

AMENDED IN SENATE MAY 28, 2013

SENATE BILL

No. 283

Introduced by Senator Hancock

February 14, 2013

An act to amend Section 18901.3 of, ~~to add Section 18901.35 to, to repeal Section 17012.5 of, and to repeal and add Section 11251.3 of,~~ the Welfare and Institutions Code, relating to social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 283, as amended, Hancock. CalWORKs and CalFresh eligibility.

~~Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families (TANF) block grant program, state, and county funds. Under existing law, an individual is ineligible for aid if the individual has been convicted in state or federal court after December 31, 1997, of any offense classified as a felony and that has as an element the possession, use, or distribution of a controlled substance.~~

~~This bill would authorize CalWORKs benefits to be paid to an individual who is convicted in state or federal court after December 31, 1997, of any offense classified as a felony that has as an element the possession, use, or distribution of a controlled substance. If the person is on supervised release, he or she would be ineligible for CalWORKs benefits during any period of revocation of that supervised release.~~

Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, formerly the Food Stamp Program, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed

to eligible individuals by each county. Under existing law, a person convicted of specified drug offenses, including transporting, selling, furnishing, administering, giving away, possessing for sale, purchasing for purpose of sale, or manufacturing a controlled substance, is ineligible to receive CalFresh benefits. Existing law authorizes the payment of CalFresh benefits to other convicted drug felons who have participated in, or are on the waiting list for, a drug treatment program, or who can show other evidence that the illegal use of controlled substances has ceased.

This bill would authorize CalFresh benefits to be paid to an individual who is convicted in state or federal court after December 31, 1997, of any offense classified as a felony that has as an element the possession, use, or distribution of a controlled substance, *as defined*. If the person is on supervised release, he or she would be ineligible for CalFresh benefits during any period of revocation of that supervised release. ~~The bill would also require the department to request a waiver from the federal government for the preenrollment of otherwise eligible applicants to the CalFresh program within one month of the applicant's reentry into the community from county jail or state prison, and would require the counties to implement the preenrollment program within 6 months of the waiver being granted. By requiring a new level of service from local government, this bill would impose a state-mandated local program.~~

Because counties administer CalFresh, this bill would increase county duties by potentially expanding the eligible population, and would thereby 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 ~~SEC. 2. Section 11251.3 of the Welfare and Institutions Code,~~
5 ~~as added by Section 1 of Chapter 284 of the Statutes of 1997, is~~
6 ~~repealed.~~

7 ~~SEC. 3. Section 11251.3 is added to the Welfare and~~
8 ~~Institutions Code, to read:~~

9 ~~11251.3. (a) Subject to the limitations of subdivision (b),~~
10 ~~pursuant to Section 115(d)(1)(A) of Public Law 104-193 (21 U.S.C.~~
11 ~~Sec. 862a(d)(1)(A)), California opts out of the provisions of Section~~
12 ~~115(a)(1) of Public Law 104-193 (21 U.S.C. Sec. 862a(a)(1)). An~~
13 ~~individual convicted in state or federal court after December 31,~~
14 ~~1997, including any plea of nolo contendere, of any offense~~
15 ~~classified as a felony that has as an element the possession, use,~~
16 ~~or distribution of a controlled substance shall be eligible to receive~~
17 ~~CalWORKs benefits under this section.~~

18 ~~(b) As a condition of eligibility for CalWORKs pursuant to~~
19 ~~subdivision (a), an applicant described in subdivision (a) who is~~
20 ~~on probation, parole, or other form of supervised release shall~~
21 ~~comply with the conditions of the supervised release, including~~
22 ~~participation in a drug treatment program, if required. If the county~~
23 ~~social services agency receives verification that the individual's~~
24 ~~supervised release has been revoked, the individual shall become~~
25 ~~ineligible for CalWORKs benefits under this section for the~~
26 ~~duration of the revocation period.~~

27 ~~(c) Notwithstanding the rulemaking provisions of the~~
28 ~~Administrative Procedure Act (Chapter 3.5 (commencing with~~
29 ~~Section 11340) of Part 1 of Division 3 of Title 2 of the Government~~
30 ~~Code), valid until January 1, 2015, the department may implement~~
31 ~~this section by all-county letters or similar instructions. Thereafter,~~
32 ~~the department shall adopt regulations to implement this section~~
33 ~~by January 1, 2015.~~

34 ~~SEC. 4. Section 17012.5 of the Welfare and Institutions Code~~
35 ~~is repealed.~~

36 ~~SEC. 5.~~

37 ~~SECTION 1. Section 18901.3 of the Welfare and Institutions~~
38 ~~Code is amended to read:~~

39 ~~18901.3. (a) Subject to the limitations of subdivision (b),~~
40 ~~pursuant to Section 115(d)(1)(A) of Public Law 104-193 (21 U.S.C.~~

1 Sec. 862a(d)(1)(A)), California opts out of the provisions of Section
2 115(a)(2) of Public Law 104-193 (21 U.S.C. Sec. 862a(a)(2)). An
3 individual convicted in state or federal ~~prison~~ *court* after December
4 31, 1997, including any plea of guilty or nolo contendere, of any
5 offense classified as a felony that has as an element the possession,
6 use, or distribution of a controlled substance, *as defined in Section*
7 *102(6) of the federal Controlled Substances Act (21 U.S.C. Sec.*
8 *802(6)) or Division 10 (commencing with Section 11000) of the*
9 *Health and Safety Code*, shall be eligible to receive CalFresh
10 benefits under this section.

11 (b) As a condition of eligibility to receive CalFresh benefits
12 pursuant to subdivision (a), an applicant described in subdivision
13 (a) who is on probation, parole, or any other form of supervised
14 release shall comply with the terms of the supervised release,
15 including participation in a drug treatment program, if required.
16 If the county social services agency receives verification that the
17 individual's supervised release has been revoked, the individual
18 shall become ineligible for CalFresh benefits under this section
19 for the duration of the revocation period.

20 (c) Notwithstanding the rulemaking provisions of the
21 Administrative Procedure Act (Chapter 3.5 (commencing with
22 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
23 Code), valid until January 1, 2015, the department may implement
24 this section by all-county letters or similar instructions. Thereafter,
25 the department shall adopt regulations to implement this section
26 by January 1, 2015.

27 ~~SEC. 6. Section 18901.35 is added to the Welfare and~~
28 ~~Institutions Code, to read:~~

29 ~~18901.35. The department shall submit to the United States~~
30 ~~Department of Agriculture, Food, and Nutrition Services, on or~~
31 ~~before March 31, 2014, a request to waive Section 273.1(b)(7)(vi)~~
32 ~~of Title 7 of the Code of Federal Regulations to allow for the~~
33 ~~preenrollment of otherwise eligible applicants to the CalFresh~~
34 ~~program up to one month prior to the applicant's reentry into the~~
35 ~~community from county jail or state prison. The counties shall~~
36 ~~implement a preenrollment process within six months of the waiver~~
37 ~~approval.~~

38 ~~SEC. 7.~~

39 ~~SEC. 2. If the Commission on State Mandates determines that~~
40 ~~this act contains costs mandated by the state, reimbursement to~~

1 local agencies and school districts for those costs shall be made
2 pursuant to Part 7 (commencing with Section 17500) of Division
3 4 of Title 2 of the Government Code.

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