

AMENDED IN SENATE JUNE 29, 2000
AMENDED IN SENATE JUNE 15, 2000
AMENDED IN SENATE APRIL 5, 2000
AMENDED IN SENATE AUGUST 17, 1999
AMENDED IN SENATE JULY 13, 1999
AMENDED IN SENATE JUNE 28, 1999
AMENDED IN ASSEMBLY JUNE 1, 1999
AMENDED IN ASSEMBLY APRIL 28, 1999
AMENDED IN ASSEMBLY APRIL 7, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1255

Introduced by Assembly Member Wright

February 26, 1999

An act to amend and repeal Section 11251.3 of the Welfare and Institutions Code, relating to social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1255, as amended, R. Wright. CalWORKs: drug offenses.

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.

This bill would authorize a county to provide various services to promote self-sufficiency under the CalWORKs program to those individuals who are ineligible to receive aid payments under the program due to having been convicted of any offense classified as ~~a felony and that has as an element~~ the possession, or use, ~~or distribution~~ of a controlled substance, as defined.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 11251.3 of the Welfare and
2 Institutions Code, as added by Chapter 283 of the Statutes
3 of 1997, is repealed.

4 SEC. 2. Section 11251.3 of the Welfare and Institutions
5 Code, as added by Chapter 284 of the Statutes of 1997, is
6 amended to read:

7 11251.3. (a) An individual shall be ineligible for aid
8 under this chapter if the individual has been convicted in
9 state or federal court after December 31, 1997, including
10 any plea of guilty or nolo contendere, of a felony that has
11 as an element the possession, use, or distribution of a
12 controlled substance, defined in Section 102(6) of the
13 Controlled Substances Act (21 U.S.C. Sec. 802(6)) or
14 Division 10 (commencing with Section 11000) of the
15 Health and Safety Code.

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

20 (c) A county may provide services that will assist
21 individuals to obtain or retain unsubsidized employment
22 pursuant to Sections 11325.7, 11325.8, and 15204.2 if those
23 individuals would otherwise be eligible for aid under this
24 chapter but have been convicted in state or federal court
25 after December 31, 1997, including any plea of guilty or
26 nolo contendere, of any offense classified as ~~a felony and~~
27 ~~that has as an element the~~ *felony* possession or use of a
28 controlled substance, defined in Section 102(6) of the



1 Controlled Substances Act (21 U.S.C. Sec. 802(6)) or
2 *Division 10 (commencing with Section 11000) of the*
3 *Health and Safety Code.*

4 (d) To be eligible for services pursuant to subdivision
5 (c), the individual shall satisfy all of the following
6 conditions:

7 (1) The individual shall have custody of dependent
8 children under the age of 18 years, and shall be living with
9 them.

10 (2) The individual shall either have a job or be
11 determined by the county as being employable if
12 supportive services are provided.

13 (3) The individual shall not be using a controlled
14 substance at the time of application.

15 (4) At least five years have elapsed since the individual
16 fulfilled the condition imposed by the court in the
17 disposition of the criminal case, including conditions
18 related to incarceration, parole, and probation.

19 (5) The individual, while incarcerated or subsequent
20 to incarceration, shall have successfully completed a
21 state-licensed, certified, or county-run drug treatment
22 program, or shall be currently participating in a
23 state-licensed, certified, or county-run drug treatment
24 program, or shall be participating in a court-mandated
25 drug treatment or diversion program, or the person shall
26 be willing to enroll and subsequently provide verification
27 of enrollment in a state-licensed, certified, or county-run
28 drug treatment program.

29 (e) Services pursuant to subdivision (c) shall be
30 provided for no more than 18 months.

31 (f) All participants who receive services pursuant to
32 this section shall submit to and pass monthly medical drug
33 screening tests, as specified in regulations adopted by the
34 department, that demonstrate the person is not using a
35 controlled substance as defined in subdivision (c), other
36 than as authorized by law.

37 SEC. 3. (a) The Director of Social Services shall
38 adopt regulations, as necessary, to implement the
39 provisions of this act regarding the drug screening
40 procedure, interpretation of drug screening results,



1 standards for reliability and accuracy of tests, and other
2 necessary matters, as contained in Sections 11251.3,
3 11251.4, and 18901.3 of the Welfare and Institutions Code.

4 (b) Notwithstanding the Administrative Procedure
5 Act (Chapter 3.5 (commencing with Section 11340) of
6 Part 1 of Division 3 of Title 2 of the Government Code),
7 through December 31, 2001, the State Department of
8 Social Services may implement drug screening provisions
9 for convicted drug felons as described in this act through
10 all county letters or similar instructions from the director.

11 (c) The department shall adopt regulations to
12 implement this act no later than January 1, 2002.
13 Emergency regulations to implement the applicable
14 provisions of this section may be adopted by the director
15 in accordance with the Administrative Procedure Act.
16 The initial adoption of emergency regulations and one
17 readoption of emergency regulations shall be deemed to
18 be an emergency and necessary for the immediate
19 preservation of the public peace, health, safety, or
20 general welfare. Initial emergency regulations shall be
21 exempt from review by the Office of Administrative Law.
22 The emergency regulations authorized by this section
23 shall be submitted to the Office of Administrative Law for
24 filing with the Secretary of State and shall remain in effect
25 for no more than 180 days.

