

**Introduced by Senator Hancock**February 13, 2012

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An act to repeal Section 17012.5 of, and to repeal and add Section 11251.3 of, the Welfare and Institutions Code, relating to CalWORKs.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1060, as introduced, Hancock. CalWORKs benefits: lifetime ban.

Existing federal law provides for the allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families through a combination of state, county, and federal funds received through the federal TANF program.

Under federal law, an individual convicted under federal or state law of an offense that is classified as a felony by the law of the jurisdiction involved, and that has as an element the possession, use, or distribution of a controlled substance, as defined, shall not be eligible for assistance under a state program funded under provisions of federal law regarding the TANF program. Existing law authorizes a state to exempt individuals domiciled in the state from this prohibition.

Existing state law provides that an individual who has been convicted in state or federal court of a felony that has as an element the possession, use, or distribution of a controlled substance, as defined under federal law or the California Uniform Controlled Substances Act, is ineligible for aid under the CalWORKs program.

This bill would delete the existing provisions, and would instead provide that a person convicted of a drug-related felony shall be eligible

to receive CalWORKs benefits if he or she meets certain conditions of eligibility. The bill also would make a conforming change.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would instead provide that the continuous appropriation would not be made for purposes of implementing the bill.

By revising and expanding standards of eligibility for benefits under the CalWORKs program, this bill would increase the responsibilities of counties, and 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.

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 Institutions  
2 Code, as added by Section 1 of Chapter 283 of the Statutes of  
3 1997, is repealed.

4 ~~11251.3. (a) An individual shall be ineligible for aid under~~  
5 ~~this chapter if the individual has been convicted in state or federal~~  
6 ~~court after December 31, 1997, including any plea of guilty or~~  
7 ~~nolo contendere, of any offense classified as a felony and that has~~  
8 ~~as an element of the possession, use, or distribution of a controlled~~  
9 ~~substance, defined in Section 102(6) of the Controlled Substance~~  
10 ~~Act (21 U.S.C. Sec. 802(6)).~~

11 ~~(b) For a family receiving aid under this chapter that includes~~  
12 ~~an individual who is ineligible pursuant to subdivision (a), a county~~  
13 ~~shall issue vouchers or vendor payments for at least rent and~~  
14 ~~utilities payments.~~

15 SEC. 2. Section 11251.3 of the Welfare and Institutions Code,  
16 as added by Section 1 of Chapter 284 of the Statutes of 1997, is  
17 repealed.

18 ~~11251.3. (a) An individual shall be ineligible for aid under~~  
19 ~~this chapter if the individual has been convicted in state or federal~~

1 ~~court after December 31, 1997, including any plea of guilty or~~  
2 ~~nolo contendere, of a felony that has as an element the possession,~~  
3 ~~use, or distribution of a controlled substance, defined in Section~~  
4 ~~102(6) of the Controlled Substances Act (21 U.S.C. Sec. 802(6))~~  
5 ~~or Division 10 (commencing with Section 11000) of the Health~~  
6 ~~and Safety Code.~~

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

11 SEC. 3. Section 11251.3 is added to the Welfare and  
12 Institutions Code, to read:

13 11251.3. (a) Subject to the limitations of subdivision (b),  
14 pursuant to Section 115(d)(1)(A) of Public Law 104-193 (21 U.S.C.  
15 Sec. 862a(d)(1)(A)), California opts out of the provisions of Section  
16 115(a) of Public Law 104-193 (21 U.S.C. Sec. 862a(a)(1)), and  
17 persons convicted in state or federal court, including any plea of  
18 guilty of nolo contendere, of any offense classified as a felony that  
19 has as an element the possession, use, or distribution of a controlled  
20 substance, as defined in Section 102(6) of the Controlled  
21 Substances Act (21 U.S.C. Sec. 802(6)) or Division 10  
22 (commencing with Section 11000) of the Health and Safety Code,  
23 shall be eligible to receive CalWORKs benefits under this section.

24 (b) As a condition of eligibility to receive CalWORKs pursuant  
25 to subdivision (a), an applicant described in subdivision (a) shall  
26 be required to provide proof of one of the following subsequent  
27 to the most recent drug-related conviction, or plea of guilty or nolo  
28 contendere:

29 (1) Completion of a government-recognized drug treatment  
30 program.

31 (2) Participation in a government-recognized drug treatment  
32 program.

33 (3) Enrollment in a government-recognized drug treatment  
34 program.

35 (4) Placement on a waiting list for a government-recognized  
36 drug treatment program.

37 (5) Other evidence that all illegal use, possession, or distribution  
38 of controlled substances has ceased, as established by State  
39 Department of Social Services regulations.

1 (c) (1) Notwithstanding the rulemaking provisions of the  
 2 Administrative Procedure Act (Chapter 3.5 (commencing with  
 3 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
 4 Code), the department may implement this section by all-county  
 5 letters or similar instructions. Thereafter, the department shall  
 6 adopt regulations to implement this section by October 1, 2014.

7 SEC. 4. Section 17012.5 of the Welfare and Institutions Code  
 8 is repealed.

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

14 SEC. 5. No appropriation pursuant to Section 15200 of the  
 15 Welfare and Institutions Code shall be made for purposes of  
 16 implementing this act.

17 SEC. 6. If the Commission on State Mandates determines that  
 18 this act contains costs mandated by the state, reimbursement to  
 19 local agencies and school districts for those costs shall be made  
 20 pursuant to Part 7 (commencing with Section 17500) of Division  
 21 4 of Title 2 of the Government Code.