

AMENDED IN ASSEMBLY APRIL 22, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2435

Introduced by Assembly Member Hagman

February 21, 2014

An act to ~~repeal and amend Section 11251.3 of~~ *add Section 10850.35* to the Welfare and Institutions Code, relating to CalWORKs.

LEGISLATIVE COUNSEL'S DIGEST

AB 2435, as amended, Hagman. CalWORKs: ineligibility.

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 and individuals. *Under existing law, an individual is not eligible for aid under the CalWORKs program if he or she is violating a condition of probation or parole imposed under federal law or the law of any state. Existing law allows a county welfare department to provide specified information to a law enforcement officer of a CalWORKs applicant or recipient if the applicant or recipient is violating a condition of probation or parole imposed under state or federal law.*

This bill would authorize the Department of Corrections and Rehabilitation or a local sheriff's department to notify a county welfare department that administers CalWORKs of persons released on probation or parole who have been prohibited from residing with a minor as a condition of release. The bill would authorize a county welfare department that administers CalWORKs to notify law enforcement of anyone who has been reported to the department pursuant to these provisions who applies for benefits under the CalWORKs program if the department has reason to believe that the

applicant is residing with a minor as a condition for eligibility to receive benefits under the CalWORKs program.

~~Existing 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. Existing law also provides for a substantially similar provision that does not make reference to controlled substances defined in the California Uniform Controlled Substances Act.~~

~~This bill would repeal the substantially similar provision that does not make reference to the California Uniform Controlled Substances Act.~~

~~This bill would also provide that an individual who has been convicted in state court after March 1, 2015, of any offense that is a felony and a violation of certain sex offenses, where the victim of the crime is a member of the household otherwise eligible for assistance, or is related to a member of that household, is ineligible for aid under the CalWORKs program unless the individual meets any one of 5 conditions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 10850.35 is added to the Welfare and
- 2 Institutions Code, to read:
- 3 10850.35. (a) The Department of Corrections and
- 4 Rehabilitation or a local sheriff’s department may notify a county
- 5 welfare department that administers CalWORKs of persons
- 6 released on probation or parole who have been prohibited from
- 7 residing with a minor as a condition of release.
- 8 (b) A county welfare department that administers CalWORKs
- 9 may notify law enforcement of anyone who has been reported to
- 10 the department pursuant to subdivision (a) who applies for benefits
- 11 under the CalWORKs program if the department has reason to
- 12 believe that the applicant is residing with a minor as a condition
- 13 for eligibility to receive benefits under the CalWORKs program.
- 14 SECTION 1. Section 11251.3 of the Welfare and Institutions
- 15 Code, as added by Section 1 of Chapter 283 of the Statutes of
- 16 1997, is repealed.

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

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 a felony that has as an element the possession,~~
8 ~~use, or distribution of a controlled substance, defined in Section~~
9 ~~102(6) of the Controlled Substances Act (21 U.S.C. Sec. 802(6))~~
10 ~~or Division 10 (commencing with Section 11000) of the Health~~
11 ~~and Safety Code.~~

12 ~~(b) (1) Subject to paragraph (2), an individual shall be ineligible~~
13 ~~for aid under this chapter if the individual has been convicted in~~
14 ~~a state court after March 1, 2015, including any plea of guilty or~~
15 ~~nolo contendere, of any offense that is a felony and a violation of~~
16 ~~Section 266j, 269, 273a, 273ab, or 273d, paragraph (1) of~~
17 ~~subdivision (e) of Section 286, subdivision (a) or paragraph (1) of~~
18 ~~subdivision (e) of Section 288, Section 288.5, or paragraph (2) of~~
19 ~~subdivision (b) or paragraph (1) of subdivision (c) of Section 288a~~
20 ~~of the Penal Code, where the victim of the crime is a member of~~
21 ~~the household otherwise eligible for assistance, or is related to a~~
22 ~~member of that household.~~

23 ~~(2) A person is not ineligible under paragraph (1) if he or she~~
24 ~~meets any one of the following conditions:~~

25 ~~(A) Completion of conditions of probation or parole for the~~
26 ~~crime on which the disqualification is based, without a subsequent~~
27 ~~conviction for abuse or molestation of a child.~~

28 ~~(B) Current compliance with conditions of probation or parole~~
29 ~~for the crime on which the disqualification is based.~~

30 ~~(C) Completion of at least one year of treatment or counseling~~
31 ~~related to the crime on which the disqualification is based, without~~
32 ~~subsequent conviction for abuse or molestation of a child.~~

33 ~~(D) Current participation in child abuser's treatment and receipt~~
34 ~~of a determination by the counselor or treatment provider that the~~
35 ~~person does not pose an unwarranted risk of abuse to children in~~
36 ~~the home.~~

37 ~~(E) A successful petition to a superior court in the county where~~
38 ~~the aid is sought resulting in a finding by the court that the~~
39 ~~individual's residence in the household is in the best interests of~~

1 ~~the children and does not pose an unwarranted risk of abuse to~~
2 ~~children in the home.~~
3 ~~(e) For a family receiving aid under this chapter that includes~~
4 ~~an individual who is ineligible pursuant to subdivision (a) or (b),~~
5 ~~a county shall issue vouchers or vendor payments for at least rent~~
6 ~~and utilities payments.~~