

ASSEMBLY BILL

No. 2192

Introduced by Assembly Member Bass

February 22, 2006

An act to repeal and add Section 11251.3 of the Welfare and Institutions Code, relating to CalWORKs.

LEGISLATIVE COUNSEL'S DIGEST

AB 2192, as introduced, Bass. CalWORKs.

Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families through a combination of state, county, and federal funds received through the federal TANF program.

Under federal law, an individual convicted under federal or state law of any offense which is classified as a felony by the law of the jurisdiction involved and which has as an element the possession, use, or distribution of a controlled substance, as defined, shall not be eligible for assistance under any state program funded under provisions of federal law regarding the TANF program. Existing law authorizes a state to exempt any or all individuals domiciled in the state from the application of this prohibition.

Existing law provides that an individual who has been convicted in state or federal court of a felony that has as an element the possession, use, or distribution of a controlled substance, as defined under federal law or the California Uniform Controlled Substances Act, is ineligible for aid under the CalWORKs program. Existing law also requires a

county to issue vouchers or vendor payments for at least rent and utilities payments for a family receiving aid that includes an individual who is ineligible for aid pursuant to these provisions.

This bill would, instead, provide that, with certain exceptions, a person convicted of drug-related felonies shall be eligible to receive CalWORKs benefits if he or she meets certain conditions of eligibility. This bill would retain the existing law requirement that a county issue vouchers or vendor payments for at least rent and utilities payments for a family receiving aid that includes an ineligible individual.

By revising standards of eligibility for benefits under the CalWORKs program, this bill would increase the responsibilities of counties, and would impose a state-mandated local program.

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

This bill would instead provide that no appropriation would be made for purposes of the 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 ~~11251.3. (a) An individual shall be ineligible for aid under~~
- 5 ~~this chapter if the individual has been convicted in state or~~
- 6 ~~federal court after December 31, 1997, including any plea of~~
- 7 ~~guilty or nolo contendere, of any offense classified as a felony~~
- 8 ~~and that has as an element of the possession, use, or distribution~~

1 of a controlled substance, defined in Section 102(6) of the
2 Controlled Substance Act (21 U.S.C. Sec. 802(6)).

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

7 SEC. 2. Section 11251.3 of the Welfare and Institutions
8 Code, as added by Section 1 of Chapter 284 of the Statutes of
9 1997, is repealed.

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

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

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

24 11251.3. (a) Subject to the limitations of subdivisions (b), (c)
25 and (d), pursuant to Section 115(d)(1)(A) of Public Law 104-193
26 (21 U.S.C. Sec. 862a(d)(1)(A)), California opts out of the
27 provisions of Section 115(a) of Public Law 104-193 (21 U.S.C.
28 Sec. 862a(a)(1)), and persons convicted of drug-related felonies
29 shall be eligible to receive CalWORKs under this section.

30 (b) Subdivision (a) does not apply to a person who has been
31 convicted of unlawfully transporting, importing into this state,
32 selling, furnishing, administering, giving away, possessing for
33 sale, purchasing for purposes of sale, manufacturing a controlled
34 substance, possessing precursors with the intent to manufacture a
35 controlled substance, or cultivating, harvesting, or processing
36 marijuana or any part thereof pursuant to Section 11358 of the
37 Health and Safety Code.

38 (c) Subdivision (a) does not apply to a person who has been
39 convicted of unlawfully soliciting, inducing, encouraging, or

1 intimidating a minor to participate in any activity listed in
2 subdivision (b).

3 (d) As a condition of eligibility to receive CalWORKs
4 pursuant to subdivision (a), an applicant convicted of a
5 drug-related felony that is not excluded under subdivision (b) or
6 (c) shall be required to provide proof of one of the following
7 subsequent to the most recent drug-related conviction:

8 (1) Completion of a government-recognized drug treatment
9 program.

10 (2) Participation in a government-recognized drug treatment
11 program.

12 (3) Enrollment in a government-recognized drug treatment
13 program.

14 (4) Placement on a waiting list for a government-recognized
15 drug treatment program.

16 (5) Other evidence that the illegal use of controlled substances
17 has ceased, as established by the State Department of Social
18 Services regulations.

19 (e) A county shall issue vendor or voucher payments for at
20 least rent and utility payments for a family receiving aid under
21 this chapter that includes an individual who is ineligible pursuant
22 to this section.

23 (f) Notwithstanding the Administrative Procedure Act
24 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
25 Division 3 of Title 2 of the Government Code), the department
26 may implement this section through an all-county letter or similar
27 instructions from the director no later than January 1, 2007.

28 (g) (1) The department shall adopt regulations as otherwise
29 necessary to implement this section no later than July 1, 2007.
30 Emergency regulations adopted for implementation of this
31 section may be adopted by the director in accordance with the
32 Administrative Procedure Act.

33 (2) The adoption of emergency regulations shall be deemed to
34 be an emergency and necessary for immediate preservation of the
35 public peace, health and safety, or general welfare. The
36 emergency regulations shall be exempt from review by the Office
37 of Administrative Law. The emergency regulations authorized by
38 this section shall be submitted to the Office of Administrative
39 Law for filing with the Secretary of State and shall remain in
40 effect for no more than 180 days.

1 SEC. 4. No appropriation pursuant to Section 15200 of the
2 Welfare and Institutions Code shall be made for purposes of this
3 act.

4 SEC. 5. If the Commission on State Mandates determines that
5 this act contains costs mandated by the state, reimbursement to
6 local agencies and school districts for those costs shall be made
7 pursuant to Part 7 (commencing with Section 17500) of Division
8 4 of Title 2 of the Government Code.

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