STATE OF CALIFORNIA--HEALTH AND WELFARE AGENCY

PETE WILSON, GOVERNOR

DEPARTMENT OF MENTAL HEALTH
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September 30, 1997

DMH INFORMATION NOTICE NO.: 97-13

TO : LOCAL MENTAL HEALTH DIRECTORS
LOCAL MENTAL HEALTH PROGRAM CHIEFS
LOCAL MENTAL HEALTH ADMINISTRATORS
COUNTY ADMINISTRATIVE OFFICERS
CHAIRPERSONS, LOCAL MENTAL HEALTH BOARDS

SUBJECT: AB 1260, CHAPTER 284/AB 1008, CHAPTER 283, STATUTES OF 1997 (WELFARE AND INSTITUTIONS CODE [WIC] SECTIONS 11251.3 AND 17012.5)

EXPIRES : RETAIN UNTIL RESCINDED

This notice provides information about recent chaptered legislation which revises WIC Sections 11251.3 and 17012.5.

As of January 1, 1998, and after, Assembly Bill 1260 (Chapter 284, Statutes of 1997) and Assembly Bill 1008 (Chapter 283, Statutes of 1997), which are identical bills, provide that any individual who is convicted of a felony involving the use, possession or distribution of a controlled substance be considered ineligible for cash welfare benefits under the state Aid to Families with Dependent Children (AFDC), as well as ineligible to receive non-medical benefits under the general assistance (GA) program. Federal law already precludes an individual convicted of a felony involving controlled substances from receiving aid under the Temporary Assistance for Needy Families (TANF) program.

The Department of Mental Health is aware that these new statutes may impact those clients within the public mental health system who have a co-occurring serious mental illness and substance abuse/dependence disorder, i.e., persons with a dual diagnosis, and therefore, want to make sure you are also aware of these new state laws.

Since the bills are identical, only Assembly Bill 1260 is enclosed for your information.

Sincerely,

GARY M. PETTIGREW
Deputy Director
Systems of Care

Enclosure

cc: California Mental Health Planning Council
Chief, Technical Assistance and Training

BILL NUMBER: AB 1260 CHAPTERED
BILL TEXT

CHAPTER 284
FILED WITH SECRETARY OF STATE AUGUST 18, 1997
APPROVED BY GOVERNOR AUGUST 18, 1997
PASSED THE ASSEMBLY AUGUST 11, 1997
PASSED THE SENATE AUGUST 7, 1997
AMENDED IN SENATE AUGUST 7, 1997
AMENDED IN SENATE JULY 10, 1997
AMENDED IN ASSEMBLY APRIL 14, 1997

INTRODUCED BY Assembly Member Ashburn and Senator Schiff
(Principal coauthor: Assembly Member Machado)
(Principal coauthor: Senator O'Connell)

FEBRUARY 28, 1997

An act to add Sections 11251.3 and 17012.5 to the Welfare and Institutions Code, relating to human services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1260, Ashburn. Aid: substance abuse.

Existing state law provides for the Aid to Families with Dependent Children (AFDC) program, pursuant to which qualified families are provided with cash assistance. Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) program to states that participate in the TANF program. Federal law prohibits using TANF block grant funds for aid to a person convicted of a felony related to the possession, use, or distribution of a controlled substance unless a state specifically exempts those persons from this prohibition.

This bill would specify that a person convicted of that category of felony would be ineligible for aid under the AFDC program.

Existing law requires each county to provide aid and care to its indigent residents, with these programs commonly referred to as general assistance programs.

This bill would also provide that an individual ineligible for AFDC benefits pursuant to the bill, and who is in an assistance unit receiving AFDC benefits, shall be ineligible for nonhealth care general assistance benefits.

Existing law provides for the payment of aid under the AFDC program, and authorizes counties to provide for the payment of aid under that program with vouchers and vendor payments in certain circumstances.

This bill would require a county to issue vouchers or vendor payments to an eligible family under the AFDC program if the family includes a member who is ineligible due to a conviction of a felony related to the possession, use, or distribution of a controlled substance, and, by increasing the responsibilities of counties in the implementation of the aid payments, this bill would result in 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.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 11251.3 is added to the Welfare and Institutions Code, to read:

11251.3. (a) An individual shall be ineligible for aid under this chapter if the individual has been convicted in state or federal court after December 31, 1997, including any plea of guilty or nolo contendere, of a felony that has as an element the possession, use, or distribution of a controlled substance, defined in Section 102(6) of the Controlled Substances Act (21 U.S.C. Sec. 802(6)) or Division 10 (commencing with Section 11000) of the Health and Safety Code.

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

SEC. 2. Section 17012.5 is added to the Welfare and Institutions Code, to read:

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

SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.