

AMENDED IN ASSEMBLY MAY 17, 2004

AMENDED IN ASSEMBLY APRIL 19, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1796

Introduced by Assembly Member Leno
(Coauthors: Assembly Members Berg, Goldberg, Hancock,
Koretz, Laird, and Lieber) *Lieber, and Steinberg*
(Coauthors: Senators Romero and Vasconcellos)

January 7, 2004

An act to add Section 18901.3 to the Welfare and Institutions Code, relating to human services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1796, as amended, Leno. Food stamps: eligibility.

Existing law provides for the Food Stamp Program, under which food stamps allocated to the state by the federal government are distributed to eligible individuals by each county. Existing law provides that a person convicted of specified felonies related to controlled substances shall be ineligible for aid under the Food Stamp Program.

This bill would provide that a convicted drug felon, *with certain exceptions*, shall be eligible for aid under the Food Stamp Program. By changing eligibility standards under the Food Stamp Program, this bill would increase the responsibilities of counties in the administration of the program, thereby imposing 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.

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 is added to the Welfare and
2 Institutions Code, to read:

3 18901.3. ~~Pursuant~~ *(a) Subject to the limitations of*
4 *subdivision (b), pursuant to Section 115(d)(1)(A) of Public Law*
5 *104-193 (21 U.S.C. Sec. 862a(d)(1)(A)), California opts out of the*
6 *provisions of Section 115(a)(2) of Public Law 104-193 (21 U.S.C.*
7 *Sec. 862a(a)(2)). A convicted drug felon shall be eligible to*
8 *receive food stamps under this section.*

9 *(b) Subdivision (a) does not apply to a person who has been*
10 *convicted of unlawfully transporting, importing into this state,*
11 *selling, furnishing, administering, giving away, possessing for*
12 *sale, purchasing for purposes of sale, or manufacturing a*
13 *controlled substance, or possessing precursors with the intent to*
14 *manufacture a controlled substance.*

15 SEC. 2. Notwithstanding Section 17610 of the Government
16 Code, if the Commission on State Mandates determines that this
17 act contains costs mandated by the state, reimbursement to local
18 agencies and school districts for those costs shall be made pursuant
19 to Part 7 (commencing with Section 17500) of Division 4 of Title
20 2 of the Government Code. If the statewide cost of the claim for
21 reimbursement does not exceed one million dollars (\$1,000,000),
22 reimbursement shall be made from the State Mandates Claims
23 Fund.

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