

AMENDED IN SENATE APRIL 6, 1999

SENATE BILL

No. 659

Introduced by Senator Wright

February 24, 1999

~~An act to add Division 13 (commencing with Section 22020)~~
~~to~~ *An act to add Section 11251.4 to, and to repeal and amend Sections 11251.3 and 17012.5 of, the Welfare and Institutions Code, relating to human services, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 659, as amended, C. Wright. ~~Family reunification task force~~ *CalWORKs: food stamps: general assistance.*

Existing law provides that a person convicted of specified felonies related to controlled substances shall be ineligible for aid under the CalWORKs program, and also for non-health-care general assistance benefits.

~~This bill would require the State Department of Social Services to convene a task force to evaluate the impact of these provisions on the children of individuals who have been incarcerated for felony drug convictions, and to evaluate specifically the effect of those provisions on family reunification efforts, and on the county foster care system.~~ *instead provide that persons convicted of specified felonies related to controlled substances are ineligible for aid under CalWORKs, nonhealth general assistance benefits, or food stamps unless they meet one of several specified conditions related to drug treatment, and submit to required periodic drug testing. This bill would require a county level*

interagency team composed of specified representatives of county social service agencies to provide case management services to families receiving benefits under these provisions, and would require the services to be coordinated with certain corrections programs.

This bill would require counties to issue vouchers or vendor payments for at least rent and utilities payments to families eligible for aid under CalWORKs pursuant to these provisions.

This bill would make related technical changes.

This bill would appropriate an unspecified amount, from funds allocated to the state under the federal Temporary Assistance to Needy Families Block Grant, to the State Department of Social Services, for allocation to counties for implementation of its provisions.

By imposing new duties upon counties to administer these provisions, this bill would impose 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~~ ^{2/3}. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

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

- 1 ~~SECTION 1. Division 13 (commencing with Section~~
- 2 ~~22020) is added to the Welfare and Institutions Code, to~~
- 3 ~~read:~~
- 4



DIVISION 13. ~~FAMILY REUNIFICATION TASK FORCE~~

~~22020. The State Department of Social Services shall convene a task force to evaluate the impact of Sections 11251.3 and 17012.5, as added by Chapter 284 of the Statutes of 1997, on the children of individuals who have been incarcerated for felony drug convictions. The task force shall evaluate the effect of these provisions on family reunification efforts, and on the county foster care system.~~

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

~~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 any offense classified as a felony and that has as an element of the possession, use, or distribution of a controlled substance, defined in Section 102(6) of the Controlled Substance Act (21 U.S.C. Sec. 802(6)).~~

~~(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 11251.3 of the Welfare and Institutions Code, as added by Section 1 of Chapter 284 of the Statutes of 1997, is amended to read:

11251.3. (a) An individual shall be ineligible for aid under this chapter, *or Chapter 10 (commencing with Section 18900) of Part 6*, 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~~ *or use* 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, *unless one of the following conditions is met:*



1 (1) The person, while incarcerated or subsequent to
2 incarceration, has successfully completed a state-licensed
3 drug treatment program.

4 (2) The person is currently participating in a
5 state-licensed drug treatment program, or is
6 participating in a court-mandated drug treatment or
7 diversion program.

8 (3) The person is willing to enroll and subsequently
9 provides verification of enrollment in a state-licensed
10 drug treatment program.

11 (4) At least five years have elapsed since the person
12 fulfilled the conditions imposed by the court in the
13 disposition of the criminal case, including conditions
14 relating to incarceration, parole, and probation.

15 (5) The person is not currently dependent on a
16 controlled substance.

17 (b) In order to receive benefits pursuant to paragraph
18 (4) or (5) of subdivision (a), a person must be drug free
19 and shall be required to submit to medically acceptable
20 drug testing prior to enrollment in the program.

21 (c) All participants who receive benefits pursuant to
22 this section shall agree to periodic, medically acceptable
23 drug tests as determined by the county.

24 (d) A county may remove the person from the family
25 grant if it is determined that the person has failed or
26 refused to participate in the program without good cause,
27 refused to comply with subdivision (c), or has resumed
28 use of a controlled substance. Sanctions shall be applied
29 in accordance with Sections 11327.4 and 11327.5.

30 (e) A county level interagency team comprised of, but
31 not limited to representatives from the county
32 department of social services, including both CalWORKs
33 and child welfare, alcohol and drug services, mental
34 health services, and probation, shall provide case
35 management services to all families enrolled under this
36 section.

37 (f) In counties where the Department of Corrections
38 is providing services under the female offender
39 treatment and employment program, CalWORKs
40 services provided under this section shall be coordinated



1 with that program. In all other counties a representative
2 of the Department of Corrections Parole and Community
3 Services Division shall participate in the
4 multidisciplinary team providing case management
5 services to the CalWORKs participant.

6 (g) For a family receiving aid under this chapter that
7 includes an individual who is ~~ineligible~~ eligible pursuant
8 to ~~subdivision (a)~~ this section, a county shall issue
9 vouchers or vendor payments for at least rent and utilities
10 payments.

11 SEC. 3. Section 11251.4 is added to the Welfare and
12 Institutions Code, to read:

13 11251.4. (a) An individual shall be ineligible for aid
14 under this chapter, or Chapter 10 (commencing with
15 Section 18900) of Part 6, if the individual has been
16 convicted in state or federal court after December 31,
17 1997, including any plea of guilty or nolo contendere, of
18 a felony that has as an element the sale, transportation,
19 distribution, or manufacture of a controlled substance,
20 defined in Section 102(6) of the Controlled Substances
21 Act (21 U.S.C. 802(6)) or Division 10 (commencing with
22 Section 11000) of the Health and Safety Code, unless one
23 of the following conditions is met:

24 (1) The person, while incarcerated or subsequent to
25 incarceration, has successfully completed a state-licensed
26 drug treatment program.

27 (2) The person is currently participating in a
28 state-licensed drug treatment program, or is
29 participating in a court-mandated drug treatment or
30 diversion program.

31 (3) The person is willing to enroll and subsequently
32 provides verification of enrollment in a state-licensed
33 drug treatment program.

34 (4) At least five years have elapsed since the person
35 fulfilled the conditions imposed by the court in the
36 disposition of the criminal case, including conditions
37 relating to incarceration, parole, and probation.

38 (5) The person is not currently dependent on a
39 controlled substance.



1 (b) In order to receive benefits pursuant to paragraph
2 (4) or (5) of subdivision (a), a person must be drug free
3 and shall be required to submit to medically acceptable
4 drug testing prior to enrollment in the program.

5 (c) All participants who receive benefits pursuant to
6 this section must agree to periodic, medically acceptable
7 drug tests.

8 (d) Continued access to services and benefits may be
9 denied if the participant refuses to comply with
10 subdivision (c), or if the county determines that the
11 participant has resumed use of a controlled substance.
12 These sanctions shall be applied in accordance with the
13 notice of action procedures in Section 11327.4.

14 (e) A county level interagency team comprised of, but
15 not limited to, representatives from the county
16 department of social services, including CalWORKs and
17 child welfare, alcohol and drug services, mental health
18 services, and probation, shall provide case management
19 services to all families enrolled under this section.

20 (f) In counties where the Department of Corrections
21 is providing services under the female offender
22 treatment and employment program, CalWORKs
23 services provided under this section shall be coordinated
24 with that program. In all other counties a representative
25 of the Department Corrections Parole and Community
26 Services Division shall participate in the
27 multidisciplinary team providing case management
28 services to the CalWORKs participant.

29 (g) For a family receiving aid under this chapter that
30 includes an individual who is eligible pursuant to this
31 section, a county shall issue vouchers or make vendor
32 payments for at least rent and utilities payments.

33 SEC. 4. Section 17012.5 of the Welfare and Institutions
34 Code, as added by Section 2 of Chapter 283 of the Statutes
35 of 1997, is repealed.

36 ~~17012.5. An individual ineligible for aid under~~
37 ~~Chapter 2 (commencing with Section 11200) of Part 3~~
38 ~~pursuant to Section 11251.3, who is a member of an~~
39 ~~assistance unit receiving aid under that chapter, shall also~~
40 ~~be ineligible for nonhealth care benefits under this part.~~



1 *SEC. 5. Section 17012.5 of the Welfare and Institutions*
2 *Code, as added by Section 2 of Chapter 284 of the Statutes*
3 *of 1997, is amended to read:*

4 17012.5. An individual ineligible for aid under
5 Chapter 2 (commencing with Section 11200) of Part 3
6 pursuant to Section 11251.3 or 11251.4, who is a member
7 of an assistance unit receiving aid under that chapter,
8 shall also be ineligible for nonhealth care benefits under
9 this part.

10 *SEC. 6. The sum of _____ dollars (\$____) is*
11 *hereby appropriated, from funds allocated to the state*
12 *under the federal Temporary Assistance to Needy*
13 *Families Block Grant, to the State Department of Social*
14 *Services, for allocation to counties for implementation of*
15 *this act.*

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

