

13 APR -3 AM 11:14

CITY OF OAKLAND
BILL ANALYSIS



Date: April 18, 2013

Bill Number: SB 283 (Successful Reentry & Access to Jobs)

Bill Author: Senator Loni Hancock

DEPARTMENT INFORMATION

Contact: Clara Garzon

Department: Office of Councilmember Desley Brooks, District 6

Telephone: 510-238-3971 e-mail: cgarzon@oaklandnet.com

RECOMMENDED POSITION: SUPPORT

Summary of the Bill:

SB 283 would allow individuals, previously convicted of a nonviolent drug felony who meet all other eligibility and asset rules to receive basic-needs services, employment training and work supports through the California Works Opportunity and Responsibility for Kids (CalWORKs) program and CalFresh (known nationally as the Supplemental Nutrition Assistance Program-formerly the Food Stamp Program), if they are complying with the conditions of probation or parole, or have successfully completed their probation or parole.

Background:

Thousands of Californians are released from prison or jail every year on parole or probation. Unfortunately, with few or no job prospects, it is estimated that 66% of those released from prison will be rearrested- and almost one-half will be re-incarcerated- within three years of their release. According to a 2011 report by Pew Center on the States, California ranks second-worst in the nation in recidivism rates (nearly 15% points higher than the national average).

California currently maintains a lifetime ban on people with prior drug-related felony convictions from receiving basic needs assistance, job training and employment support services through the CalWORKs program and CalFresh (known nationally as the Supplemental Nutrition Assistance Program-formerly the Food Stamp Program). This ban exists despite the fact that California has the second highest rate of recidivism in the country, and that numerous studies finding that access to basic needs supports (like food and housing assistance), reduces crime and contributes to successful re-entry of individuals who have been incarcerated.

Item: _____
Rules & Legislation Comte.
April 18, 2013

Positive Factors for Oakland:

SB 283 will provide additional tools to county probation departments and human services agencies to improve outcomes for reentry, job placement and child wellbeing; thus benefiting Oakland's reentry community. The ban on CalWorks and CalFresh assistance for individuals with previous convictions of nonviolent drug-related felonies, regardless of their subsequent efforts to improve their lives, is a major barrier to successful reentry and access to jobs, and consequently, a contributing factor to high recidivism in Oakland. Restoring access to these benefits for these individuals with prior drug-related felony convictions will not only improve outcomes of very vulnerable families, but also improve public safety in Oakland by increasing employment opportunities and financial stability and reducing their risks of reoffending.

Negative Factors for Oakland: None.

PLEASE RATE THE EFFECT OF THIS MEASURE ON THE CITY OF OAKLAND:

- Critical** (top priority for City lobbyist, city position required ASAP) –
- Very Important** (priority for City lobbyist, city position necessary)
- Somewhat Important** (City position desirable if time and resources are available)
- Minimal or** **None** (do not review with City Council, position not required)

Known support:

County Welfare Directors Association (Co-Sponsor); Drug Policy Alliance (Co-Sponsor); Western Center on Law and Poverty (Co-Sponsor); A New Path; Advancement Project; Alameda County Community Food Bank; Americans For Safe Access; Architects/Designers/Planners for Social Responsibility; Bananas; California Communities United Institute; California Association of Food Banks; California Drug Counseling, Inc.; California Food Policy Advocates; California Hunger Action Coalition; California Immigrant Policy Center; California Public Defenders Association; Californians United for a Responsible Budget; Canoga Park Worksource/Rescare Workforce Services; The Center for Young Women Development; Coalition of California Welfare Rights Organizations, Inc.; Collaborative Tutoring; Community Action Partnership; Community Services Unlimited, Inc.; Conn/McCorry; County of Butte Department of Employment and Social Services; County of San Luis Obispo Department of Social Services; First Congregational Church of Pasadena UCC; Hunger Action Los Angeles; Innerscity Struggle; Insight Center for Community Economic Development; Justine Not Jails; Legal Services for Prisoners with Children; Los Angeles Alliance for a New Economy; Los Angeles Black Worker Center; Los Angeles Community Action Network; Los Angeles Regional Reentry Partnership;

National Association of social Workers Ca Chapter-Women's Council; Playa Vista Job Opportunities and Business Services; Project New Village; RainChains.com; Returning Home Foundation; San Diego Hunger Coalition; The Sentencing Project; Shields for Families; St. Mary's Episcopal Church; Starting Over; Urban Counties Caucus; Violence Prevention Coalition of Greater Los Angeles; The Women's Foundation of California; Women Organizing Resources, Knowledge & Services; Youth Justice Coalition.

Known Opposition:

California Narcotic Officers' Association; California Police Chiefs Association.

Attached: bill text and bill factsheet.

Respectfully Submitted,



Desley Brooks
Councilmember, District 6

Senate Bill 283

Successful Re-Entry & Access to Jobs

Senator Hancock (D - 09)
As Introduced, February 14, 2013

ISSUE

California currently maintains a lifetime ban on people with prior drug-related felony convictions from receiving basic needs assistance, job training and employment support services through the California Work Opportunity and Responsibility to Kids (CalWORKs) program and CalFresh (known nationally as the Supplemental Nutrition Assistance Program). This ban exists despite the fact that the state has the 2nd highest rate of recidivism in the country and that countless studies finding access to basic needs supports, like food and housing assistance, reduces crime and recidivism and contributes to successful re-entry of individuals who have been incarcerated.

CURRENT LAW

California maintains an optional lifetime ban on receiving CalWORKs or CalFresh for people with former drug-related felony offences when the conviction occurred after 1996. In 2004, Republican Governor Schwarzenegger signed AB 1796 (Leno), which partially repealed the lifetime ban for some individuals but not for all.¹ Meanwhile, 38 states have chosen to fully opt-out of or alter these lifetime bans,² making federally funded food benefits, federally funded job training and work supports and basic needs benefits available to support successful re-entry for these individuals and prevent recidivism.

In response to a US Supreme Court order to address prison overcrowding, Governor Brown worked with the Legislature, local governments, law

¹ 1796 (Leno), Chapter 932, Statutes of 2004 Welfare and Institutions Code §18901.3

² Drug Offenders: Various Factors May Limit the Impacts of Federal Laws That Provide for Denial of Selected Benefits, GAO-05-238, (Washington, D.C.: September, 2005) <http://www.gao.gov/new.items/d05238.pdf>

enforcement and probation leaders, to realign the supervision of people with non-violent offences to local law enforcement. Public Safety realignment was codified by AB 109 in 2011, and subsequently amended by legislation in 2012.

AB 109 created Local Corrections Community Partnerships tasked with planning and implementing policies to reduce recidivism and promote public safety. In addition to law enforcement leadership, County Human Services Agencies are mandatory participants in local councils, as work supports, homelessness prevention, employment & training, and other human services are essential to achieving cost-effective solutions to California's high recidivism rates.

BACKGROUND

A report by the Reentry Policy Council of the Council of State Governments credits public benefits and job training as key contributors to successful prisoner reentry and recommends that states opt out of bans against people with prior drug-related felony convictions.³ The Reentry Policy Council is a bipartisan working group with representatives of national associations of probation and parole, correctional administrators, courts, police, mental health and housing experts, among others.⁴

Harvard's Bruce Western said that the costs to restoring access to benefits like CalWORKs and CalFresh, "...are offset by increased employment and reduced crime and correctional costs for program participants...Achieving these objectives

³ *Report of the Re-Entry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community.* Council of State Governments. Reentry Policy Council. New York: Council of State Governments. January 2005,

⁴ http://www.reentrypolicy.org/about/reentry_policy_council

will yield a sustainable public safety that overcomes the long-term negative consequences of criminal punishment and promotes the economic improvement of poor communities.”⁵

Thousands of Californians are released from prison or jail every year on parole or probation. Unfortunately, with few or no job prospects, approximately two-thirds of those released from prison will be rearrested – and almost one-half will be re-incarcerated—within three years of their release. According to a 2011 report by Pew Center on the States, California ranks second-worst in the nation in recidivism rates, nearly 15 percentage points higher than the national average.⁶

The ban on CalWORKs and CalFresh assistance for groups of individuals with past drug-related felonies, regardless of their subsequent efforts to improve their lives, is a major barrier to successful reentry and, consequently, a contributing factor to the state’s high recidivism rates. Restoring access to these benefits to persons with prior drug-related felony convictions will not only improve outcomes of very vulnerable families, but also improve public safety by increasing their chances of employment and financial stability and reducing their risks of reoffending.

⁵ Western, Bruce. 2008. “From Prison to Work: A Proposal for a National Prisoner Reentry Program.” (Washington, DC: The Brookings Institution, 2008) 3-5

⁶ See, for example, Joan Petersilia, *When Prisoners Come Home: Parole and Prisoner Reentry* (New York: Oxford University Press, 2003); U.S. Department of Justice, Bureau of Justice Statistics, *Survey of State Criminal History Systems, 2001* (August 2003); Solomon, A., Kachnowski, V., & Bhati, A. (2005). Does parole work? Analyzing the impact of postprison supervision on rearrest outcomes. Washington, DC: Urban Institute. The Pew Center on the States (2011). *The State of Recidivism: The Revolving Door of America’s Prisons*.

http://www.pewstates.org/uploadedFiles/PCS_Assets/2011/Pew_State_of_Recidivism.pdf; and Stephen J. Tripodi, Johnny S. Kim and Kimberly Bender, “Is Employment Associated With Reduced Recidivism? : The Complex Relationship Between Employment and Crime,” *Int J Offender Ther Comp Criminol* 2010 54: 707 DOI: 10.1177/0306624X09342980.

⁶ The Pew Center on the States (2011). *The State of Recidivism: The Revolving Door of America’s Prisons*. http://www.oewstates.org/uploadedFiles/PCS_Assets/2011/Pew_State_of_Recidivism.pdf, 10 (finding that well over 40% will be reincarcerated within three years, and that California’s rates in 1999-2002 were 61.1 percent, and 2004-2007, were 57.8 percent).

This Bill

SB 283 allows individuals, previously convicted of a nonviolent drug felony, who meet all other eligibility rules to receive basic needs services, employment training and work supports through the California Work Opportunity and Responsibility to Kids (CalWORKs) and CalFresh programs, provided that they are complying with the conditions of probation or parole, or have successfully completed their probation or parole.

SUPPORT

County Welfare Directors Association (Co-Sponsor)
Drug Policy Alliance (Co-Sponsor)
Western Center on Law and Poverty (Co-Sponsor)
A New Path
Advancement Project
Alameda County Community Food Bank
Americans For Safe Access
Architects/Designers/Planners for Social Responsibility
Bananas
California Association of Food Banks
California Coalition for Women Prisoners
California Communities United Institute
California Community Partnership
California Drug Counseling, Inc.
California Food Policy Advocates
California Hunger Action Coalition
California Immigrant Policy Center
California/Nevada Community Action Partnership
California Public Defenders Association
Californians United for a Responsible Budget
Canoga Park Worksource/Rescare Workforce Services
The Center for Young Women Development
The Children’s Rights Project at Public Counsel
Coalition of California Welfare Rights Organizations, Inc.
Collaborative Tutoring
Community Services Unlimited, Inc.
Conn/McCorry
Cottage Housing
County of Butte Department of Employment And Social Services
County of San Luis Obispo Department of Social Services
County of San Mateo Board of Supervisors

First Congregational Church of Pasadena UCC
Friends Committee on Legislation of California
Hunger Action Los Angeles
Innecity Struggle
Insight Center for Community Economic
Development
Justice First LLP
Justice Not Jails
Justice Now
The Lawyer's Committee for Civil Rights of the
San Francisco Bay Area
Legal Services for Prisoners with Children
Los Angeles Alliance for a New Economy
Los Angeles Black Worker Center
Los Angeles Community Action Network
The Los Angeles Regional Reentry Partnership
National Association of Social Workers Ca Chapter-
Women's Council
North County Community Services Food Bank
Playa Vista Job Opportunities and Business Services
Project New Village
RainChains.com
Returning Home Foundation
Sacramento Housing Alliance
San Diego Hunger Coalition
Second Harvest Food Bank Santa Cruz County
The Sentencing Project
Shields for Families
St. Mary's Episcopal Church
Starting Over
Urban Counties Caucus
Violence Prevention Coalition of Greater Los
Angeles
The Women's Foundation of California
Women Organizing Resources, Knowledge &
Services
Youth Justice Coalition
Individual-Claire S. Arce

OPPOSITION

California Narcotic Officers' Association
California Police Chiefs Association

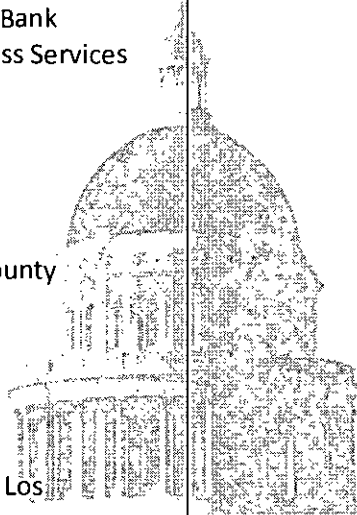
CONTACT

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(916) 202-2538

Jessica Bartholow ibartholow@wclp.org
Western Center on Law and Poverty
(916) 442-0753



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 introduced, 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,

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OFFICE OF THE CITY CLERK
OAKLAND

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. 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.

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~~

1 substance, defined in Section 102(6) of the Controlled Substance
2 Act (21 U.S.C. Sec. 802(6));

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

7 SEC. 2. Section 11251.3 of the Welfare and Institutions Code,
8 as added by Section 1 of Chapter 284 of the Statutes of 1997, is
9 repealed.

10 ~~11251.3. (a) An individual shall be ineligible for aid under~~
11 ~~this chapter if the individual has been convicted in state or federal~~
12 ~~court after December 31, 1997, including any plea of guilty or~~
13 ~~nolo contendere, of a felony that has as an element the possession,~~
14 ~~use, or distribution of a controlled substance, defined in Section~~
15 ~~102(6) of the Controlled Substances Act (21 U.S.C. Sec. 802(6))~~
16 ~~or Division 10 (commencing with Section 11000) of the Health~~
17 ~~and Safety Code.~~

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

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

24 11251.3. (a) Subject to the limitations of subdivision (b),
25 pursuant to Section 115(d)(1)(A) of Public Law 104-193 (21 U.S.C.
26 Sec. 862a(d)(1)(A)), California opts out of the provisions of Section
27 115(a)(1) of Public Law 104-193 (21 U.S.C. Sec. 862a(a)(1)). An
28 individual convicted in state or federal court after December 31,
29 1997, including any plea of nolo contendere, of any offense
30 classified as a felony that has as an element the possession, use,
31 or distribution of a controlled substance shall be eligible to receive
32 CalWORKs benefits under this section.

33 (b) As a condition of eligibility for CalWORKs pursuant to
34 subdivision (a), an applicant described in subdivision (a) who is
35 on probation, parole, or other form of supervised release shall
36 comply with the conditions of the supervised release, including
37 participation in a drug treatment program, if required. If the county
38 social services agency receives verification that the individual's
39 supervised release has been revoked, the individual shall become

1 ineligible for CalWORKs benefits under this section for the
2 duration of the revocation period.

3 (e) Notwithstanding the rulemaking provisions of the
4 Administrative Procedure Act (Chapter 3.5 (commencing with
5 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
6 Code), valid until January 1, 2015, the department may implement
7 this section by all-county letters or similar instructions. Thereafter,
8 the department shall adopt regulations to implement this section
9 by January 1, 2015.

10 SEC. 4. Section 17012.5 of the Welfare and Institutions Code
11 is repealed.

12 ~~17012.5.—An individual ineligible for aid under Chapter 2~~
13 ~~(commencing with Section 11200) of Part 3 pursuant to Section~~
14 ~~11251.3, who is a member of an assistance unit receiving aid under~~
15 ~~that chapter, shall also be ineligible for non-health-care benefits~~
16 ~~under this part.~~

17 SEC. 5. Section 18901.3 of the Welfare and Institutions Code
18 is amended to read:

19 18901.3. (a) Subject to the limitations of subdivision (b),
20 pursuant to Section 115(d)(1)(A) of Public Law 104-193 (21 U.S.C.
21 Sec. 862a(d)(1)(A)), California opts out of the provisions of Section
22 115(a)(2) of Public Law 104-193 (21 U.S.C. Sec. 862a(a)(2)). ~~A~~
23 ~~convicted drug felon~~ *An individual convicted in state or federal*
24 *prison after December 31, 1997, including any plea of guilty or*
25 *nolo contendere, of any offense classified as a felony that has as*
26 *an element the possession, use, or distribution of a controlled*
27 *substance shall be eligible to receive CalFresh benefits under this*
28 *section.*

29 ~~(b) Subdivision (a) does not apply to a person who has been~~
30 ~~convicted of unlawfully transporting, importing into this state,~~
31 ~~selling, furnishing, administering, giving away, possessing for~~
32 ~~sale, purchasing for purposes of sale, manufacturing a controlled~~
33 ~~substance, possessing precursors with the intent to manufacture a~~
34 ~~controlled substance, or cultivating, harvesting, or processing~~
35 ~~marijuana or any part thereof pursuant to Section 11358 of the~~
36 ~~Health and Safety Code.~~

37 ~~(c) Subdivision (a) does not apply to a person who has been~~
38 ~~convicted of unlawfully soliciting, inducing, encouraging, or~~
39 ~~intimidating a minor to participate in any activity listed in~~
40 ~~subdivision (b).~~

1 (d)

2 (b) As a condition of eligibility to receive CalFresh benefits
3 pursuant to subdivision (a), an applicant convicted of a felony drug
4 offense that is not excluded under subdivision (b) or (c) shall be
5 required to provide proof of one of the following subsequent to
6 the most recent drug-related conviction: *described in subdivision*
7 *(a) who is on probation, parole, or any other form of supervised*
8 *release shall comply with the terms of the supervised release,*
9 *including participation in a drug treatment program, if required.*
10 *If the county social services agency receives verification that the*
11 *individual's supervised release has been revoked, the individual*
12 *shall become ineligible for CalFresh benefits under this section*
13 *for the duration of the revocation period.*

14 ~~(1) Completion of a government-recognized drug treatment~~
15 ~~program.~~

16 ~~(2) Participation in a government-recognized drug treatment~~
17 ~~program.~~

18 ~~(3) Enrollment in a government-recognized drug treatment~~
19 ~~program.~~

20 ~~(4) Placement on a waiting list for a government-recognized~~
21 ~~drug treatment program.~~

22 ~~(5) Other evidence that the illegal use of controlled substances~~
23 ~~has ceased, as established by State Department of Social Services~~
24 ~~regulations.~~

25 (e) Notwithstanding the Administrative Procedure Act (Chapter
26 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
27 Title 2 of the Government Code), the department may implement
28 this section through an all-county letter or similar instructions from
29 the director no later than January 1, 2005.

30 (f) The department shall adopt regulations as otherwise
31 necessary to implement this section no later than July 1, 2005.
32 Emergency regulations adopted for implementation of this section
33 may be adopted by the director in accordance with the
34 Administrative Procedure Act. The adoption of emergency
35 regulations shall be deemed to be an emergency and necessary for
36 immediate preservation of the public peace, health and safety, or
37 general welfare. The emergency regulations shall be exempt from
38 review by the Office of Administrative Law. The emergency
39 regulations authorized by this section shall be submitted to the

1 Office of Administrative Law for filing with the Secretary of State
2 and shall remain in effect for no more than 180 days.

3 *(c) Notwithstanding the rulemaking provisions of the*
4 *Administrative Procedure Act (Chapter 3.5 (commencing with*
5 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*
6 *Code), valid until January 1, 2015, the department may implement*
7 *this section by all-county letters or similar instructions. Thereafter,*
8 *the department shall adopt regulations to implement this section*
9 *by January 1, 2015.*

10 SEC. 6. Section 18901.35 is added to the Welfare and
11 Institutions Code, to read:

12 18901.35. The department shall submit to the United States
13 Department of Agriculture, Food, and Nutrition Services, on or
14 before March 31, 2014, a request to waive Section 273.1(b)(7)(vi)
15 of Title 7 of the Code of Federal Regulations to allow for the
16 preenrollment of otherwise eligible applicants to the CalFresh
17 program up to one month prior to the applicant's reentry into the
18 community from county jail or state prison. The counties shall
19 implement a preenrollment process within six months of the waiver
20 approval.

21 SEC. 7. If the Commission on State Mandates determines that
22 this act contains costs mandated by the state, reimbursement to
23 local agencies and school districts for those costs shall be made
24 pursuant to Part 7 (commencing with Section 17500) of Division
25 4 of Title 2 of the Government Code.

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OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER DESLEY BROOKS

RESOLUTION IN SUPPORT OF SENATE BILL 283 (HANCOCK) WHICH PROVIDES INDIVIDUALS, PREVIOUSLY CONVICTED OF A NONVIOLENT DRUG FELONY, AND WHO MEET ALL OTHER ELIGIBILITY AND ASSET RULES AND ARE SUCCESSFULLY COMPLYING WITH THE CONDITIONS OF PROBATION OR PAROLE, OR HAVE SUCCESSFULLY COMPLETED THEIR PROBATION OR PAROLE, WOULD BE CONSIDERED ELIGIBLE FOR CALIFORNIA WORKS OPPORTUNITY AND RESPONSIBILITY FOR KIDS (Ca! WORKs) and Ca!Fresh PROGRAMS

WHEREAS, thousands of Californians are released from prison or jail every year on parole or probation. Unfortunately, with few or no job prospects, it is estimated that 66% of those released from prison will be rearrested- and almost one-half will be re-incarcerated- within three years of their release; and

WHEREAS, According to a 2011 report by Pew Center on the States, California ranks second-worst in the nation in recidivism rates (nearly 15% points higher than the national average); and

WHEREAS, under existing law, California currently maintains a lifetime ban on people with prior drug-related felony convictions from receiving basic needs assistance, job training and employment support services through the CalWORKs program and CalFresh (known nationally as the Supplemental Nutrition Assistance Program-formerly the Food Stamp Program); and

WHEREAS, This ban exists despite the fact that California has the second highest rate of recidivism in the country, and that numerous studies finding that access to basic needs supports (like food and housing assistance), reduces crime and contributes to successful re-entry of individuals who have been incarcerated; and

WHEREAS, Senate Bill 283 would allow individuals, previously convicted of a nonviolent drug felony who meet all other eligibility and asset rules to receive basic-needs services, employment training and work supports through the California Works Opportunity and Responsibility for Kids (CalWORKs) program and CalFresh (known nationally as the Supplemental Nutrition Assistance Program-formerly the Food Stamp Program), if they are complying with the conditions of probation or parole, or have successfully completed their probation or parole; and

WHEREAS, SB 283 will provide additional tools to county probation departments and human services agencies to improve outcomes for reentry, job placement and child wellbeing; thus benefiting Oakland's reentry community; and

WHEREAS, The ban on CalWorks and CalFresh assistance for individuals with previous convictions of nonviolent drug-related felonies, regardless of their subsequent efforts to improve their lives, is a major barrier to successful reentry and access to jobs, and consequently, a contributing factor to high recidivism in Oakland; and

WHEREAS, Restoring access to these benefits for these individuals with prior drug-related felony convictions will not only improve outcomes of very vulnerable families, but also improve public safety in Oakland by increasing employment opportunities and financial stability and reducing their risks of reoffending; now, therefore, be it

RESOLVED: that the Oakland City Council supports Senate Bill 283 and encourages the California Legislature to approve this bill; and be it

FURTHER RESOLVED: That the City Council hereby requests City Administrator and the City's legislative lobbyist to advocate for the above position in the California State Legislature.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2013

PASSED BY THE FOLLOWING VOTE:

AYES – BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, and PRESIDENT KERNIGHAN

NOES-

ABSENT-

ABSTENTION-

ATTEST _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California