

AMENDED IN ASSEMBLY JUNE 18, 2013

AMENDED IN SENATE MAY 28, 2013

**SENATE BILL**

**No. 283**

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**Introduced by Senator Hancock**

February 14, 2013

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An act to amend Section 18901.3 of the Welfare and Institutions Code, relating to social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 283, as amended, Hancock. CalFresh eligibility.

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, as defined. 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~~.

*release where the revocation results in the individual's incarceration. The bill would authorize implementation of these provisions by all-county letters or similar instructions until January 1, 2015, and would, thereafter, require the State Department of Social Services to adopt regulations in consultation with specified entities.*

Because counties administer CalFresh, this bill would increase county duties by potentially expanding the eligible population, and would thereby 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 18901.3 of the Welfare and Institutions  
2 Code is amended to read:  
3 18901.3. (a) Subject to the limitations of subdivision (b),  
4 pursuant to Section 115(d)(1)(A) of Public Law 104-193 (21 U.S.C.  
5 Sec. 862a(d)(1)(A)), California opts out of the provisions of Section  
6 115(a)(2) of Public Law 104-193 (21 U.S.C. Sec. 862a(a)(2)). An  
7 individual convicted in state or federal court after December 31,  
8 1997, including any plea of guilty or nolo contendere, of any  
9 offense classified as a felony that has as an element the possession,  
10 use, or distribution of a controlled substance, as defined in Section  
11 102(6) of the federal Controlled Substances Act (21 U.S.C. Sec.  
12 802(6)) or Division 10 (commencing with Section 11000) of the  
13 Health and Safety Code, shall be eligible to receive CalFresh  
14 benefits under this section.  
15 (b) As a condition of eligibility to receive CalFresh benefits  
16 pursuant to subdivision (a), an applicant described in subdivision  
17 (a) who is on probation, parole, or any other form of supervised  
18 release shall comply with the terms of the supervised release,  
19 including participation in a drug treatment program, if required.  
20 If the county social services agency receives verification that the

1 individual's supervised release has been revoked, *resulting in the*  
2 *individual's incarceration*, the individual shall become ineligible  
3 for CalFresh benefits under this section for the duration of the  
4 revocation period.

5 (c) Notwithstanding the rulemaking provisions of the  
6 Administrative Procedure Act (Chapter 3.5 (commencing with  
7 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
8 Code), valid until January 1, 2015, the department may implement  
9 this section by all-county letters or similar instructions. Thereafter,  
10 the department shall adopt regulations, *in consultation with the*  
11 *Chief Probation Officers of California, the County Welfare*  
12 *Directors Association, and client advocates*, to implement this  
13 section by January 1, 2015.

14 SEC. 2. If the Commission on State Mandates determines that  
15 this act contains costs mandated by the state, reimbursement to  
16 local agencies and school districts for those costs shall be made  
17 pursuant to Part 7 (commencing with Section 17500) of Division  
18 4 of Title 2 of the Government Code.