

AMENDED IN SENATE APRIL 8, 1999

AMENDED IN SENATE APRIL 6, 1999

SENATE BILL

No. 659

Introduced by Senator Wright

February 24, 1999

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. 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 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~~ *but would provide that they shall be eligible for services under the CalWORKs program and aid under the general assistance program if 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: ²/₃. Appropriation: yes. 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
- 2 Institutions Code, as added by Section 1 of Chapter 283 of
- 3 the Statutes of 1997, is repealed.
- 4 SEC. 2. Section 11251.3 of the Welfare and Institutions
- 5 Code, as added by Section 1 of Chapter 284 of the Statutes
- 6 of 1997, is amended to read:
- 7 11251.3. (a) An individual shall be ineligible for aid
- 8 under this chapter, or Chapter 10 (commencing with
- 9 Section 18900) of Part 6, if the individual has been
- 10 convicted in state or federal court after December 31,



1 1997, including any plea of guilty or nolo contendere, of
2 a felony that has as an element the possession or use of a
3 controlled substance, defined in Section 102(6) of the
4 Controlled Substances Act (21 U.S.C. Sec. 802(6)) or
5 Division 10 (commencing with Section 11000) of the
6 Health and Safety Code, unless one of the following
7 conditions is met:

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

11 (2) The person is currently participating in a
12 state-licensed drug treatment program, or is
13 participating in a court-mandated drug treatment or
14 diversion program.

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

18 (4) At least five years have elapsed since the person
19 fulfilled the conditions imposed by the court in the
20 disposition of the criminal case, including conditions
21 relating to incarceration, parole, and probation.

22 (5) The person is not currently dependent on a
23 controlled substance.

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

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

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

37 (e) A county level interagency team comprised of, but
38 not limited to representatives from the county
39 department of social services, including both CalWORKs
40 and child welfare, alcohol and drug services, mental



1 health services, and probation, shall provide case
2 management services to all families enrolled under this
3 section.

4 (f) In counties where the Department of Corrections
5 is providing services under the female offender
6 treatment and employment program, CalWORKs
7 services provided under this section shall be coordinated
8 with that program. In all other counties a representative
9 of the Department of Corrections Parole and Community
10 Services Division shall participate in the
11 multidisciplinary team providing case management
12 services to the CalWORKs participant.

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

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

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

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

35 (2) The person is currently participating in a
36 state-licensed drug treatment program, or is
37 participating in a court-mandated drug treatment or
38 diversion program.



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

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

8 (5) The person is not currently dependent on a
9 controlled substance.

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

14 (c) All participants who receive benefits pursuant to
15 this section must agree to periodic, medically acceptable
16 drug tests.

17 (d) Continued access to services and benefits may be
18 denied if the participant refuses to comply with
19 subdivision (c), or if the county determines that the
20 participant has resumed use of a controlled substance.
21 These sanctions shall be applied in accordance with the
22 notice of action procedures in Section 11327.4.

23 (e) A county level interagency team comprised of, but
24 not limited to, representatives from the county
25 department of social services, including CalWORKs and
26 child welfare, alcohol and drug services, mental health
27 services, and probation, shall provide case management
28 services to all families enrolled under this section.

29 (f) In counties where the Department of Corrections
30 is providing services under the female offender
31 treatment and employment program, CalWORKs
32 services provided under this section shall be coordinated
33 with that program. In all other counties a representative
34 of the Department Corrections Parole and Community
35 Services Division shall participate in the
36 multidisciplinary team providing case management
37 services to the CalWORKs participant.

38 (g) For a family receiving aid under this chapter that
39 includes an individual who is eligible pursuant to this



1 section, a county shall issue vouchers or make vendor
2 payments for at least rent and utilities payments.

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

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

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

15 SEC. 6. The sum of ____ dollars (\$____) is
16 hereby appropriated, from funds allocated to the state
17 under the federal Temporary Assistance to Needy
18 Families Block Grant, to the State Department of Social
19 Services, for allocation to counties for implementation of
20 this act.

21 SEC. 7. Notwithstanding Section 17610 of the
22 Government Code, if the Commission on State Mandates
23 determines that this act contains costs mandated by the
24 state, reimbursement to local agencies and school
25 districts for those costs shall be made pursuant to Part 7
26 (commencing with Section 17500) of Division 4 of Title
27 2 of the Government Code. If the statewide cost of the
28 claim for reimbursement does not exceed one million
29 dollars (\$1,000,000), reimbursement shall be made from
30 the State Mandates Claims Fund.

