

AMENDED IN SENATE MAY 27, 2014
AMENDED IN SENATE APRIL 10, 2014
AMENDED IN SENATE MARCH 20, 2014

SENATE BILL

No. 1029

Introduced by Senator Hancock
(Coauthor: Assembly Member Bonta)

February 14, 2014

An act to amend Section 18901.3 of, to repeal Section 17012.5 of, and to repeal and add Section 11251.3 of, 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, *as defined*. If the person is on ~~supervised release parole or probation or if he or she is a fleeing felon pursuant to federal law and guidance~~, 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~~ *parole or probation or while he or she is a fleeing felon pursuant to federal law and guidance*. 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 terms of the supervised release, including~~
22 ~~participation in a government-recognized drug treatment program,~~
23 ~~if required. If the county human services agency receives~~
24 ~~verification that the individual's supervised release has been~~
25 ~~revoked, resulting in the individual's incarceration, the individual~~
26 ~~shall become ineligible for CalWORKs benefits under this section~~
27 ~~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.~~

1 ~~SEC. 5.~~

2 ~~SECTION 1.~~ Section 18901.3 of the Welfare and Institutions
3 Code is amended to read:

4 18901.3. (a) Subject to the limitations of subdivision (b),
5 pursuant to Section 115(d)(1)(A) of Public Law 104-193 (21 U.S.C.
6 Sec. 862a(d)(1)(A)), California opts out of the provisions of Section
7 115(a)(2) of Public Law 104-193 (21 U.S.C. Sec. 862a(a)(2)). An
8 individual convicted in state or federal court after December 31,
9 1997, including any plea of guilty or nolo contendere, of any
10 offense classified as a felony that has as an element the possession,
11 use, or distribution of a controlled substance, *as defined in Section*
12 *102(6) of the federal Controlled Substances Act (21 U.S.C. Sec.*
13 *802(6)) or Division 10 (commencing with Section 11000) of the*
14 *Health and Safety Code*, shall be eligible to receive CalFresh
15 benefits as provided for under this section.

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

30 (c) Notwithstanding the rulemaking provisions of the
31 Administrative Procedure Act (Chapter 3.5 (commencing with
32 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
33 Code), until January 1, 2016, the department may implement and
34 administer this section by all-county letters or similar instructions
35 until regulations are developed. The all-county letters or similar
36 instructions shall be developed in consultation with the Chief
37 Probation Officers of California, the County Welfare Directors
38 Association of California, and client advocates. The department
39 shall adopt regulations implementing this section by January 1,
40 2016.

1 ~~SEC. 6. Notwithstanding Section 15200 of the Welfare and~~
2 ~~Institutions Code, no appropriation shall be made for the purpose~~
3 ~~of implementing this act.~~

4 ~~SEC. 7.~~

5 *SEC. 2.* 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.