

AMENDED IN SENATE MARCH 20, 2014

**SENATE BILL**

**No. 1029**

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**Introduced by Senator Hancock**  
(*Coauthor: Assembly Member Bonta*)

February 14, 2014

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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 1029, as amended, 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 *that results in the individual's incarceration*.

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 *that results in the individual's incarceration*. 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~~ *department, in coordination with the Chief Probation Officers of California, the County Welfare Directors Association of California, and client advocates* to implement the preenrollment program within 6 months of the waiver being granted. By requiring local agencies to provide a higher level of service, this bill would impose a state-mandated local program.

*Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.*

*This bill would provide that no appropriation would be made for the purpose of implementing this bill.*

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6 repealed.

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

9 11251.3. (a) Subject to the limitations of subdivision (b),  
10 pursuant to Section 115(d)(1)(A) of Public Law 104-193 (21 U.S.C.  
11 Sec. 862a(d)(1)(A)), California opts out of the provisions of Section  
12 115(a)(1) of Public Law 104-193 (21 U.S.C. Sec. 862a(a)(1)). An  
13 individual convicted in state or federal court after December 31,  
14 1997, including any plea of nolo contendere, of any offense  
15 classified as a felony that has as an element the possession, use,  
16 or distribution of a controlled substance shall be eligible to receive  
17 CalWORKs benefits under this section.

18 (b) As a condition of eligibility for CalWORKs pursuant to  
19 subdivision (a), an applicant described in subdivision (a) who is  
20 on probation, parole, or other form of supervised release shall  
21 comply with the ~~conditions~~ *terms* of the supervised release,  
22 including participation in a *government-recognized* drug treatment  
23 program, if required. If the county ~~social~~ *human* services agency  
24 receives verification that the individual's supervised release has  
25 been revoked, *resulting in the individual's incarceration*, the  
26 individual shall become ineligible for CalWORKs benefits under  
27 this section for the duration of the revocation period.

28 (c) Notwithstanding the rulemaking provisions of the  
29 Administrative Procedure Act (Chapter 3.5 (commencing with  
30 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
31 Code), until January 1, 2016, the department may implement this  
32 section by all-county letters or similar instructions. The department  
33 shall adopt regulations by January 1, 2016, to implement this  
34 section on and after January 1, 2016.

35 SEC. 4. Section 17012.5 of the Welfare and Institutions Code  
36 is repealed.

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

1 18901.3. (a) Subject to the limitations of subdivision (b),  
2 pursuant to Section 115(d)(1)(A) of Public Law 104-193 (21 U.S.C.  
3 Sec. 862a(d)(1)(A)), California opts out of the provisions of Section  
4 115(a)(2) of Public Law 104-193 (21 U.S.C. Sec. 862a(a)(2)). An  
5 individual convicted in state or federal court after December 31,  
6 1997, including any plea of guilty or nolo contendere, of any  
7 offense classified as a felony that has as an element the possession,  
8 use, or distribution of a controlled substance shall be eligible to  
9 receive CalFresh benefits *as provided for* under this section.

10 (b) As a condition of eligibility to receive CalFresh benefits  
11 pursuant to subdivision (a), an applicant described in subdivision  
12 (a) who is on probation, parole, or any other form of supervised  
13 release shall comply with the terms of the supervised release,  
14 including participation in a *government-recognized* drug treatment  
15 program, if required. If the county-~~social~~ human services agency  
16 receives verification that the individual's supervised release has  
17 been revoked, *resulting in the individual's incarceration*, the  
18 individual shall become ineligible for CalFresh benefits under this  
19 section for the duration of the revocation period.

20 (c) Notwithstanding the rulemaking provisions of the  
21 Administrative Procedure Act (Chapter 3.5 (commencing with  
22 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
23 Code), until January 1, 2016, the department may implement *and*  
24 *administer* this section by all-county letters or similar instructions  
25 *until regulations are developed*. ~~The department shall adopt~~  
26 ~~regulations by January 1, 2016, to implement this section on and~~  
27 ~~after January 1, 2016. The all-county letters or similar instructions~~  
28 *shall be developed in consultation with the Chief Probation*  
29 *Officers of California, the County Welfare Directors Association*  
30 *of California, and client advocates. The department shall adopt*  
31 *regulations implementing this section by January 1, 2016.*

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

34 18901.35. The department shall submit to the United States  
35 Department of ~~Agriculture, Food, Agriculture's Food~~ and Nutrition  
36 ~~Services, Service~~, on or before March 31, 2015, a request to waive  
37 Section 273.1(b)(7)(vi) of Title 7 of the Code of Federal  
38 Regulations to allow for the preenrollment of otherwise eligible  
39 applicants to the CalFresh program up to one month prior to the  
40 applicant's reentry into the community from county jail or state

1 prison. The ~~counties~~ *department* shall implement a preenrollment  
2 process *in coordination with the Chief Probation Officers of*  
3 *California, the County Welfare Directors Association of California,*  
4 *and client advocates* within six months of the waiver approval.

5 *SEC. 7. Notwithstanding Section 15200 of the Welfare and*  
6 *Institutions Code, no appropriation shall be made for the purpose*  
7 *of implementing this act.*

8 ~~SEC. 7.~~

9 *SEC. 8* If the Commission on State Mandates determines that  
10 this act contains costs mandated by the state, reimbursement to  
11 local agencies and school districts for those costs shall be made  
12 pursuant to Part 7 (commencing with Section 17500) of Division  
13 4 of Title 2 of the Government Code.