

AMENDED IN ASSEMBLY AUGUST 24, 1999

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~~ *Members Kuehl, Migden,*
and 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: $\frac{2}{3}$ —majority. Appropriation: ~~yes~~—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
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,
11 1997, including any plea of guilty or nolo contendere, of
12 a felony that has as an element the possession or use of a
13 controlled substance, defined in Section 102(6) of the
14 Controlled Substances Act (21 U.S.C. Sec. 802(6)) or
15 Division 10 (commencing with Section 11000) of the
16 Health and Safety Code, unless one of the following
17 conditions is met:

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

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

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

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

33 (5) The person is not currently using a controlled
34 substance.

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



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

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

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

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

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

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

39 11251.4. (a) An individual shall be ineligible for aid
40 under this chapter, or Chapter 10 (commencing with



1 Section 18900) of Part 6, if the individual has been
2 convicted in state or federal court after December 31,
3 1997, including any plea of guilty or nolo contendere, of
4 a felony that has as an element the sale, transportation,
5 distribution, or manufacture of a controlled substance,
6 defined in Section 102(6) of the Controlled Substances
7 Act (21 U.S.C. 802(6)) or Division 10 (commencing with
8 Section 11000) of the Health and Safety Code, but shall be
9 eligible for services under this chapter, or aid under
10 Chapter 10 (commencing with Section 18900) of Part 6,
11 if one of the following conditions is met:

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

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

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

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

27 (5) The person is not currently using a controlled
28 substance.

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

33 (c) All participants who receive benefits pursuant to
34 this section must agree to periodic, medically acceptable
35 drug tests.

36 (d) Continued access to services and benefits may be
37 denied if the participant refuses to comply with
38 subdivision (c), or if the county determines that the
39 participant has resumed use of a controlled substance.



1 These sanctions shall be applied in accordance with the
2 notice of action procedures in Section 11327.4.

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

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

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

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

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

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 or 11251.4, who is a member
39 of an assistance unit receiving aid under that chapter,



1 shall also be ineligible for non-health-care benefits under
2 this part.

3 ~~SEC. 6. The sum of _____ dollars (\$_____) is~~
4 ~~hereby appropriated, from funds allocated to the state~~
5 ~~under the federal Temporary Assistance to Needy~~
6 ~~Families Block Grant, to the State Department of Social~~
7 ~~Services for allocation to counties for implementation of~~
8 ~~this act.~~

9 ~~SEC. 7.—~~

10 *SEC. 6.* Notwithstanding Section 17610 of the
11 Government Code, if the Commission on State Mandates
12 determines that this act contains costs mandated by the
13 state, reimbursement to local agencies and school
14 districts for those costs shall be made pursuant to Part 7
15 (commencing with Section 17500) of Division 4 of Title
16 2 of the Government Code. If the statewide cost of the
17 claim for reimbursement does not exceed one million
18 dollars (\$1,000,000), reimbursement shall be made from
19 the State Mandates Claims Fund.

