County of Los Angeles
CHIEF EXECUTIVE OFFICE
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WILLIAM T FUJIOKA
Chief Executive Officer

Board of Supervisors
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First District

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Third District

DON KNABE
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MICHAEL D. ANTONOVICH
Fifth District

August 13, 2012

To: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

MOTION BY SUPERVISOR RIDLEY-THOMAS TO: 1) SUPPORT LEGISLATION TO ELIMINATE PROHIBITIONS ON ACCESS TO SERVICES FOR INDIVIDUALS CONVICTED OF FELONY OFFENSES THAT HAVE SUCCESSFULLY SERVED COURT-ORDERED SENTENCES; 2) SUPPORT EFFORTS TO IDENTIFY LAWS THAT CREATE UNNECESSARY BARRIERS FOR THIS POPULATION; AND 3) SEND A LETTER TO THE COUNTY'S DELEGATION TO SUPPORT AB 828, (SUPPLEMENTAL AGENDA ITEM 52-B, MEETING OF AUGUST 14, 2012)

Item No. 52-B on the August 14, 2012 Supplemental Agenda is a motion by Supervisor Ridley-Thomas to direct the following:

1. Direct the County's legislative advocates in Washington, D.C. and Sacramento to support legislation that eliminates lifetime prohibitions on access to job training, human services and voting rights for those who have been convicted of felony offenses and have successfully served court-ordered sentences, and are making a sincere effort to re-integrate into the community. **This office recommends that this item be continued 3 weeks**;

2. Direct the County's Federal and State legislative advocates to support efforts to identify the laws, regulations, and policies that may create unnecessary barriers to employing people with criminal records. **This office recommends that this item be continued 3 weeks**; and

3. Send a letter to the County's State legislative delegation, recommending support for measures such as AB 828, the Nutrition Assistance for Families in Recovery Act. **Support for AB 828 is consistent with existing Board-approved policy.** The County took a support position on this measure on August 10, 2012.

The existing Board-approved State and Federal Legislative Agendas do not contain specific policies related to recommendations in the motion which call for: 1) support of legislation that eliminates lifetime prohibitions on access to job training and voting rights for those convicted of felony offenses who have successfully served court-ordered sentences; and 2) support efforts to identify laws, regulations, and policies that may create unnecessary barriers to employing people with criminal records.

Therefore, this office recommends that items one and two of the motion be continued for three weeks to allow sufficient time to research these issues and work with affected Departments to complete a comprehensive analysis for the Board's consideration.

AB 828 (Swanson)

County-supported AB 828 (Swanson), as amended on June 13, 2012, would allow an individual convicted of any drug-related felony to be eligible to receive Federal CalFresh benefits if certain conditions are met, such as the completion of a government-recognized drug treatment program, subsequent to the most recent drug-related conviction. Specifically, this bill would amend State law to opt out of the current Federal ban which prohibits individuals convicted of drug felonies from receiving these benefits. Under AB 828, no individual convicted of a drug felony (including distribution and sales crimes) would be automatically deemed ineligible for CalFresh benefits without condition.

Support for AB 828 is consistent with Board policy to support a statewide safety net for families in which a member may be disqualified from receiving Temporary Assistance for Needy Families (TANF) benefits due to drug-related convictions, if that family member has successfully completed a qualified drug rehabilitation program and remains drug free. **On August 10, 2012, the County took a support position on this measure.** Attached is a memorandum with the complete analysis of AB 828.

We will continue to keep you advised.

WTF:RA
MR:OR:ma

Attachment

c: Executive Office, Board of Supervisors
County Counsel

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Attachment

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MICHAEL D. ANTONOVICH
Fifth District

August 10, 2012

To: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

REQUEST BY SUPERVISOR KNABE FOR THE CHIEF EXECUTIVE OFFICE TO EXAMINE AB 828 (SWANSON) AND REPORT BACK TO THE BOARD (RELATED TO PUBLIC COMMENT, MEETING OF JULY 31, 2012)

This memorandum responds to a request by Supervisor Knabe during the public comment portion of the July 31, 2012 Board meeting for the Chief Executive Office to examine AB 828 (Swanson), which relates to the eligibility of CalFresh benefits and individuals convicted of drug-related felonies, and to report back to the Board.

Analysis of AB 828

AB 828 (Swanson), as amended on June 13, 2012, would allow an individual convicted of any drug-related felony to be eligible to receive Federal CalFresh benefits if certain conditions described below are met. Specifically, this bill would amend State law to opt out of the current Federal ban which prohibits individuals convicted of drug felonies from receiving these benefits. Under AB 828, no individual convicted of a drug felony (including distribution and sales crimes) would be automatically deemed ineligible for CalFresh benefits without condition.

This measure would require, as a condition of eligibility to receive CalFresh benefits, an applicant convicted of a felony drug offense to provide proof of one of the following:

- Completion of a government-recognized drug treatment program, subsequent to the most recent drug-related conviction;

- Participation in a government-recognized drug treatment program, subsequent to the most recent drug-related conviction;

- Enrollment in a government-recognized drug treatment program, subsequent to the most recent drug-related conviction;

- Placement on a waiting list for a government-recognized drug treatment program, subsequent to the most recent drug-related conviction; or

- Other evidence that all illegal use, possession, or distribution of controlled substances has ceased, as established by regulations of the California Department of Social Services.

Federal law prohibits individuals who have been convicted of drug felonies from receiving benefits under the Federal Supplemental Nutrition Assistance Program (SNAP), formerly the Food Stamp Program and known as CalFresh in California, but allows a State to opt out partially, or entirely, from the provisions of the automatic aid disqualification of a convicted felon.

Existing State law opts out of the Federal prohibition against SNAP eligibility, in part, for persons convicted of a drug felony unrelated to distribution or sales (primarily possession and use convictions) who can prove completion, enrollment in, or placement on a waiting list for a government-recognized drug treatment program, or provide other evidence that illegal use of controlled substances has ceased. Current State law retains the Federal prohibition against eligibility for CalFresh benefits for persons convicted of a felony involving trafficking.

According to the Department of Public Social Services (DPSS), AB 828 would simplify the process for this population to receive CalFresh benefits. DPSS indicates that additional administration costs could be negligible if AB 828 is enacted. The Department expects no additional Net County Cost for CalFresh administration, because CalFresh benefits are 100 percent Federally funded, and the California Food Assistance Program, which is part of the CalFresh Program, is 100 percent State funded.

The Department of Public Social Services and this office support AB 828. Therefore, consistent with Board policy to support a statewide safety net for families in which a member may be disqualified from receiving TANF benefits due to drug-related convictions, if that family member has successfully completed a qualified drug rehabilitation program and remains drug free, **unless otherwise instructed by the Board, the Sacramento advocates will support AB 828.**

AB 828 is sponsored by the Western Center on Law and Poverty and the Women's Policy Institute, and is supported by the County Welfare Directors Association of California, California Association of Food Banks, California Public Defenders Association, Alameda County Board of Supervisors, City and County of San Francisco, among others. The measure is opposed by the California District Attorneys Association and the California Narcotic Officers' Association.

AB 828 is identical to AB 1756 (Swanson) of 2010 and similar to AB 1198 (Swanson) of 2009, which were held on the Senate Appropriations Committee's Suspense File, among other previous measures.

AB 828 is currently on the Senate Appropriations Committee's Suspense File which will be considered on August 16, 2012.

We will continue to keep you advised.

WTF:RA
MR:OR:ma

c: Executive Office, Board of Supervisors
County Counsel