

Assembly Bill No. 1260

CHAPTER 284

An act to add Sections 11251.3 and 17012.5 to the Welfare and Institutions Code, relating to human services.

[Approved by Governor August 18, 1997. Filed with
Secretary of State August 18, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1260, Ashburn. Aid: substance abuse.

Existing state law provides for the Aid to Families with Dependent Children (AFDC) program, pursuant to which qualified families are provided with cash assistance. Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) program to states that participate in the TANF program. Federal law prohibits using TANF block grant funds for aid to a person convicted of a felony related to the possession, use, or distribution of a controlled substance unless a state specifically exempts those persons from this prohibition.

This bill would specify that a person convicted of that category of felony would be ineligible for aid under the AFDC program.

Existing law requires each county to provide aid and care to its indigent residents, with these programs commonly referred to as general assistance programs.

This bill would also provide that an individual ineligible for AFDC benefits pursuant to the bill, and who is in an assistance unit receiving AFDC benefits, shall be ineligible for nonhealth care general assistance benefits.

Existing law provides for the payment of aid under the AFDC program, and authorizes counties to provide for the payment of aid under that program with vouchers and vendor payments in certain circumstances.

This bill would require a county to issue vouchers or vendor payments to an eligible family under the AFDC program if the family includes a member who is ineligible due to a conviction of a felony related to the possession, use, or distribution of a controlled substance, and, by increasing the responsibilities of counties in the implementation of the aid payments, this bill would result in 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000

statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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.

The people of the State of California do enact as follows:

SECTION 1. Section 11251.3 is added to the Welfare and Institutions Code, to read:

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

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

SEC. 2. Section 17012.5 is added to the Welfare and Institutions Code, to read:

17012.5. An individual ineligible for aid under Chapter 2 (commencing with Section 11200) of Part 3 pursuant to Section 11251.3, who is a member of an assistance unit receiving aid under that chapter, shall also be ineligible for nonhealth care benefits under this part.

SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

