

SENATE BILL**No. 167**

Introduced by Senator SkinnerJanuary 23, 2017

An act to add Section 5067 to the Penal Code, and to add Section 18901.35 to the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 167, as introduced, Skinner. Supplemental Security Income and CalFresh: preenrollment.

Existing federal law establishes various disability benefits programs, including the Supplemental Security Income (SSI) program, under which cash assistance is provided to qualified low-income aged, blind, and disabled persons. Existing federal law requires the federal Commissioner of Social Security to develop a system under which an individual can apply for SSI benefits prior to the discharge or release of the individual from a public institution.

This bill would require the Secretary of the Department of Corrections and Rehabilitation to establish memoranda of understanding with the federal Social Security Administration to allow a person incarcerated in a correctional institution to apply for and receive a replacement social security card and to allow the administration to process SSI claims under the prerelease program.

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. Existing federal law generally prohibits a resident of an institution from receiving supplemental nutrition assistance benefits.

This bill would require the State Department of Social Services, on or before March 31, 2018, to request a waiver to allow for the preenrollment of otherwise eligible applicants to the CalFresh program up to one month prior to the applicant's reentry into the community from county jail or state prison.

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. It is the intent of the Legislature to improve the
2 public health of communities receiving people reentering the
3 community from jail or prison and to increase the likelihood of
4 success of people reentering their communities.

5 SEC. 2. Section 5067 is added to the Penal Code, to read:

6 5067. (a) Unless the report required pursuant to Section 3016
7 recommends otherwise, the Secretary of the Department of
8 Corrections and Rehabilitation shall establish both of the following
9 memoranda of understanding with the federal Social Security
10 Administration:

11 (1) A memorandum of understanding that would allow a person
12 incarcerated in a correctional facility subject to this code to apply
13 for and receive a replacement social security card. The
14 memorandum shall also be required to comply with the Privacy
15 Act of 1974, as amended (5 U.S.C. Sec. 552a), Section 1106 of
16 the Social Security Act (42 U.S.C. Sec. 1306), and the federal
17 Social Security Administration's disclosure regulations and
18 guidance promulgated thereunder.

19 (2) A memorandum of understanding that would allow the
20 federal Social Security Administration to process Supplemental
21 Security Income claims under the prerelease program established
22 by Section 1631(m) of the federal Social Security Act (42 U.S.C.
23 Sec. 1383(m)) and the regulations promulgated thereunder.

24 (b) A memorandum of understanding established pursuant to
25 subdivision (a) shall not supplant any prior related agreement a
26 correctional facility has entered into with the federal Social
27 Security Administration.

28 SEC. 3. Section 18901.35 is added to the Welfare and
29 Institutions Code, to read:

1 18901.35. The department shall submit to the United States
2 Department of Agriculture, on or before March 31, 2018, a request
3 to waive Section 273.1(b)(7)(vi) of Title 7 of the Code of Federal
4 Regulations to allow for the preenrollment of otherwise eligible
5 applicants to the CalFresh program up to one month prior to the
6 applicant's reentry into the community from county jail or state
7 prison.