

AMENDED IN ASSEMBLY AUGUST 17, 1999

AMENDED IN ASSEMBLY JUNE 30, 1999

AMENDED IN SENATE APRIL 8, 1999

AMENDED IN SENATE APRIL 6, 1999

SENATE BILL

No. 659

Introduced by Senator Wright
(Coauthors: Senators Bowen and Murray)
(Coauthor: Assembly Member 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, non-health-care general assistance benefits, or food stamps but would provide that they shall be eligible for services under the CalWORKs program and aid under the food stamp program if they meet

one of several specified conditions related to drug treatment, including completing a state-licensed, certified, or county-run drug treatment program, 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: $\frac{2}{3}$. 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.



1 SEC. 2. Section 11251.3 of the Welfare and Institutions
2 Code, as added by Section 1 of Chapter 284 of the Statutes
3 of 1997, is amended to read:

4 11251.3. (a) An individual shall be ineligible for aid
5 under this chapter, or Chapter 10 (commencing with
6 Section 18900) of Part 6, if the individual has been
7 convicted in state or federal court after December 31,
8 1997, including any plea of guilty or nolo contendere, of
9 a felony that has as an element the possession or use of a
10 controlled substance, defined in Section 102(6) of the
11 Controlled Substances Act (21 U.S.C. Sec. 802(6)) or
12 Division 10 (commencing with Section 11000) of the
13 Health and Safety Code, unless one of the following
14 conditions is met:

15 (1) The person, while incarcerated or subsequent to
16 incarceration, has successfully completed a
17 state-licensed, certified, or county-run drug treatment
18 program.

19 (2) The person is currently participating in a
20 state-licensed, certified, or county-run drug treatment
21 program, or is participating in a court-mandated drug
22 treatment or diversion program.

23 (3) The person is willing to enroll and subsequently
24 provides verification of enrollment in a state-licensed,
25 certified, or county-run drug treatment program.

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

30 (5) The person is not currently using a controlled
31 substance.

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

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

39 (d) A county may remove the person from the family
40 grant if it is determined that the person has failed or



1 refused to participate in the program without good cause,
2 refused to comply with subdivision (c), or has resumed
3 use of a controlled substance. Sanctions shall be applied
4 in accordance with Sections 11327.4 and 11327.5.

5 (e) A county level interagency team comprised of, but
6 not limited to, representatives from the county
7 department of social services, including both CalWORKs
8 and child welfare, alcohol and drug services, mental
9 health services, and probation, shall be convened by the
10 CalWORKs program branch of the department to
11 provide case management services to all families enrolled
12 under this section.

13 (f) In counties where the Department of Corrections
14 is providing services under the female offender
15 treatment and employment program, CalWORKs
16 services provided under this section shall be coordinated
17 with that program. In all other counties, a representative
18 of the Department of Corrections Parole and Community
19 Services Division shall ~~participate in~~ *cooperate with* the
20 multidisciplinary team providing case management
21 services to ~~the any~~ CalWORKs participant *who is on*
22 *parole*. This subdivision shall not apply to counties ~~served~~
23 ~~by a regional parole officer that do not physically contain~~
24 ~~a parole unit or parole subunit~~. However, these counties
25 shall develop procedures to coordinate the work of the
26 case management team with ~~that officer~~ *the Parole and*
27 *Community Services Division for those CalWORKs*
28 *participants currently on parole*.

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 vendor payments
32 for at least rent and utilities payments.

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

35 11251.4. (a) An individual shall be ineligible for aid
36 under this chapter, or Chapter 10 (commencing with
37 Section 18900) of Part 6, if the individual has been
38 convicted in state or federal court after December 31,
39 1997, including any plea of guilty or nolo contendere, of
40 a felony that has as an element the sale, transportation,



1 distribution, or manufacture of a controlled substance,
2 defined in Section 102(6) of the Controlled Substances
3 Act (21 U.S.C. 802(6)) or Division 10 (commencing with
4 Section 11000) of the Health and Safety Code, but shall be
5 eligible for services under this chapter, or aid under
6 Chapter 10 (commencing with Section 18900) of Part 6,
7 if one of the following conditions is met:

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

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

16 (3) The person is willing to enroll and subsequently
17 provides verification of enrollment in a state-licensed,
18 certified, or county-run drug treatment program.

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

23 (5) The person is not currently using a controlled
24 substance.

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

29 (c) All participants who receive benefits pursuant to
30 this section must agree to periodic, medically acceptable
31 drug tests.

32 (d) Continued access to services and benefits may be
33 denied if the participant refuses to comply with
34 subdivision (c), or if the county determines that the
35 participant has resumed use of a controlled substance.
36 These sanctions shall be applied in accordance with the
37 notice of action procedures in Section 11327.4.

38 (e) A county level interagency team comprised of, but
39 not limited to, representatives from the county
40 department of social services, including CalWORKs and



1 child welfare, alcohol and drug services, mental health
2 services, and probation, shall be convened by the
3 CalWORKs program branch of the department to
4 provide case management services to all families enrolled
5 under this section.

6 (f) In counties where the Department of Corrections
7 is providing services under the female offender
8 treatment and employment program, CalWORKs
9 services provided under this section shall be coordinated
10 with that program. In all other counties, a representative
11 of the Department of Corrections Parole and Community
12 Services Division shall ~~participate in~~ *cooperate with* the
13 multidisciplinary team providing case management
14 services to ~~the any~~ CalWORKs participant *who is on*
15 *parole*. This subdivision shall not apply to counties ~~served~~
16 ~~by a regional parole officer that do not physically contain~~
17 *a parole unit or parole subunit*. However, these counties
18 shall develop procedures to coordinate the work of the
19 case management team with ~~that officer~~ *the Parole and*
20 *Community Services Division for those CalWORKs*
21 *participants currently on parole*.

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

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

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

32 17012.5. An individual ineligible for aid under
33 Chapter 2 (commencing with Section 11200) of Part 3
34 pursuant to Section 11251.3 or 11251.4, who is a member
35 of an assistance unit receiving aid under that chapter,
36 shall also be ineligible for non-health-care benefits under
37 this part.

38 SEC. 6. The sum of _____ dollars (\$_____) is
39 hereby appropriated, from funds allocated to the state
40 under the federal Temporary Assistance to Needy



1 Families Block Grant, to the State Department of Social
2 Services for allocation to counties for implementation of
3 this act.

4 SEC. 7. Notwithstanding Section 17610 of the
5 Government Code, if the Commission on State Mandates
6 determines that this act contains costs mandated by the
7 state, reimbursement to local agencies and school
8 districts for those costs shall be made pursuant to Part 7
9 (commencing with Section 17500) of Division 4 of Title
10 2 of the Government Code. If the statewide cost of the
11 claim for reimbursement does not exceed one million
12 dollars (\$1,000,000), reimbursement shall be made from
13 the State Mandates Claims Fund.

