

AMENDED IN SENATE MAY 1, 2000

SENATE BILL

No. 1984

Introduced by Senator Wright

February 25, 2000

An act to add Section 18901.3 to, and to repeal and amend Section 11251.3 of, the Welfare and Institutions Code, relating to human services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1984, 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 unless 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 medical drug screening tests. 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 require the State Department of Social Services to adopt regulations, and would authorize the adoption of emergency regulations, to implement its provisions.

This bill would make its provision operative on July 1, 2001.

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. Appropriation: 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 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~~ or use of
12 a 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, unless one of the following
4 conditions is met:

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

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

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

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

20 (5) The person is not currently using a controlled
21 substance.

22 (b) In order to receive benefits pursuant to paragraph
23 (1), (4), or (5) of subdivision (a), a person shall, prior to
24 receiving aid, be required to submit to and pass a medical
25 drug screening test, as specified in regulations adopted by
26 the department, that demonstrates the person is not
27 using a controlled substance, as defined in subdivision
28 (a), other than as authorized by law.

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

35 (d) A person's needs shall not be taken into
36 consideration if it is determined that the person has failed
37 or refused to participate in the drug treatment or
38 diversion program without good cause, or failed or
39 refused to comply with subdivision (c). Penalties shall be
40 applied in accordance with the time frames established

1 for financial sanctions in subdivision (d) of Section
2 11327.5.

3 (e) A county level interagency team comprised of, but
4 not limited to, representatives from the county
5 department of social services, including both CalWORKs
6 and child welfare, alcohol and drug services, mental
7 health 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 vendor payments
29 for at least rent and utilities payments.

30 SEC. 3. Section 18901.3 is added to the Welfare and
31 Institutions Code, to read:

32 18901.3. Pursuant to Section 115(d)(1)(A) of Public
33 Law 104-193 (21 U.S.C. Sec. 862a (d)(1)(A)), California
34 opts out of the provisions of Section 115(a)(2) of Public
35 Law 104-193 (21 U.S.C. Sec. 862a (a)(2)). Convicted drug
36 felons shall be eligible for food stamps under the same
37 conditions as those required for CalWORKs eligibility, as
38 set forth in Section 11251.3, to the extent that federal Food
39 Stamp Program law permits.

1 SEC. 4. (a) The director, shall adopt regulations, as
2 necessary, to implement the provisions of this act
3 regarding the drug screening procedure, interpretation
4 of drug screening results, standards for reliability and
5 accuracy of tests, and other necessary matters.

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

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

29 SEC. 5. Notwithstanding any other provision of law,
30 this act shall become operative on July 1, 2001.

31 SEC. 6. Notwithstanding Section 17610 of the
32 Government Code, if the Commission on State Mandates
33 determines that this act contains costs mandated by the
34 state, reimbursement to local agencies and school
35 districts for those costs shall be made pursuant to Part 7
36 (commencing with Section 17500) of Division 4 of Title
37 2 of the Government Code. If the statewide cost of the
38 claim for reimbursement does not exceed one million

1 dollars (\$1,000,000), reimbursement shall be made from
2 the State Mandates Claims Fund.

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