligibility for CalWORKs pursuant to
34 subdivision (a), an applicant described in subdivision (a) who is
35 on probation, parole, or other form of supervised release shall
36 comply with the conditions of the supervised release, including
37 participation in a drug treatment program, if required. If the county
38 social services agency receives verification that the individual's
39 supervised release has been revoked, the individual shall become

1 ineligible for CalWORKs benefits under this section for the
2 duration of the revocation period.

3 (c) Notwithstanding the rulemaking provisions of the
4 Administrative Procedure Act (Chapter 3.5 (commencing with
5 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
6 Code), valid until January 1, 2015, the department may implement
7 this section by all-county letters or similar instructions. Thereafter,
8 the department shall adopt regulations to implement this section
9 by January 1, 2015.

10 SEC. 4. Section 17012.5 of the Welfare and Institutions Code
11 is repealed.

12 ~~17012.5.—An individual ineligible for aid under Chapter 2~~
13 ~~(commencing with Section 11200) of Part 3 pursuant to Section~~
14 ~~11251.3, who is a member of an assistance unit receiving aid under~~
15 ~~that chapter, shall also be ineligible for non-health-care benefits~~
16 ~~under this part.~~

17 SEC. 5. Section 18901.3 of the Welfare and Institutions Code
18 is amended to read:

19 18901.3. (a) Subject to the limitations of subdivision (b),
20 pursuant to Section 115(d)(1)(A) of Public Law 104-193 (21 U.S.C.
21 Sec. 862a(d)(1)(A)), California opts out of the provisions of Section
22 115(a)(2) of Public Law 104-193 (21 U.S.C. Sec. 862a(a)(2)). ~~A~~
23 ~~convicted drug felon~~ *An individual convicted in state or federal*
24 *prison after December 31, 1997, including any plea of guilty or*
25 *nolo contendere, of any offense classified as a felony that has as*
26 *an element the possession, use, or distribution of a controlled*
27 *substance shall be eligible to receive CalFresh benefits under this*
28 *section.*

29 ~~(b) Subdivision (a) does not apply to a person who has been~~
30 ~~convicted of unlawfully transporting, importing into this state,~~
31 ~~selling, furnishing, administering, giving away, possessing for~~
32 ~~sale, purchasing for purposes of sale, manufacturing a controlled~~
33 ~~substance, possessing precursors with the intent to manufacture a~~
34 ~~controlled substance, or cultivating, harvesting, or processing~~
35 ~~marijuana or any part thereof pursuant to Section 11358 of the~~
36 ~~Health and Safety Code.~~

37 ~~(c) Subdivision (a) does not apply to a person who has been~~
38 ~~convicted of unlawfully soliciting, inducing, encouraging, or~~
39 ~~intimidating a minor to participate in any activity listed in~~
40 ~~subdivision (b).~~

1 ~~(d)~~

2 ~~(b) As a condition of eligibility to receive CalFresh benefits~~
3 ~~pursuant to subdivision (a), an applicant convicted of a felony drug~~
4 ~~offense that is not excluded under subdivision (b) or (c) shall be~~
5 ~~required to provide proof of one of the following subsequent to~~
6 ~~the most recent drug-related conviction: described in subdivision~~
7 ~~(a) who is on probation, parole, or any other form of supervised~~
8 ~~release shall comply with the terms of the supervised release,~~
9 ~~including participation in a drug treatment program, if required.~~
10 ~~If the county social services agency receives verification that the~~
11 ~~individual's supervised release has been revoked, the individual~~
12 ~~shall become ineligible for CalFresh benefits under this section~~
13 ~~for the duration of the revocation period.~~

14 ~~(1) Completion of a government-recognized drug treatment~~
15 ~~program.~~

16 ~~(2) Participation in a government-recognized drug treatment~~
17 ~~program.~~

18 ~~(3) Enrollment in a government-recognized drug treatment~~
19 ~~program.~~

20 ~~(4) Placement on a waiting list for a government-recognized~~
21 ~~drug treatment program.~~

22 ~~(5) Other evidence that the illegal use of controlled substances~~
23 ~~has ceased, as established by State Department of Social Services~~
24 ~~regulations.~~

25 ~~(e) Notwithstanding the Administrative Procedure Act (Chapter~~
26 ~~3.5 (commencing with Section 11340) of Part 1 of Division 3 of~~
27 ~~Title 2 of the Government Code), the department may implement~~
28 ~~this section through an all-county letter or similar instructions from~~
29 ~~the director no later than January 1, 2005.~~

30 ~~(f) The department shall adopt regulations as otherwise~~
31 ~~necessary to implement this section no later than July 1, 2005.~~
32 ~~Emergency regulations adopted for implementation of this section~~
33 ~~may be adopted by the director in accordance with the~~
34 ~~Administrative Procedure Act. The adoption of emergency~~
35 ~~regulations shall be deemed to be an emergency and necessary for~~
36 ~~immediate preservation of the public peace, health and safety, or~~
37 ~~general welfare. The emergency regulations shall be exempt from~~
38 ~~review by the Office of Administrative Law. The emergency~~
39 ~~regulations authorized by this section shall be submitted to the~~

1 Office of Administrative Law for filing with the Secretary of State
2 and shall remain in effect for no more than 180 days.

3 *(c) Notwithstanding the rulemaking provisions of the*
4 *Administrative Procedure Act (Chapter 3.5 (commencing with*
5 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*
6 *Code), valid until January 1, 2015, the department may implement*
7 *this section by all-county letters or similar instructions. Thereafter,*
8 *the department shall adopt regulations to implement this section*
9 *by January 1, 2015.*

10 SEC. 6. Section 18901.35 is added to the Welfare and
11 Institutions Code, to read:

12 18901.35. The department shall submit to the United States
13 Department of Agriculture, Food, and Nutrition Services, on or
14 before March 31, 2014, a request to waive Section 273.1(b)(7)(vi)
15 of Title 7 of the Code of Federal Regulations to allow for the
16 preenrollment of otherwise eligible applicants to the CalFresh
17 program up to one month prior to the applicant's reentry into the
18 community from county jail or state prison. The counties shall
19 implement a preenrollment process within six months of the waiver
20 approval.

21 SEC. 7. If the Commission on State Mandates determines that
22 this act contains costs mandated by the state, reimbursement to
23 local agencies and school districts for those costs shall be made
24 pursuant to Part 7 (commencing with Section 17500) of Division
25 4 of Title 2 of the Government Code.