

AMENDED IN ASSEMBLY APRIL 7, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1096

Introduced by Assembly Member Luz Rivas
(Coauthors: Assembly Members Gabriel, Low, Reyes, and
Robert Rivas)
(Coauthor: Senator Durazo)

February 18, 2021

An act to amend Sections 2064.3, 2064.4, 7542.2, 7542.11, 7583.23, 7583.32, 7585.8, 7596.3, 7596.7, and 22963 of the Business and Professions Code, to amend Section 671 of the Civil Code, to amend Sections 13000, 32400, 32401, 44275.6, 52382, 52613, 52651, 66270.3, 68062, 68130.5, and 76140 of the Education Code, to amend Sections 241, 242, 1031, 1031.5, 3101, 8880.325, 12621, and 68109 of the Government Code, to amend Sections 1596.601, 1796.22, 1796.32, and 50205 of the Health and Safety Code, to amend Section 12693.76 of the Insurance Code, to amend Sections 350, 2051, and 3351 of the Labor Code, to amend Section 550 of the Military and Veterans Code, to amend Sections 112, 113, 114, 530.55, 3082, 3083, 4017.1, 5025, 5026, 5071, 29505, and 33850 of the Penal Code, to amend Section 6411 of the Probate Code, to amend Section 6101 of the Public Contract Code, to amend Sections 6403, 6801, and 8105 of the Public Resources Code, to amend Sections 1264 and 13009 of the Unemployment Insurance Code, to amend Section 12801.7 of the Vehicle Code, and to amend Sections 219.5, 11008.13, 11008.135, 11008.17, 11104, 11266, 11450, 13300, 14007.2, 14007.5, 14007.65, 14007.7, 14007.71, 14011.2, 14011.3, 16120, 17001.6, 17001.7, 17001.8, and 17001.9 of the Welfare and Institutions Code, relating to immigration.

LEGISLATIVE COUNSEL’S DIGEST

AB 1096, as amended, Luz Rivas. Alien: change of terms.

Existing federal law, for purposes of various provisions related to immigration, defines “alien” to mean a person who is not a citizen or national of the United States.

Existing state law uses the word “alien” on its own and within various other terms to refer to persons in provisions relating to, among other things, education, housing, natural resources, employment, probate, social services, drivers’ licenses, firearm permits, service in the state militia, and criminal punishment.

This bill would revise those state law provisions to refer instead to those persons using other terms that do not contain the word “alien,” including a person who is not a citizen or national of the United States. The bill would make other related nonsubstantive changes. *The bill would state the intent of the Legislature in enacting this measure to make only nonsubstantive changes, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: no. 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 in enacting this*
2 *measure to make only nonsubstantive changes that remove the*
3 *dehumanizing term “alien” from all California code sections.*
4 *Nothing in this measure shall be interpreted to make any*
5 *substantive change to existing law, including, but not limited to,*
6 *eligibility for federal programs or benefits that are available to a*
7 *person who meets the definition of “alien” under state or federal*
8 *law.*

9 SECTION 1.

10 SEC. 2. Section 2064.3 of the Business and Professions Code
11 is amended to read:

12 2064.3. (a) Notwithstanding any other law, except as specified
13 in subdivision (b), no student, including a person without lawful
14 immigration status, a person who is exempt from nonresident
15 tuition pursuant to Section 68130.5 of the Education Code, or a
16 person who is both without lawful immigration status and exempt
17 from nonresident tuition pursuant to Section 68130.5 of the
18 Education Code, who meets the requirements for admission to a

1 medical degree program at any public or private postsecondary
2 educational institution that offers that program shall be denied
3 admission to that program based on the student’s citizenship status
4 or immigration status.

5 (b) Except for students granted status pursuant to Section
6 1101(a)(15)(T) or (U) of Title 8 of the United States Code, this
7 section shall not apply to a person excluded from the term
8 “immigrant,” for purposes of the federal Immigration and
9 Nationality Act (8 U.S.C. Sec. 1101), pursuant to paragraph (15)
10 of subdivision (a) of Section 1101 of Title 8 of the United States
11 Code, as that paragraph exists on January 1, 2017.

12 ~~SEC. 2.~~

13 *SEC. 3.* Section 2064.4 of the Business and Professions Code
14 is amended to read:

15 2064.4. (a) Notwithstanding any other law, except as specified
16 in subdivision (b), no student, including a person without lawful
17 immigration status, a person who is exempt from nonresident
18 tuition pursuant to Section 68130.5 of the Education Code, or a
19 person who is both without lawful immigration status and exempt
20 from nonresident tuition pursuant to Section 68130.5 of the
21 Education Code, who meets the requirements for admission to a
22 healing arts residency training program whose participants are not
23 paid shall be denied admission to that program based on the
24 student’s citizenship status or immigration status.

25 (b) Except for students granted status pursuant to Section
26 1101(a)(15)(T) or (U) of Title 8 of the United States Code, this
27 section shall not apply to a person excluded from the term
28 “immigrant,” for purposes of the federal Immigration and
29 Nationality Act (8 U.S.C. Section 1101), pursuant to paragraph
30 (15) of subdivision (a) of Section 1101 of Title 8 of the United
31 States Code, as that paragraph exists on January 1, 2017.

32 ~~SEC. 3.~~

33 *SEC. 4.* Section 7542.2 of the Business and Professions Code
34 is amended to read:

35 7542.2. The bureau shall issue a firearms permit when all of
36 the following conditions are satisfied:

37 (a) (1) The applicant is a licensee or a qualified manager of a
38 licensee.

39 (b) The firearms permit is associated with one of the following:

- 1 (1) An individual licensed as a private investigator pursuant to
2 Section 7525.1.
- 3 (2) A partner of a partnership licensed as a private investigator
4 pursuant to Section 7525.1.
- 5 (3) A qualified manager of a licensed private investigator
6 pursuant to Section 7536.
- 7 (c) A certified firearms training instructor, as specified in Section
8 7585.5, has certified that the applicant has successfully completed
9 a written examination prepared by the bureau and a training course
10 in the carrying and use of firearms approved by the bureau.
- 11 (d) The applicant has filed with the bureau a classifiable
12 fingerprint card, a completed application for a firearms permit on
13 a form prescribed by the director, dated and signed by the applicant,
14 certifying under penalty of perjury that the information in the
15 application is true and correct. In lieu of a classifiable fingerprint
16 card, the applicant may submit fingerprints into an electronic
17 fingerprinting system administered by the Department of Justice.
18 An applicant who submits their fingerprints by electronic means
19 shall have their fingerprints entered into the system through a
20 terminal operated by a law enforcement agency or other facility
21 authorized by the Department of Justice to conduct electronic
22 fingerprinting. The terminal operator may charge a fee sufficient
23 to reimburse it for the costs incurred in providing this service.
- 24 (e) The applicant is at least 21 years of age and the bureau has
25 determined, after investigation, that the carrying and use of a
26 firearm by the applicant, in the course of the applicant's duties,
27 presents no apparent threat to the public safety, or that the carrying
28 and use of a firearm by the applicant is not in violation of the Penal
29 Code.
- 30 (f) The applicant has produced evidence to the firearm training
31 facility that the applicant is a citizen of the United States or has
32 permanent legal immigration status in the United States. Evidence
33 of citizenship or permanent legal immigration status shall be
34 deemed sufficient by the bureau to ensure compliance with federal
35 laws prohibiting possession of firearms by persons unlawfully in
36 the United States and may include, but not be limited to, United
37 States Department of Justice, Immigration and Naturalization
38 Service Form I-151 or United States Citizenship and Immigration
39 Services Form I-551 (Permanent Resident Card), naturalization

1 documents, or birth certificates evidencing lawful residence or
2 status in the United States.

3 (g) The application is accompanied by the application fees
4 prescribed in this chapter.

5 ~~SEC. 4.~~

6 *SEC. 5.* Section 7542.11 of the Business and Professions Code
7 is amended to read:

8 7542.11. (a) A firearms qualification card expires two years
9 from the date of issuance, if not renewed. A person who wishes
10 to renew a firearms qualification card shall file an application for
11 renewal at least 60 days prior to the card's expiration. A person
12 whose card has expired shall not carry a firearm until the person
13 has been issued a renewal card by the bureau.

14 (b) The bureau shall not renew a firearms qualification card
15 unless all of the following conditions are satisfied:

16 (1) The cardholder has filed with the bureau a completed
17 application for renewal of a firearms qualification card, on a form
18 prescribed by the director, dated and signed by the applicant under
19 penalty of perjury certifying that the information on the application
20 is true and correct.

21 (2) The applicant has requalified on the range and has
22 successfully passed a written examination based on course content
23 as specified in the firearms training manual approved by the
24 department and taught at a training facility approved by the bureau.

25 (3) The application is accompanied by a firearms requalification
26 fee as prescribed in this chapter.

27 (4) The applicant has produced evidence to the firearms training
28 facility, either upon receiving their original qualification card or
29 upon filing for renewal of that card, that the applicant is a citizen
30 of the United States or has permanent legal immigration status in
31 the United States. Evidence of citizenship or permanent legal
32 immigration status is that deemed sufficient by the bureau to ensure
33 compliance with federal laws prohibiting possession of firearms
34 by persons unlawfully in the United States and may include, but
35 not be limited to, the United States Department of Justice,
36 Immigration and Naturalization Service Form I-151 or United
37 States Citizenship and Immigration Services Form I-551
38 (Permanent Resident Card), naturalization documents, or birth
39 certificates evidencing lawful residence or status in the United
40 States.

1 (c) An expired firearms qualification card may not be renewed.
 2 A person with an expired registration is required to apply for a
 3 new firearms qualification in the manner required of persons not
 4 previously registered. A person whose card has expired shall not
 5 carry a firearm until that person has been issued a new firearms
 6 qualification card by the bureau.

7 (d) Paragraph (2) of subdivision (b) shall not apply to a duly
 8 appointed peace officer, as defined in Chapter 4.5 (commencing
 9 with Section 830) of Title 3 of Part 2 of the Penal Code, who is
 10 authorized to carry a firearm in the course of the officer’s duties
 11 and who has successfully completed requalification training or to
 12 a federal qualified law enforcement officer, as defined in Section
 13 926B of Title 18 of the United States Code, who is authorized to
 14 carry a firearm in the course of the officer’s duties and who has
 15 successfully completed requalification training.

16 ~~SEC. 5.~~

17 *SEC. 6.* Section 7583.23 of the Business and Professions Code
 18 is amended to read:

19 7583.23. The bureau shall issue a firearms permit when all of
 20 the following conditions are satisfied:

21 (a) The applicant is a licensee, a qualified manager of a licensee,
 22 or a registered security guard subject to the following:

23 (1) The firearms permit may only be associated with the
 24 following:

25 (A) A sole owner of a sole ownership licensee, pursuant to
 26 Section 7582.7 or 7525.1.

27 (B) A partner of a partnership licensee, pursuant to Section
 28 7582.7 or 7525.1.

29 (C) A qualified manager of a licensee, pursuant to Section 7536
 30 or 7582.22.

31 (D) A security guard registrant.

32 (2) If the firearms permit is associated with a security guard
 33 registration, they are subject to the provisions of Section 7583.47,
 34 regardless of any other license possessed or associated with the
 35 firearms permit.

36 (b) A certified firearms training instructor has certified that the
 37 applicant has successfully completed a written examination
 38 prepared by the bureau and training course in the carrying and use
 39 of firearms approved by the bureau.

1 (c) The applicant has filed with the bureau a classifiable
2 fingerprint card, a completed application for a firearms permit on
3 a form prescribed by the director, dated and signed by the applicant,
4 certifying under penalty of perjury that the information in the
5 application is true and correct. In lieu of a classifiable fingerprint
6 card, the applicant may submit fingerprints into an electronic
7 fingerprinting system administered by the Department of Justice.
8 An applicant who submits their fingerprints by electronic means
9 shall have their fingerprints entered into the system through a
10 terminal operated by a law enforcement agency or other facility
11 authorized by the Department of Justice to conduct electronic
12 fingerprinting. The terminal operator may charge a fee sufficient
13 to reimburse it for the costs incurred in providing this service.

14 (d) The applicant is at least 21 years of age and the bureau has
15 determined, after investigation, that the carrying and use of a
16 firearm by the applicant, in the course of their duties, presents no
17 apparent threat to the public safety, or that the carrying and use of
18 a firearm by the applicant is not in violation of the Penal Code.

19 (e) The applicant has produced evidence to the firearm training
20 facility that the applicant is a citizen of the United States or has
21 permanent legal immigration status in the United States. Evidence
22 of citizenship or permanent legal immigration status shall be
23 deemed sufficient by the bureau to ensure compliance with federal
24 laws prohibiting possession of firearms by persons unlawfully in
25 the United States and may include, but not be limited to, United
26 States Department of Justice, Immigration and Naturalization
27 Service Form I-151 or United States Citizenship and Immigration
28 Services Form I-551 (Permanent Resident Card), naturalization
29 documents, or birth certificates evidencing lawful residence or
30 status in the United States.

31 (f) The application is accompanied by the application fees
32 prescribed in this chapter.

33 (g) Beginning January 1, 2018, or on a date to be determined
34 by the bureau, but no later than July 1, 2018, the applicant is a
35 registered security guard and they have been found capable of
36 exercising appropriate judgment, restraint, and self-control, for
37 the purposes of carrying and using a firearm during the course of
38 their duties, pursuant to Section 7583.47.

1 ~~SEC. 6.~~

2 *SEC. 7.* Section 7583.32 of the Business and Professions Code
3 is amended to read:

4 7583.32. (a) A firearms qualification card expires two years
5 from the date of issuance, if not renewed. A person who wishes
6 to renew a firearms qualification card shall file an application for
7 renewal at least 60 days prior to the card's expiration. A person
8 whose card has expired shall not carry a firearm until that person
9 has been issued a renewal card by the bureau.

10 (b) The bureau shall not renew a firearms qualification card
11 unless all of the following conditions are satisfied:

12 (1) The cardholder has filed with the bureau a completed
13 application for renewal of a firearms qualification card, on a form
14 prescribed by the director, dated and signed by the applicant under
15 penalty of perjury certifying that the information on the application
16 is true and correct.

17 (2) The applicant has requalified on the range and has
18 successfully passed a written examination based on course content
19 as specified in the firearms training manual approved by the
20 department and taught at a training facility approved by the bureau.

21 (3) The application is accompanied by a firearms requalification
22 fee as prescribed in this chapter.

23 (4) The applicant has produced evidence to the firearm training
24 facility, either upon receiving their original qualification card or
25 upon filing for renewal of that card, that the applicant is a citizen
26 of the United States or has permanent legal immigration status in
27 the United States. Evidence of citizenship or permanent legal
28 immigration status is that deemed sufficient by the bureau to ensure
29 compliance with federal laws prohibiting possession of firearms
30 by persons unlawfully in the United States and may include, but
31 not be limited to, the United States Department of Justice,
32 Immigration and Naturalization Service Form I-151 or United
33 States Citizenship and Immigration Services Form I-551
34 (Permanent Resident Card), naturalization documents, or birth
35 certificates evidencing lawful residence or status in the United
36 States.

37 (c) An expired firearms qualification card may not be renewed.
38 A person with an expired registration is required to apply for a
39 new firearms qualification in the manner required of persons not
40 previously registered. A person whose card has expired shall not

1 carry a firearm until that person has been issued a new firearms
2 qualification card by the bureau.

3 (d) Paragraph (2) of subdivision (b) shall not apply to a duly
4 appointed peace officer, as defined in Chapter 4.5 (commencing
5 with Section 830) of Title 3 of Part 2 of the Penal Code, who is
6 authorized to carry a firearm in the course of the officer's duties
7 and who has successfully completed requalification training or to
8 a federal qualified law enforcement officer, as defined in Section
9 926B of Title 18 of the United States Code (18 U.S.C. Sec. 926B),
10 who is authorized to carry a firearm in the course of the officer's
11 duties and who has successfully completed requalification training.

12 ~~SEC. 7.~~

13 *SEC. 8.* Section 7585.8 of the Business and Professions Code
14 is amended to read:

15 7585.8. (a) Each firearm training facility shall, before allowing
16 any person to participate in the course of training in the carrying
17 and usage of firearms, verify and certify on the firearms
18 qualification application that they have seen documentation
19 verifying that the person to whom they are providing firearms
20 training is a citizen of the United States or possesses permanent
21 legal immigration status in the United States in accordance with
22 Sections 7583.23 and 7596.3.

23 (b) Each firearm training facility shall, before allowing any
24 person to participate in the requalification course in the carrying
25 and usage of firearms, verify and certify on the firearm
26 requalification application that the firearm training facility has
27 seen documentation verifying that the person to whom they are
28 providing firearms training is a citizen of the United States or
29 possesses permanent legal immigration status in the United States
30 in accordance with Sections 7583.23 and 7596.7.

31 ~~SEC. 8.~~

32 *SEC. 9.* Section 7596.3 of the Business and Professions Code
33 is amended to read:

34 7596.3. The director shall issue a firearms permit when all of
35 the following conditions exist:

36 (a) The applicant is a licensee, a qualified manager of a licensee,
37 a designated branch office manager of a licensee, or a registered
38 alarm agent. A firearms permit may only be associated with the
39 following:

40 (1) A sole owner of a sole ownership licensee.

- 1 (2) A partner of a partnership licensee.
- 2 (3) A qualified manager of a licensee.
- 3 (4) A designated branch office manager of a licensee.
- 4 (5) A registered alarm agent.

5 (b) The applicant has filed with the bureau a classifiable
6 fingerprint card, a completed application for a firearms permit on
7 a form prescribed by the director, dated and signed by the applicant,
8 certifying under penalty of perjury that the information in the
9 application is true and correct. In lieu of a classifiable fingerprint
10 card, the applicant may submit fingerprints into an electronic
11 fingerprinting system administered by the Department of Justice.
12 An applicant who submits their fingerprints by electronic means
13 shall have their fingerprints entered into the system through a
14 terminal operated by a law enforcement agency or other facility
15 authorized by the Department of Justice to conduct electronic
16 fingerprinting. The terminal operator may charge a fee sufficient
17 to reimburse it for the costs incurred in providing this service.

18 (c) A certified firearms training instructor certifies that the
19 applicant has successfully completed the bureau-approved training
20 course in the carrying and use of firearms.

21 (d) The applicant has provided the bureau with evidence that
22 the applicant has completed a course in the exercise of the powers
23 to arrest.

24 (e) The applicant is at least 21 years of age and the bureau has
25 determined, after investigation, that the carrying and use of a
26 firearm by the applicant, in the course of their duties, presents no
27 apparent threat to the public safety, or the carrying and use of a
28 firearm by the applicant is not in violation of the Penal Code.

29 (f) The applicant has produced evidence to the firearm training
30 facility that the applicant is a citizen of the United States or has
31 permanent legal immigration status in the United States. Evidence
32 of citizenship or permanent legal immigration status shall be that
33 deemed sufficient by the bureau to ensure compliance with federal
34 laws prohibiting possession of firearms by persons unlawfully in
35 the United States and may include, but not be limited to,
36 Department of Justice, Immigration and Naturalization Service
37 Form I-151 or United States Citizenship and Immigration Services
38 Form I-551 (Permanent Resident Card), naturalization documents,
39 or birth certificates evidencing lawful residence or status in the
40 United States.

1 (g) The application is accompanied by the fee prescribed in this
2 chapter.

3 ~~SEC. 9.~~

4 *SEC. 10.* Section 7596.7 of the Business and Professions Code
5 is amended to read:

6 7596.7. A firearms qualification card expires two years from
7 the date of issuance, if not renewed. A person who wishes to renew
8 a firearms qualification card shall file an application for renewal
9 at least 60 days prior to the card's expiration. A person whose card
10 has expired shall not carry a firearm until the person has been
11 issued a renewal card by the bureau.

12 The director shall not renew a firearms qualification card unless
13 all of the following conditions exist:

14 (a) The cardholder has filed with the bureau a completed
15 application for renewal of a firearms qualification card, on a form
16 prescribed by the director, dated and signed by the applicant under
17 penalty of perjury certifying that the information on the application
18 is true and correct.

19 (b) The application is accompanied by a firearms requalification
20 fee as prescribed in this chapter.

21 (c) The applicant has requalified on the range and has
22 successfully passed a written examination based on course content
23 as specified in the firearms training manual approved by the
24 department and taught at a training facility approved by the bureau.

25 (d) The applicant has produced evidence to the firearm training
26 facility, either upon receiving an original qualification card or upon
27 filing for renewal of that card, that the applicant is a citizen of the
28 United States or has permanent legal immigration status in the
29 United States. Evidence of citizenship or permanent legal
30 immigration status is that deemed sufficient by the bureau to ensure
31 compliance with federal laws prohibiting possession of firearms
32 by persons unlawfully in the United States and may include, but
33 not be limited to, United States Citizenship and Immigration
34 Services Form I-551 (Permanent Resident Card), naturalization
35 documents, or birth certificates evidencing lawful residence or
36 status in the United States.

37 (e) An expired firearms qualification card may not be renewed.
38 A person with an expired firearms qualification card is required
39 to apply for a new card in the manner required of persons not
40 previously registered. A person whose card has expired shall not

1 carry a firearm until the person has been issued a new firearms
2 qualification card by the bureau.

3 ~~SEC. 10.~~

4 *SEC. 11.* Section 22963 of the Business and Professions Code
5 is amended to read:

6 22963. (a) The sale, distribution, or nonsale distribution of
7 tobacco products directly or indirectly to any person under 21 years
8 of age through the United States Postal Service or through any
9 other public or private postal or package delivery service at
10 locations, including, but not limited to, public mailboxes and
11 mailbox stores, is prohibited.

12 (b) Any person selling or distributing, or engaging in the nonsale
13 distribution of, tobacco products directly to a consumer in the state
14 through the United States Postal Service or by any other public or
15 private postal or package delivery service, including orders placed
16 by mail, telephone, facsimile transmission, or the internet, shall
17 comply with the following provisions:

18 (1) (A) Before enrolling a person as a customer, or distributing
19 or selling, or engaging in the nonsale distribution of, the tobacco
20 product through any of these means, the distributor or seller shall
21 verify that the purchaser or recipient of the product is 21 years of
22 age or older. The distributor or seller shall attempt to match the
23 name, address, and date of birth provided by the customer to
24 information contained in records in a database of individuals whose
25 age has been verified to be 21 years or older by reference to an
26 appropriate database of government records kept by the distributor,
27 a direct marketing firm, or any other entity. In the case of a sale,
28 the distributor or seller shall also verify that the billing address on
29 the check or credit card offered for payment by the purchaser
30 matches the address listed in the database.

31 (B) If the seller, distributor, or nonsale distributor, is unable to
32 verify that the purchaser or recipient is 21 years of age or older
33 pursuant to subparagraph (A), the seller, distributor, or nonsale
34 distributor shall require the customer or recipient to submit an
35 age-verification kit consisting of an attestation signed by the
36 customer or recipient that the customer or recipient is 21 years of
37 age or older and a copy of a valid form of government
38 identification. For the purposes of this section, a valid form of
39 government identification includes a driver's license, state
40 identification card, passport, an official naturalization or

1 immigration document, such as a permanent resident card
2 (commonly known as a “green card”) or an immigrant visa, or
3 military identification. In the case of a sale, the distributor or seller
4 shall also verify that the billing address on the check or credit card
5 provided by the consumer matches the address listed in the form
6 of government identification.

7 (2) In the case of a sale, the distributor or seller shall impose a
8 two-carton minimum on each order of cigarettes, and shall require
9 payment for the purchase of any tobacco product to be made by
10 personal check of the purchaser or the purchaser’s credit card. No
11 money order or cash payment shall be received or permitted. The
12 distributor or seller shall submit to each credit card acquiring
13 company with which it has credit card sales identification
14 information in an appropriate form and format so that the words
15 “tobacco product” may be printed in the purchaser’s credit card
16 statement when a purchase of a tobacco product is made by credit
17 card payment.

18 (3) In the case of a sale, the distributor or seller shall make a
19 telephone call after 5 p.m. to the purchaser confirming the order
20 prior to shipping the tobacco products. The telephone call may be
21 a person-to-person call or a recorded message. The distributor or
22 seller is not required to speak directly with a person and may leave
23 a message on an answering machine or by voice mail.

24 (4) (A) The nonsale distributor shall deliver the tobacco product
25 to the recipient’s verified mailing address, or in the case of a sale,
26 the seller or distributor shall deliver the tobacco product to the
27 purchaser’s verified billing address on the check or credit card
28 used for payment.

29 (B) In the case of a nonsale, a recipient may designate an
30 alternative address for delivery, if the recipient’s mailing address
31 has been verified in accordance with this section.

32 (C) In the case of a sale, a purchaser may designate an
33 alternative address for delivery, if the purchaser’s billing address
34 has been verified in accordance with this section.

35 (D) A delivery described under this section shall not be
36 permitted to any post office box.

37 (5) The tobacco product shall be delivered only in a container
38 that is conspicuously labeled with the words: “CONTAINS
39 TOBACCO PRODUCTS: SIGNATURE OF PERSON 21 YEARS
40 OF AGE OR OLDER REQUIRED FOR DELIVERY.”

1 (6) Upon the delivery of the tobacco product to the recipient's
2 or purchaser's address, the seller, distributor, or nonsale distributor
3 shall obtain the signature of a person 21 years of age or older before
4 completing the delivery.

5 (c) Notwithstanding subdivisions (a) and (b), if a seller,
6 distributor, or nonsale distributor, complies with all of the
7 requirements of this section and a person under 21 years of age
8 obtains a tobacco product by any of the means described in
9 subdivision (b), the seller, distributor, or nonsale distributor is not
10 in violation of this section.

11 (d) For the purposes of the enforcement of this section pursuant
12 to Section 22958, the acts of the United States Postal Service or
13 other common carrier when engaged in the business of transporting
14 and delivering packages for others, and the acts of a person,
15 whether compensated or not, who transports or delivers a package
16 for another person without any reason to know of the package's
17 contents, are not unlawful and are not subject to civil penalties.

18 (e) (1) (A) For the purposes of this section, a "distributor" is
19 any person or entity, within or outside the state, who agrees to
20 distribute tobacco products to a customer or recipient within the
21 state. The United States Postal Service or any other public or
22 private postal or package delivery service is not a distributor within
23 the meaning of this section.

24 (B) A "nonsale distributor" is any person inside or outside of
25 this state who, directly or indirectly, knowingly provides tobacco
26 products to any person in this state as part of a nonsale transaction.
27 "Nonsale distributor" includes the person or entity who provides
28 the tobacco product for delivery and the person or entity who
29 delivers the product to the recipient as part of a nonsale transaction.

30 (C) "Nonsale distribution" means to give smokeless tobacco or
31 cigarettes to the general public at no cost, or at nominal cost, or
32 to give coupons, coupon offers, gift certificates, gift cards, or other
33 similar offers, or rebate offers for smokeless tobacco or cigarettes
34 to the general public at no cost or at nominal cost. Distribution of
35 tobacco products, coupons, coupon offers, gift certificates, gift
36 cards, or other similar offers, or rebate offers in connection with
37 the sale of another item, including tobacco products, cigarette
38 lighters, magazines, or newspapers shall not constitute nonsale
39 distribution.

1 (2) For the purpose of this section, a “seller” is any person or
2 entity, within or outside the state, who agrees to sell tobacco
3 products to a customer within the state. The United States Postal
4 Service or any other public or private postal or package delivery
5 service is not a seller within the meaning of this section.

6 (3) For the purpose of this section, a “carton” is a package or
7 container that contains 200 cigarettes.

8 (f) A district attorney, city attorney, or the Attorney General
9 may assess civil penalties against any person, firm, corporation,
10 or other entity that violates this section, according to the following
11 schedule:

12 (1) A civil penalty of not less than one thousand dollars (\$1,000)
13 and not more than two thousand dollars (\$2,000) for the first
14 violation.

15 (2) A civil penalty of not less than two thousand five hundred
16 dollars (\$2,500) and not more than three thousand five hundred
17 dollars (\$3,500) for the second violation.

18 (3) A civil penalty of not less than four thousand dollars (\$4,000)
19 and not more than five thousand dollars (\$5,000) for the third
20 violation within a five-year period.

21 (4) A civil penalty of not less than five thousand five hundred
22 dollars (\$5,500) and not more than six thousand five hundred
23 dollars (\$6,500) for the fourth violation within a five-year period.

24 (5) A civil penalty of ten thousand dollars (\$10,000) for a fifth
25 or subsequent violation within a five-year period.

26 ~~SEC. 11.~~

27 *SEC. 12.* Section 671 of the Civil Code is amended to read:

28 671. Any person, regardless of their citizenship status may
29 take, hold, and dispose of property, real or personal, within this
30 state.

31 ~~SEC. 12.~~

32 *SEC. 13.* Section 13000 of the Education Code is amended to
33 read:

34 13000. (a) This part shall be known and may be cited as the
35 California Civil Liberties Public Education Act. The purpose of
36 the California Civil Liberties Public Education Act is to sponsor
37 public educational activities and the development of educational
38 materials to ensure that the events surrounding the exclusion, forced
39 removal, and internment of citizens and permanent residents of
40 Japanese ancestry will be remembered, and so that the causes and

1 circumstances of this and similar events may be illuminated and
2 understood.

3 (b) The Legislature finds and declares that the federal
4 Commission on Wartime Relocation and Internment of Civilians
5 (CWRIC) was established by Congress in 1980 to “review the
6 facts and circumstances surrounding Executive Order 9066, issued
7 in February 19, 1942, and the impact of such Executive Order on
8 American citizens and permanent residents... and to recommend
9 appropriate remedies.” The CWRIC issued a report of its findings
10 in 1983 with the reports “Personal Justice Denied” and “Personal
11 Justice Denied-Part II, Recommendations.” The reports were based
12 on information gathered “through 20 days of hearings in cities
13 across the country, particularly the West Coast, hearing testimony
14 from more than 750 witnesses: evacuees, former government
15 officials, public figures, interested citizens, and historians and
16 other professionals who have studied the subjects of Commission
17 inquiry.”

18 (c) The lessons to be learned from the internment of Japanese
19 Americans during World War II are embodied in “Personal Justice
20 Denied-Part II, Recommendations.” The CWRIC concluded as
21 follows: “In sum, Executive Order 9066 was not justified by
22 military necessity, and the decisions that followed from
23 it-exclusion, detention, the ending of detention and the ending of
24 exclusion-were not founded upon military considerations. The
25 broad historical causes that shaped these decisions were race
26 prejudice, war hysteria, and a failure of political leadership.
27 Widespread ignorance about Americans of Japanese descent
28 contributed to a policy conceived in haste and executed in an
29 atmosphere of fear and anger at Japan. A grave personal injustice
30 was done to the American citizens and residents of Japanese
31 ancestry who, without individual review or any probative evidence
32 against them were excluded, removed and detained by the United
33 States during World War II.”

34 (d) The Legislature finds and declares that President Ronald
35 Reagan signed into law the federal Civil Liberties Act of 1988 and
36 declared during the signing ceremony that “This is a great day for
37 America.” In that act the Congress declared as follows:

38 “The Congress recognizes that, as described in the Commission
39 on Wartime Relocation and Internment of Civilians, a grave
40 injustice was done to both citizens and permanent residents of

1 Japanese ancestry by the evacuation, relocation, and internment
2 of civilians during World War II. As the Commission documents,
3 these actions were carried out without adequate security reasons
4 and without any acts of espionage or sabotage documented by the
5 Commission, and were motivated largely by racial prejudice,
6 wartime hysteria, and a failure of political leadership. The excluded
7 individuals of Japanese ancestry suffered enormous damages, both
8 material and intangible, and there were incalculable losses in
9 education and job training, all of which resulted in significant
10 human suffering for which appropriate compensation has not been
11 made. For these fundamental violations of the basic civil liberties
12 and constitutional rights of these individuals of Japanese ancestry,
13 the Congress apologizes on behalf of the Nation.”

14 (e) The Legislature further finds and declares that, just as in
15 1942 when President Franklin Roosevelt issued Executive Order
16 9066 calling for the exclusion and incarceration of Japanese
17 Americans as national security threats, so in 2017 President Donald
18 Trump has issued executive orders calling for a travel ban for
19 immigrants and refugees from Muslim-majority countries on the
20 basis of national security. Moreover, during the 2016 presidential
21 campaign, President Trump called for “a total and complete
22 shutdown of Muslims entering the United States,” as well as for
23 a national Muslim registry. These actions and proposed actions
24 made 75 years after the issuance of Executive Order 9066 highlight
25 the ongoing need for public educational activities and the
26 development of educational materials to ensure that the exclusion
27 and incarceration of Japanese Americans will not only be
28 remembered, but also properly understood, so that no group or
29 community is ever again unjustly targeted as Japanese Americans
30 were during World War II.

31 ~~SEC. 13.~~

32 *SEC. 14.* Section 32400 of the Education Code, as amended
33 by Section 2 of Chapter 69 of the Statutes of 2016, is amended to
34 read:

35 32400. (a) The Legislature finds that as many as one million
36 seven hundred thousand people could be granted amnesty and
37 would seek permanent residency in California under the federal
38 Immigration Reform and Control Act of 1986 (Public Law 99-603).
39 Under the act, eligible individuals would be required to demonstrate

1 an understanding of ordinary English and a knowledge and
2 understanding of the history and government of the United States.

3 (b) Further, it is the intent of the Legislature to establish a state
4 test for use by eligible individuals that would attest to their
5 understanding of English and understanding of the history and
6 government of the United States to meet the requirements of
7 Section 312 of the federal Immigration and Nationality Act (8
8 U.S.C. Sec. 1423) and the federal Immigration Reform and Control
9 Act of 1986 (Public Law 99-603).

10 ~~SEC. 14.~~

11 *SEC. 15.* Section 32401 of the Education Code, as added by
12 Section 1 of Chapter 1491 of the Statutes of 1987, is amended to
13 read:

14 32401. (a) The Superintendent of Public Instruction, in
15 consultation with the Chancellor of the California Community
16 Colleges, shall develop a test or adopt an existing test, subject to
17 the approval of the United States Attorney General pursuant to the
18 federal Immigration Reform and Control Act of 1986 (Public Law
19 99-603), to measure whether an eligible person has a minimal
20 understanding of ordinary English and a knowledge and
21 understanding of the history and government of the United States
22 as required under Section 312 of the Immigration and Nationality
23 Act (8 U.S.C. Sec. 1423).

24 (b) The Governor, the Superintendent of Public Instruction, the
25 Chancellor of the California Community Colleges, the President
26 pro Tempore of the Senate, and the Speaker of the Assembly shall
27 petition the Director of the Immigration and Naturalization Service
28 and the United States Attorney General for approval to use the test
29 referred to in subdivision (a) as one means by which an eligible
30 immigrant may satisfy the requirements under the federal
31 Immigration Reform and Control Act of 1986 (Public Law 99-603).

32 (c) The Superintendent of Public Instruction shall distribute this
33 test to school districts, county offices of education, and community
34 colleges, upon their request for purposes of administration, to
35 eligible immigrants granted legal status pursuant to Section 245A
36 of the Immigration and Nationality Act, as amended by the Federal
37 Immigration Reform and Control Act of 1986 (Public Law 99-603).
38 Any school district, county office of education, or any other eligible
39 agency which receives federal legalization impact-assistance funds
40 to provide educational services may administer the test for purposes

1 of determining the need of an eligible immigrant applying for legal
2 status for appropriate educational services, and of allowing an
3 eligible immigrant to demonstrate an understanding of ordinary
4 English and a knowledge and understanding of the history and
5 government of the United States. Test results shall be confidential
6 and may not be released without the written consent of the eligible
7 immigrant for any purpose that is not directly related to the
8 provision of educational services. Upon request by an eligible
9 immigrant applying for legal status, test results may be transmitted
10 to the Immigration and Naturalization Service. School districts,
11 county offices of education community colleges, and any other
12 eligible agencies that receive federal funds for this purpose shall
13 administer the test using appropriate test monitor and control
14 procedures and provide for necessary test security measures.

15 ~~SEC. 15.~~

16 *SEC. 16.* Section 44275.6 of the Education Code is amended
17 to read:

18 44275.6. (a) A school district, county office of education, and
19 charter school shall annually report to the department, in a manner
20 prescribed by the department, the number of visa applications for
21 persons excluded from the term “immigrant,” for purposes of the
22 federal Immigration and Nationality Act (8 U.S.C. Sec. 1101),
23 pursuant to Section 1101(a)(15)(H)(i)(b) of Title 8 of the United
24 States Code that the school district, county office of education, or
25 charter school applies for on behalf of potential employees, and
26 the number of those visa applications that are granted.

27 (b) (1) The department shall annually report the information
28 provided pursuant to subdivision (a) to the Legislature.

29 (2) A report to be submitted pursuant to paragraph (1) shall be
30 submitted in compliance with Section 9795 of the Government
31 Code.

32 ~~SEC. 16.~~

33 *SEC. 17.* Section 52382 of the Education Code is amended to
34 read:

35 52382. A program of summer career technical and technical
36 education may be established pursuant to this article by the
37 governing board of any school district maintaining one or more
38 high schools. Pupils who have completed grades 9 to 12, inclusive,
39 may be permitted to participate in a program.

1 Summer career technical and technical education programs shall
2 consist of training and instruction in any skills and crafts in which
3 ample opportunities for gainful employment are to be found. The
4 program may include work experience involving the gainful
5 employment of pupils.

6 ~~SEC. 17.~~

7 *SEC. 18.* Section 52613 of the Education Code, as added by
8 Section 3 of Chapter 318 of the Statutes of 1987, is amended to
9 read:

10 52613. (a) Notwithstanding any section to the contrary, each
11 governing board of a school district maintaining classes for adults
12 that issues a Certificate of Eligibility for Nonimmigrant (F-1)
13 Student Status - For Academic and Language Students, Form
14 I-20AB, or completes Form I-20AB for a person described in
15 subparagraph (F)(i) of paragraph (15) of subsection (a) of Section
16 1101 of Title 8 of the United States Code, for the purposes of
17 enrolling that person in a class in English and citizenship for
18 foreigners or a class in an elementary subject, shall charge that
19 person a fee to cover the full costs of instruction, but in no case
20 shall the fee exceed the actual cost of the instruction. The fee shall
21 be adopted at a regular meeting of the governing board of each of
22 these school districts maintaining classes for adults at least 90 days
23 prior to the commencement of the classes for which the fee is
24 charged.

25 (b) No district maintaining classes for adults shall include the
26 attendance of F-1 visa students enrolled in a class in English and
27 citizenship for foreigners or in a class in elementary subjects for
28 apportionment purposes.

29 ~~SEC. 18.~~

30 *SEC. 19.* Section 52651 of the Education Code, as added by
31 Section 3 of Chapter 1068 of the Statutes of 1992, is amended to
32 read:

33 52651. For the purposes of this chapter, unless the context
34 otherwise requires, the following terms shall have the following
35 meanings:

36 (a) “Board of Governors” means the Board of Governors of the
37 California Community Colleges.

38 (b) “Chancellor” means the Chancellor of the California
39 Community Colleges.

1 (c) “Community-based organizations” means public nonprofit
2 benefit corporations of demonstrated effectiveness approved by
3 the superintendent to provide educational services to eligible
4 legalized persons.

5 (d) “Department” means the State Department of Education.

6 (e) “Educational outreach activities” means:

7 (1) Information transmitted to temporary resident persons who
8 are not citizens or nationals of the United States regarding the
9 requirements of the Immigration and Nationality Act of 1986 (8
10 U.S.C. Secs. 1160, 1161, and 1255a), as those requirements existed
11 on the effective date of this chapter, relating to adjustment of
12 resident status, sources of assistance to those persons who are not
13 citizens or nationals of the United States obtaining adjustment of
14 resident status, including educational, informational, and referral
15 services, and the rights and responsibilities of those persons and
16 persons lawfully admitted for permanent residence, the
17 identification of health, employment, and social services, and the
18 importance of identifying oneself as a temporary resident who is
19 not a citizen or national of the United States to service providers.
20 It does not include client counseling or any other service that would
21 assume responsibility of the person’s application for the adjustment
22 of resident status.

23 (2) Information provided to newly legalized persons and other
24 immigrants regarding educational opportunities available to them.

25 (f) “Immigrant” means a person who is a citizen of a country
26 other than the United States and is eligible for education services
27 in California or a naturalized United States citizen who is now
28 residing in California.

29 (g) “Newly legalized person” means a person who is not a
30 citizen or national of the United States who has been granted lawful
31 temporary resident status under Sections 1160, 1161, and 1255a
32 of Title 8 of the United States Code, as those sections exist on the
33 effective date of this chapter. In addition, it means a person who
34 has, after being granted lawful temporary resident status, obtained
35 permanent resident or citizenship status.

36 (h) “Services provider” means any community-based
37 organization, school district maintaining adult education programs,
38 or community college that has been approved by the superintendent
39 in the 1991–92 fiscal year as eligible to provide educational

1 services to newly legalized persons pursuant to subdivision (k) of
2 Section 23.50 of the Budget Act of 1991.

3 (i) “SLIAG” means the State Legalization Impact-Assistance
4 Grants as set forth in Section 204 of the Immigration Reform and
5 Control Act of 1986, (Sec. 204, P.L. 99-603), as it exists on the
6 effective date of this chapter.

7 (j) “Superintendent” means the Superintendent of Public
8 Instruction.

9 ~~SEC. 19.~~

10 *SEC. 20.* Section 66270.3 of the Education Code is amended
11 to read:

12 66270.3. Nothing in this chapter shall be construed to require
13 a postsecondary institution to offer admission or student financial
14 aid to a person excluded from the term “immigrant,” for purposes
15 of the federal Immigration and Nationality Act (8 U.S.C. Sec.
16 1101), pursuant to paragraph (15) of subdivision (a) of Section
17 1101 of Title 8 of the United States Code, as that paragraph exists
18 on January 1, 2019. However, students granted status pursuant to
19 subparagraphs (T) or (U) of paragraph (15), as specified, shall not
20 be subjected to discrimination in admission or financial aid on the
21 basis of immigration status. Nothing in this chapter shall be
22 construed to change a student’s eligibility for state financial aid.

23 ~~SEC. 20.~~

24 *SEC. 21.* Section 68062 of the Education Code, as amended
25 by Section 1 of Chapter 680 of the Statutes of 1983, is amended
26 to read:

27 68062. In determining the place of residence the following
28 rules are to be observed:

- 29 (a) There can only be one residence.
- 30 (b) A residence is the place where a person remains when not
31 called elsewhere for labor or other special or temporary purpose,
32 and to which the person returns in seasons of repose.
- 33 (c) A residence cannot be lost until another is gained.
- 34 (d) The residence can be changed only by the union of act and
35 intent.
- 36 (e) A man or woman may establish a residence. A woman’s
37 residence shall not be derivative from that of the woman’s husband.
- 38 (f) The residence of the parent with whom an unmarried minor
39 child maintains the child’s place of abode is the residence of the
40 unmarried minor child. When the minor lives with neither parent,

1 the minor’s residence is that of the parent with whom the minor
2 maintained the minor’s last place of abode, provided the minor
3 may establish a residence when both parents are deceased and a
4 legal guardian has not been appointed.

5 (g) The residence of an unmarried minor who has a parent living
6 cannot be changed by the minor’s own act, by the appointment of
7 a legal guardian, or by relinquishment of a parent’s right of control.

8 (h) A person who is not a citizen or national of the United States,
9 including one who is an unmarried minor, may establish a
10 residence, unless precluded by the Immigration and Nationality
11 Act (8 U.S.C. 1101, et seq.) from establishing domicile in the
12 United States.

13 (i) The residence of an unmarried minor who is not a citizen or
14 national of the United States shall be derived from the minor’s
15 parents pursuant to the provisions of subdivisions (f) and (g).

16 ~~SEC. 21.~~

17 *SEC. 22.* Section 68130.5 of the Education Code is amended
18 to read:

19 68130.5. Notwithstanding any other law:

20 (a) A student, other than a person excluded from the term
21 “immigrant,” for purposes of the federal Immigration and
22 Nationality Act (8 U.S.C. Sec. 1101), pursuant to paragraph (15)
23 of subsection (a) of Section 1101 of Title 8 of the United States
24 Code, shall be exempt from paying nonresident tuition at the
25 California State University and the California Community Colleges
26 if the student meets all of the following requirements:

27 (1) Satisfaction of the requirements of either subparagraph (A)
28 or subparagraph (B):

29 (A) A total attendance of, or attainment of credits earned while
30 in California equivalent to, three or more years of full-time
31 attendance or attainment of credits at any of the following:

32 (i) California high schools.

33 (ii) California high schools established by the State Board of
34 Education.

35 (iii) California adult schools established by any of the following
36 entities:

37 (I) A county office of education.

38 (II) A unified school district or high school district.

39 (III) The Department of Corrections and Rehabilitation.

40 (iv) Campuses of the California Community Colleges.

- 1 (v) A combination of those schools set forth in clauses (i) to
- 2 (iv), inclusive.
- 3 (B) Three or more years of full-time high school coursework
- 4 in California, and a total of three or more years of attendance in
- 5 California elementary schools, California secondary schools, or a
- 6 combination of California elementary and secondary schools.
- 7 (C) (i) Full-time attendance at a campus of the California
- 8 Community Colleges counted towards the requirements of this
- 9 paragraph shall comprise either a minimum of 12 units of credit
- 10 per semester or quarter equivalent per year or a minimum of 420
- 11 class hours per year or semester or quarter equivalent per year in
- 12 noncredit courses authorized pursuant to Section 84757. Attendance
- 13 in credit courses at a campus of the California Community Colleges
- 14 counted towards the requirements of this paragraph shall not exceed
- 15 a total attendance of two years of full-time attendance.
- 16 (ii) Full-time attendance at a California adult school counted
- 17 towards the requirements of this paragraph shall be a minimum of
- 18 420 class hours of attendance for each school year in classes or
- 19 courses authorized pursuant to Section 41976 or Sections 2053 to
- 20 2054.2, inclusive, of the Penal Code.
- 21 (2) Satisfaction of any of the following:
- 22 (A) Graduation from a California high school or attainment of
- 23 the equivalent thereof.
- 24 (B) Attainment of an associate degree from a campus of the
- 25 California Community Colleges.
- 26 (C) Fulfillment of the minimum transfer requirements
- 27 established for the University of California or the California State
- 28 University for students transferring from a campus of the California
- 29 Community Colleges.
- 30 (3) Registration as an entering student at, or current enrollment
- 31 at, an accredited institution of higher education in California not
- 32 earlier than the fall semester or quarter of the 2001–02 academic
- 33 year.
- 34 (4) In the case of a person without lawful immigration status,
- 35 the filing of an affidavit with the institution of higher education
- 36 stating that the student has filed an application to legalize the
- 37 student’s immigration status, or will file an application as soon as
- 38 the student is eligible to do so.

1 (b) A student who is exempt from nonresident tuition under this
2 section may be reported by a community college district as a
3 full-time equivalent student for apportionment purposes.

4 (c) The Board of Governors of the California Community
5 Colleges and the Trustees of the California State University shall
6 prescribe rules and regulations for the implementation of this
7 section.

8 (d) Student information obtained in the implementation of this
9 section is confidential.

10 ~~SEC. 22.~~

11 *SEC. 23.* Section 76140 of the Education Code, as amended
12 by Section 11 of Chapter 505 of the Statutes of 2018, is amended
13 to read:

14 76140. (a) A community college district may admit, and shall
15 charge a tuition fee to, nonresident students, except that a
16 community college district may exempt from all or parts of the
17 fee any person described in paragraph (1), (2), (3), or (6), and shall
18 exempt from all of the fee any person described in paragraph (4)
19 or (5):

20 (1) All nonresidents who enroll for six or fewer units.
21 Exemptions made pursuant to this paragraph shall not be made on
22 an individual basis.

23 (2) Any nonresident who is both a citizen and resident of a
24 foreign country, if the nonresident has demonstrated a financial
25 need for the exemption. Not more than 10 percent of the
26 nonresident foreign students attending any community college
27 district may be so exempted. Exemptions made pursuant to this
28 paragraph may be made on an individual basis.

29 (3) (A) A student who, as of August 29, 2005, was enrolled,
30 or admitted with an intention to enroll, in the fall term of the
31 2005–06 academic year in a regionally accredited institution of
32 higher education in Alabama, Louisiana, or Mississippi, and who
33 could not continue attending that institution as a direct consequence
34 of damage sustained by that institution as a result of Hurricane
35 Katrina.

36 (B) The chancellor shall develop guidelines for the
37 implementation of this paragraph. These guidelines shall include
38 standards for appropriate documentation of student eligibility to
39 the extent feasible.

1 (C) This paragraph shall apply only to the 2005–06 academic
2 year.

3 (4) A special part-time student, other than a person excluded
4 from the term “immigrant,” for purposes of the federal Immigration
5 and Nationality Act (8 U.S.C. Sec. 1101), pursuant to paragraph
6 (15) of subsection (a) of Section 1101 of Title 8 of the United
7 States Code, admitted pursuant to Section 76001, 76003, or 76004.

8 (5) A nonresident student who is a United States citizen who
9 resides in a foreign country, if that nonresident meets all of the
10 following requirements:

11 (A) Demonstrates a financial need for the exemption.

12 (B) Has a parent or guardian who has been deported or was
13 permitted to depart voluntarily under the federal Immigration and
14 Nationality Act in accordance with Section 1229c of Title 8 of the
15 United States Code. The student shall provide documents from the
16 United States Citizenship and Immigration Services evidencing
17 the deportation or voluntary departure of the student’s parent or
18 guardian.

19 (C) Moved abroad as a result of the deportation or voluntary
20 departure specified in subparagraph (B).

21 (D) Lived in California immediately before moving abroad. The
22 student shall provide information and evidence that demonstrates
23 the student previously lived in California.

24 (E) Attended a public or private secondary school, as described
25 in Sections 52 and 53, in the state for three or more years. The
26 student shall provide documents that demonstrate the student’s
27 secondary school attendance.

28 (F) Upon enrollment, will be in the first academic year as a
29 matriculated student in California public higher education, as that
30 term is defined in subdivision (a) of Section 66010, will be living
31 in California, and will file an affidavit with the institution stating
32 that the student intends to establish residency in California as soon
33 as possible.

34 (6) (A) A student who attends Lake Tahoe Community College
35 and who has residence, pursuant to subparagraph (B), in one of
36 the following communities in Nevada:

37 (i) Incline Village.

38 (ii) Kingsbury.

39 (iii) Round Hill.

40 (iv) Skyland.

1 (v) Stateline.

2 (vi) Zephyr Cove.

3 (B) Residence shall be determined pursuant to Article 5
4 (commencing with Section 68060) of Chapter 1 of Part 41 of
5 Division 5. A person shall have residence in one of the
6 communities listed in subparagraph (A) if the person has lived in
7 the community for more than one year immediately prior to seeking
8 the fee exemption pursuant to this paragraph.

9 (C) The governing board of the Lake Tahoe Community College
10 District shall adopt rules and regulations for determining a student's
11 residence classification and for establishing procedures for an
12 appeal and review of the residence classification. No more than
13 200 students shall be exempted from payment of a nonresident
14 tuition fee under this paragraph in any academic year.

15 (b) A district may contract with a state, a county contiguous to
16 California, the federal government, or a foreign country, or an
17 agency thereof, for payment of all or a part of a nonresident
18 student's tuition fee.

19 (c) Nonresident students shall not be reported as full-time
20 equivalent students (FTES) for state apportionment purposes,
21 except as provided by subdivision (j) or another statute, in which
22 case a nonresident tuition fee may not be charged.

23 (d) The nonresident tuition fee shall be set by the governing
24 board of each community college district not later than March 1
25 of each year for the succeeding fiscal year. The governing board
26 of each community college district shall provide nonresident
27 students with notice of nonresident tuition fee changes during the
28 spring term before the fall term in which the change will take
29 effect. Nonresident tuition fee increases shall be gradual, moderate,
30 and predictable. The fee may be paid in installments, as determined
31 by the governing board of the district.

32 (e) (1) The fee established by the governing board pursuant to
33 subdivision (d) shall represent for nonresident students enrolled
34 in 30 semester units or 45 quarter units of credit per fiscal year
35 one or more of the following:

36 (A) The amount that was expended by the district for the
37 expense of education as defined by the California Community
38 Colleges Budget and Accounting Manual in the preceding fiscal
39 year increased by the projected percent increase in the United
40 States Consumer Price Index as determined by the Department of

1 Finance for the current fiscal year and succeeding fiscal year and
2 divided by the FTES (including nonresident students) attending
3 in the district in the preceding fiscal year. However, if for the
4 district's preceding fiscal year FTES of all students attending in
5 the district in noncredit courses is equal to, or greater than, 10
6 percent of the district's total FTES attending in the district, the
7 district may substitute the data for expense of education in grades
8 13 and 14 and FTES in grades 13 and 14 attending in the district.

9 (B) The expense of education in the preceding fiscal year of all
10 districts increased by the projected percent increase in the United
11 States Consumer Price Index as determined by the Department of
12 Finance for the fiscal year and succeeding fiscal year and divided
13 by the FTES (including nonresident students) attending all districts
14 during the preceding fiscal year. However, if the amount calculated
15 under this paragraph for the succeeding fiscal year is less than the
16 amount established for the current fiscal year or for any of the past
17 four fiscal years, the district may set the nonresident tuition fee at
18 the greater of the current or any of the past four-year amounts.

19 (C) An amount not to exceed the fee established by the
20 governing board of any contiguous district.

21 (D) An amount not to exceed the amount that was expended by
22 the district for the expense of education, but in no case less than
23 the statewide average as set forth in subparagraph (B).

24 (E) An amount no greater than the average of the nonresident
25 tuition fees of public community colleges of no less than 12 states
26 that are comparable to California in cost of living. The
27 determination of comparable states shall be based on a composite
28 cost-of-living index as determined by the United States Department
29 of Labor or a cooperating government agency.

30 (2) The additional revenue generated by the increased
31 nonresident tuition permitted under the amendments made to this
32 subdivision during the 2009–10 Regular Session shall be used to
33 expand and enhance services to resident students. In no event shall
34 the admission of nonresident students come at the expense of
35 resident enrollment.

36 (f) The governing board of each community college district also
37 shall adopt a tuition fee per unit of credit for nonresident students
38 enrolled in more or less than 15 units of credit per term by dividing
39 the fee determined in subdivision (e) by 30 for colleges operating
40 on the semester system and 45 for colleges operating on the quarter

1 system and rounding to the nearest whole dollar. The same rate
2 shall be uniformly charged nonresident students attending any
3 terms or sessions maintained by the community college. The rate
4 charged shall be the rate established for the fiscal year in which
5 the term or session ends.

6 (g) Any loss in district revenue generated by the nonresident
7 tuition fee shall not be offset by additional state funding.

8 (h) Any district that has fewer than 1,500 FTES and whose
9 boundary is within 10 miles of another state that has a reciprocity
10 agreement with California governing student attendance and fees
11 may exempt students from that state from the mandatory fee
12 requirement described in subdivision (a) for nonresident students.

13 (i) Any district that has more than 1,500, but less than 3,001,
14 FTES and whose boundary is within 10 miles of another state that
15 has a reciprocity agreement with California governing student
16 attendance and fees may, in any one fiscal year, exempt up to 100
17 FTES from that state from the mandatory fee requirement described
18 in subdivision (a) for nonresident students.

19 (j) The attendance of nonresident students who are exempted
20 pursuant to subdivision (h) or (i), or pursuant to paragraph (3), (4),
21 (5), or (6) of subdivision (a), from the mandatory fee requirement
22 described in subdivision (a) for nonresident students may be
23 reported as resident FTES for state apportionment purposes. Any
24 nonresident student reported as resident FTES for state
25 apportionment purposes who is exempt pursuant to paragraph (6)
26 of subdivision (a), or pursuant to subdivision (h) or (i), shall pay
27 a per unit fee that is three times the amount of the fee established
28 for residents pursuant to Section 76300. That fee is to be included
29 in the FTES adjustments described in Section 76300 for purposes
30 of computing apportionments.

31 (k) This section shall become inoperative on July 1, 2022, and,
32 as of January 1, 2023, is repealed, unless a later enacted statute,
33 that becomes operative on or before January 1, 2023, deletes or
34 extends the dates on which it becomes inoperative and is repealed.

35 ~~SEC. 23.~~

36 *SEC. 24.* Section 76140 of the Education Code, as amended
37 by Section 12 of Chapter 505 of the Statutes of 2018, is amended
38 to read:

39 76140. (a) A community college district may admit, and shall
40 charge a tuition fee to, nonresident students, except that a

1 community college district may exempt from all or parts of the
2 fee any person described in paragraph (1), (2), or (3), and shall
3 exempt from all of the fee any person described in paragraph (4)
4 or (5):

5 (1) All nonresidents who enroll for six or fewer units.
6 Exemptions made pursuant to this paragraph shall not be made on
7 an individual basis.

8 (2) Any nonresident who is both a citizen and resident of a
9 foreign country, if the nonresident has demonstrated a financial
10 need for the exemption. Not more than 10 percent of the
11 nonresident foreign students attending any community college
12 district may be so exempted. Exemptions made pursuant to this
13 paragraph may be made on an individual basis.

14 (3) (A) A student who, as of August 29, 2005, was enrolled,
15 or admitted with an intention to enroll, in the fall term of the
16 2005–06 academic year in a regionally accredited institution of
17 higher education in Alabama, Louisiana, or Mississippi, and who
18 could not continue attending that institution as a direct consequence
19 of damage sustained by that institution as a result of Hurricane
20 Katrina.

21 (B) The chancellor shall develop guidelines for the
22 implementation of this paragraph. These guidelines shall include
23 standards for appropriate documentation of student eligibility to
24 the extent feasible.

25 (C) This paragraph shall apply only to the 2005–06 academic
26 year.

27 (4) A special part-time student, other than a person excluded
28 from the term “immigrant,” for purposes of the federal Immigration
29 and Nationality Act (8 U.S.C. Sec. 1101), pursuant to paragraph
30 (15) of subsection (a) of Section 1101 of Title 8 of the United
31 States Code, admitted pursuant to Section 76001, 76003, or 76004.

32 (5) A nonresident student who is a United States citizen who
33 resides in a foreign country, if that nonresident meets all of the
34 following requirements:

35 (A) Demonstrates a financial need for the exemption.

36 (B) Has a parent or guardian who has been deported or was
37 permitted to depart voluntarily under the federal Immigration and
38 Nationality Act in accordance with Section 1229c of Title 8 of the
39 United States Code. The student shall provide documents from the
40 United States Citizenship and Immigration Services evidencing

1 the deportation or voluntary departure of the student's parent or
2 guardian.

3 (C) Moved abroad as a result of the deportation or voluntary
4 departure specified in subparagraph (B).

5 (D) Lived in California immediately before moving abroad. The
6 student shall provide information and evidence that demonstrates
7 the student previously lived in California.

8 (E) Attended a public or private secondary school, as described
9 in Sections 52 and 53, in the state for three or more years. The
10 student shall provide documents that demonstrate the student's
11 secondary school attendance.

12 (F) Upon enrollment, will be in the first academic year as a
13 matriculated student in California public higher education, as that
14 term is defined in subdivision (a) of Section 66010, will be living
15 in California, and will file an affidavit with the institution stating
16 that the student intends to establish residency in California as soon
17 as possible.

18 (b) A district may contract with a state, a county contiguous to
19 California, the federal government, or a foreign country, or an
20 agency thereof, for payment of all or a part of a nonresident
21 student's tuition fee.

22 (c) Nonresident students shall not be reported as full-time
23 equivalent students (FTES) for state apportionment purposes,
24 except as provided by subdivision (j) or another statute, in which
25 case a nonresident tuition fee may not be charged.

26 (d) The nonresident tuition fee shall be set by the governing
27 board of each community college district not later than March 1
28 of each year for the succeeding fiscal year. The governing board
29 of each community college district shall provide nonresident
30 students with notice of nonresident tuition fee changes during the
31 spring term before the fall term in which the change will take
32 effect. Nonresident tuition fee increases shall be gradual, moderate,
33 and predictable. The fee may be paid in installments, as determined
34 by the governing board of the district.

35 (e) (1) The fee established by the governing board pursuant to
36 subdivision (d) shall represent for nonresident students enrolled
37 in 30 semester units or 45 quarter units of credit per fiscal year
38 one or more of the following:

39 (A) The amount that was expended by the district for the
40 expense of education as defined by the California Community

1 Colleges Budget and Accounting Manual in the preceding fiscal
2 year increased by the projected percent increase in the United
3 States Consumer Price Index as determined by the Department of
4 Finance for the current fiscal year and succeeding fiscal year and
5 divided by the FTES (including nonresident students) attending
6 in the district in the preceding fiscal year. However, if for the
7 district's preceding fiscal year FTES of all students attending in
8 the district in noncredit courses is equal to, or greater than, 10
9 percent of the district's total FTES attending in the district, the
10 district may substitute the data for expense of education in grades
11 13 and 14 and FTES in grades 13 and 14 attending in the district.

12 (B) The expense of education in the preceding fiscal year of all
13 districts increased by the projected percent increase in the United
14 States Consumer Price Index as determined by the Department of
15 Finance for the fiscal year and succeeding fiscal year and divided
16 by the FTES (including nonresident students) attending all districts
17 during the preceding fiscal year. However, if the amount calculated
18 under this paragraph for the succeeding fiscal year is less than the
19 amount established for the current fiscal year or for any of the past
20 four fiscal years, the district may set the nonresident tuition fee at
21 the greater of the current or any of the past four-year amounts.

22 (C) An amount not to exceed the fee established by the
23 governing board of any contiguous district.

24 (D) An amount not to exceed the amount that was expended by
25 the district for the expense of education, but in no case less than
26 the statewide average as set forth in subparagraph (B).

27 (E) An amount no greater than the average of the nonresident
28 tuition fees of public community colleges of no less than 12 states
29 that are comparable to California in cost of living. The
30 determination of comparable states shall be based on a composite
31 cost-of-living index as determined by the United States Department
32 of Labor or a cooperating government agency.

33 (2) The additional revenue generated by the increased
34 nonresident tuition permitted under the amendments made to this
35 subdivision during the 2009–10 Regular Session shall be used to
36 expand and enhance services to resident students. In no event shall
37 the admission of nonresident students come at the expense of
38 resident enrollment.

39 (f) The governing board of each community college district also
40 shall adopt a tuition fee per unit of credit for nonresident students

1 enrolled in more or less than 15 units of credit per term by dividing
2 the fee determined in subdivision (e) by 30 for colleges operating
3 on the semester system and 45 for colleges operating on the quarter
4 system and rounding to the nearest whole dollar. The same rate
5 shall be uniformly charged nonresident students attending any
6 terms or sessions maintained by the community college. The rate
7 charged shall be the rate established for the fiscal year in which
8 the term or session ends.

9 (g) Any loss in district revenue generated by the nonresident
10 tuition fee shall not be offset by additional state funding.

11 (h) Any district that has fewer than 1,500 FTES and whose
12 boundary is within 10 miles of another state that has a reciprocity
13 agreement with California governing student attendance and fees
14 may exempt students from that state from the mandatory fee
15 requirement described in subdivision (a) for nonresident students.

16 (i) Any district that has more than 1,500, but less than 3,001,
17 FTES and whose boundary is within 10 miles of another state that
18 has a reciprocity agreement with California governing student
19 attendance and fees may, in any one fiscal year, exempt up to 100
20 FTES from that state from the mandatory fee requirement described
21 in subdivision (a) for nonresident students.

22 (j) The attendance of nonresident students who are exempted
23 pursuant to subdivision (h) or (i), or pursuant to paragraph (3), (4),
24 or (5) of subdivision (a), from the mandatory fee requirement
25 described in subdivision (a) for nonresident students may be
26 reported as resident FTES for state apportionment purposes. Any
27 nonresident student reported as resident FTES for state
28 apportionment purposes pursuant to subdivision (h) or (i) shall
29 pay a per unit fee that is three times the amount of the fee
30 established for residents pursuant to Section 76300. That fee is to
31 be included in the FTES adjustments described in Section 76300
32 for purposes of computing apportionments.

33 (k) This section shall become operative on July 1, 2022.

34 ~~SEC. 24.~~

35 *SEC. 25.* Section 241 of the Government Code is amended to
36 read:

37 241. The citizens of the state are:

38 (a) All persons born in the state and residing within it, except
39 the children of foreign public ministers and consuls.

1 (b) All persons born out of the state who are citizens of the
2 United States and residing within the state.

3 ~~SEC. 25.~~

4 ~~SEC. 26.~~ Section 242 of the Government Code is amended to
5 read:

6 242. Persons in the state who are not its citizens are either:

- 7 (a) Citizens of other states; or
- 8 (b) Persons who are not citizens of the United States.

9 ~~SEC. 26.~~

10 ~~SEC. 27.~~ Section 1031 of the Government Code is amended
11 to read:

12 1031. Each class of public officers or employees declared by
13 law to be peace officers shall meet all of the following minimum
14 standards:

15 (a) Be a citizen of the United States or a permanent resident
16 who is eligible for and has applied for citizenship, except as
17 provided in Section 2267 of the Vehicle Code.

18 (b) Be at least 18 years of age.

19 (c) Be fingerprinted for purposes of search of local, state, and
20 national fingerprint files to disclose a criminal record.

21 (d) Be of good moral character, as determined by a thorough
22 background investigation.

23 (e) Be a high school graduate, pass the General Education
24 Development Test or other high school equivalency test approved
25 by the State Department of Education that indicates high school
26 graduation level, pass the California High School Proficiency
27 Examination, or have attained a two-year, four-year, or advanced
28 degree from an accredited college or university. The high school
29 shall be either a United States public school, an accredited United
30 States Department of Defense high school, or an accredited or
31 approved public or nonpublic high school. Any accreditation or
32 approval required by this subdivision shall be from a state or local
33 government educational agency using local or state government
34 approved accreditation, licensing, registration, or other approval
35 standards, a regional accrediting association, an accrediting
36 association recognized by the Secretary of the United States
37 Department of Education, an accrediting association holding full
38 membership in the National Council for Private School
39 Accreditation (NCPSA), an organization holding full membership
40 in AdvancED, an organization holding full membership in the

1 Council for American Private Education (CAPE), or an accrediting
2 association recognized by the National Federation of Nonpublic
3 School State Accrediting Associations (NFNSSAA).

4 (f) Be found to be free from any physical, emotional, or mental
5 condition that might adversely affect the exercise of the powers
6 of a peace officer.

7 (1) Physical condition shall be evaluated by a licensed physician
8 and surgeon.

9 (2) Emotional and mental condition shall be evaluated by either
10 of the following:

11 (A) A physician and surgeon who holds a valid California
12 license to practice medicine, has successfully completed a
13 postgraduate medical residency education program in psychiatry
14 accredited by the Accreditation Council for Graduate Medical
15 Education, and has at least the equivalent of five full-time years
16 of experience in the diagnosis and treatment of emotional and
17 mental disorders, including the equivalent of three full-time years
18 accrued after completion of the psychiatric residency program.

19 (B) A psychologist licensed by the California Board of
20 Psychology who has at least the equivalent of five full-time years
21 of experience in the diagnosis and treatment of emotional and
22 mental disorders, including the equivalent of three full-time years
23 accrued postdoctorate.

24 The physician and surgeon or psychologist shall also have met
25 any applicable education and training procedures set forth by the
26 California Commission on Peace Officer Standards and Training
27 designed for the conduct of preemployment psychological
28 screening of peace officers.

29 (g) This section shall not be construed to preclude the adoption
30 of additional or higher standards, including age.

31 ~~SEC. 27.~~

32 *SEC. 28.* Section 1031.5 of the Government Code is amended
33 to read:

34 1031.5. (a) Any person employed by a governmental agency
35 on September 13, 1982, as a peace officer or a peace officer trainee,
36 or who, prior to September 13, 1982, had applied to fill a position
37 as a peace officer, as defined in Chapter 4.5 (commencing with
38 Section 830) of Title 3 of Part 2 of the Penal Code, is not subject
39 to the requirement of subdivision (a) of Section 1031 prior to its
40 amendment by Chapter 943 of the Statutes of 1982, provided that

1 any person qualifying for this exemption shall, as soon as legally
2 possible, apply for and meet all of the requirements for United
3 States citizenship specified in existing law, and shall be subject to
4 subdivisions (b) and (c).

5 (b) Any permanent resident immigrant who is employed as a
6 peace officer shall diligently cooperate with the United States
7 Citizenship and Immigration Services in the processing of the
8 officer’s application for citizenship and shall be disqualified from
9 holding that position if, three years after the filing of the application
10 for employment, the person has not obtained citizenship due to
11 the officer’s failure to cooperate in the processing of the application
12 for citizenship.

13 (c) Any permanent resident immigrant who is employed as a
14 peace officer shall be disqualified from holding that position if the
15 officer’s application for citizenship is denied.

16 (d) For purposes of this section, “immigrant” means a person
17 who is not a citizen or national of the United States.

18 ~~SEC. 28.~~

19 *SEC. 29.* Section 3101 of the Government Code is amended
20 to read:

21 3101. For the purpose of this chapter the term “disaster service
22 worker” includes all public employees and all volunteers in any
23 disaster council or emergency organization accredited by the Office
24 of Emergency Services. The term “public employees” includes all
25 persons employed by the state or any county, city, city and county,
26 state agency or public district, excluding a person who is legally
27 employed but who is not a citizen or national of the United States.

28 ~~SEC. 29.~~

29 *SEC. 30.* Section 8880.325 of the Government Code is amended
30 to read:

31 8880.325. The right of any person to a prize shall not be
32 assignable, except that the payment of any prize may be assigned,
33 in whole or in part, as provided by Section 8880.326 and this
34 section, under any of the following circumstances:

35 (a) An assignment executed by the prizewinner on a form
36 approved by, and filed with, the commission during the
37 prizewinner’s lifetime in accordance with regulations adopted by
38 the commission, to a trust that by its terms is revocable, and that
39 is established by the prizewinner for the benefit of the prizewinner
40 as a beneficiary and governed by the laws of the state.

1 (b) An appropriate judicial order appointing a conservator or a
2 guardian for the protection of the prizewinner, or for adjudicating
3 rights to, or ownership of, the prize.

4 (c) An assignment, as collateral, to a person to secure a loan
5 pursuant to Division 9 (commencing with Section 9101) of the
6 Commercial Code. The assignment as collateral of the right to
7 receive payment of a prize shall be subject to all of the following:

8 (1) All security agreements, rights of the prizewinner, and rights
9 of the secured creditor shall be determined pursuant to the laws of
10 the state.

11 (2) In the event of a default under the loan or security agreement,
12 the secured creditor's rights shall be limited to receiving the regular
13 payments made by the lottery, based on the prizewinner's right to
14 receive a regular prize payment until the obligation has been paid
15 in full or the prize has been paid in full, whichever occurs first.
16 Notwithstanding Division 9 (commencing with Section 9101) of
17 the Commercial Code, the secured creditor shall not have the right
18 to sell or assign the prizewinner's rights to payments to itself or
19 to any other person. This section shall not limit the secured
20 creditor's right to sell, assign, or transfer the obligation of the
21 debtor and related security interest to a third party.

22 (3) The prizewinner and secured creditor may agree, and may
23 jointly instruct the lottery, to directly deposit all prizewinning
24 payments into an account maintained by the prizewinner at a
25 federally insured financial institution located within the state. This
26 account may be subject to the secured creditor's lien. Upon receipt
27 of these instructions, the lottery shall continue to deposit all
28 payments due to the prizewinner into the account until the lottery
29 receives notification from both the secured creditor and the
30 prizewinner that the payments are to be made to an account
31 maintained at another bank, or that the secured creditor releases
32 or terminates the security interest in the prizewinner's payments.

33 (4) (A) The prizewinner, pursuant to an order of the court
34 obtained in compliance with subdivision (d), may direct the lottery
35 to make the prize payments, in whole or in part, directly to the
36 secured creditor. A direction to the lottery to make a prize payment
37 to a secured creditor shall not, in itself, constitute an assignment
38 of the prize payment to the secured creditor.

39 (B) For purposes of this paragraph and subdivision (d),
40 "assignee" and "secured creditor" are synonymous, and

1 “assignment” or “prize payment” means the payment that is
2 directed to be paid to the secured creditor.

3 (5) For purposes of perfecting the security interest of the secured
4 creditor, the right of the prizewinner to receive payments is deemed
5 to be a contract right that is perfected by the filing of a financing
6 statement with the office of the Secretary of State.

7 (6) A copy of the security agreement, an endorsed copy of the
8 financing statement, and the joint instruction to deposit the
9 prizewinner’s payments directly into an account, if any, at the
10 financial institution shall be filed with the lottery. Notwithstanding
11 the security interest granted a creditor, all lottery payments shall
12 be made payable directly to the prizewinner, except as follows:

13 (A) Payments sent directly to the financial institution designated
14 pursuant to paragraph (3).

15 (B) In the event of a default under the security agreement or
16 obligation it secures, payments sent directly to the secured creditor
17 pursuant to an order of a court of competent jurisdiction
18 determining that the payments are to be made directly to the
19 secured creditor.

20 (7) Upon the termination or release of the security interest, the
21 secured creditor shall file an endorsed copy of the release or
22 termination of the security interest with the lottery.

23 (d) Except as provided in subdivision (k), an assignment of
24 future payments to another person designated pursuant to an
25 appropriate judicial order of a California superior court or a federal
26 court having jurisdiction over property located within California,
27 if the court determines and states in its order all of the following:

28 (1) That the prizewinner was represented by independent legal
29 counsel whose name and State Bar of California number appears
30 as counsel of record on all pleadings filed in all court proceedings.

31 The prizewinner’s legal counsel shall appear as counsel of record
32 at any proceedings that are required by the court.

33 (2) That the prizewinner has represented to the court, either by
34 sworn testimony if a personal appearance is required by the court,
35 or by written declaration filed with the court under penalty of
36 perjury, and that the court has determined these representations to
37 be true and correct, that the prizewinner (A) has reviewed and
38 understands the terms and effects of the assignment, (B)
39 understands that the prizewinner will not receive the prize
40 payments, or portions thereof, for the years assigned, (C) has

1 entered into the agreement of their own free will without undue
2 influence or duress and not under the influence of drugs or alcohol,
3 (D) has had an opportunity to retain independent financial and tax
4 advice, and (E) has been represented by independent legal counsel,
5 who has advised the prizewinner of their legal rights and
6 obligations under the assignment.

7 (3) It shall be the responsibility of the prizewinner to bring to
8 the attention of the court, either by sworn testimony or by written
9 declaration submitted under penalty of perjury, the existence or
10 nonexistence of a current spouse. If married, the prizewinner shall
11 identify their spouse and submit to the court a signed and notarized
12 statement wherein the spouse consents to the assignment. If the
13 prizewinner is married, and the notarized statement is not presented
14 to the court, the court shall determine, to the extent necessary and
15 as appropriate under applicable law, the ability of the prizewinner
16 to make the proposed assignment without the spouse's consent.

17 (4) The specific prize payment or payments assigned, or any
18 portion thereof, including the dates and amounts of the payments
19 to be assigned, the years in which each payment is to begin and
20 end, the gross amount of the annual payments assigned before
21 taxes, the prizewinner's name as it appears on the lottery claim
22 form, the full legal name of the assignor if different than the
23 prizewinner's name as it appears on the lottery claim form, the
24 assignor's social security or tax identification number, the
25 assignee's full legal name and social security or tax identification
26 number, and, if applicable, the citizenship or United States
27 Citizenship and Immigration Services-assigned number of the
28 assignee if a natural person.

29 (5) Expressly identifies the amount, the date if available, any
30 nonspouse coowner, claimant, or lienholder, and the interests,
31 liens, security interests, assignments, or offsets asserted by the
32 state or other persons against any of the prize payments, including,
33 but not limited to, those payments that are the subject of the
34 proposed assignment as those interests, liens, security interests,
35 assignments, or offsets have been represented to the court by the
36 prizewinner in a written declaration signed under penalty of perjury
37 and filed with the court.

38 (6) That the lottery and the State of California are not parties
39 to the proceeding, and that the lottery and the state may rely upon
40 the order in disbursing the prize payments that are the subject of

1 the order. Further, that upon payment of prize moneys pursuant to
2 an order of the court, the lottery, the director, the commission, and
3 the employees of the lottery and the state shall be discharged of
4 all liability for the prize paid, and these persons and entities shall
5 have no duty or obligation to any person asserting another interest
6 in, or right to receive, the prize payment.

7 (7) That the prizewinner or the proposed assignee has obtained
8 and filed with the court a notification from the lottery of any liens,
9 levies, or claims, and from the Controller's office of any offsets,
10 asserted as of that time against the prizewinner, as reflected in
11 their respective official records as of the time of the notification.
12 The date of the notification shall not be more than 20 days prior
13 to the court hearing, unless extended by the court.

14 (e) The assignment of the right to receive any prize payment or
15 payments by the prizewinner pursuant to subdivision (d) shall be
16 conditioned on the following terms, conditions, and rights, which
17 may not be waived or modified by the prizewinner:

18 (1) The payment of moneys to, or on behalf of, the prizewinner
19 by the assignee, in consideration for the assignment of the prize
20 payment or payments, shall be made in full prior to the time when,
21 under the terms of the assignment, the lottery is required to make
22 the first prize payment to the assignee, or may be made in two
23 installments, the first being paid prior to the time when, under the
24 terms of the assignment, the lottery is required to make the first
25 prize payment to the assignee and the second installment within
26 11 months thereafter. The second installment shall not be in an
27 amount that exceeds the first installment. Notwithstanding this
28 paragraph, any other installment payment schedule is permitted if
29 the installment obligation relating to the installments is guaranteed
30 by a financial institution, as defined in paragraph (2) of subdivision
31 (a) of Section 4981 of the Financial Code, or a brokerage firm that
32 is a member of the Securities Investor Protection Corporation
33 (SIPC), as required by the federal Securities Investor Protection
34 Act of 1970 (15 U.S.C. Sec. 78aaa et seq.).

35 (2) If the prizewinner elects to accept the consideration to be
36 paid for the assignment in two installments as provided in
37 paragraph (1), the prizewinner shall have a special lien for the
38 balance of any payment due, effective without any further action,
39 agreement, or notice, on any of the prize payments assigned by
40 the prizewinner for the payment of moneys from the assignee. This

1 lien shall terminate upon the prizewinner receiving actual payment
2 of the moneys. The tendering of a check, payment instrument, or
3 recital of payment shall not constitute actual payment of moneys
4 for the purposes of this paragraph. Notwithstanding this paragraph,
5 if a prizewinner accepts an installment obligation guaranteed by
6 a Federal Deposit Insurance Corporation (FDIC) or SIPC insured
7 entity, then the lien created by this section shall automatically
8 terminate upon delivery of the installment obligation.

9 (3) The Legislature finds and declares that the creation of a
10 statutory lien in favor of a prizewinner is necessary to protect the
11 rights of the prizewinner from any creditors, subsequent bankruptcy
12 trustees of the assignee, or from any subsequent assignees when
13 the prizewinner has not received full payment for the assigned
14 prize payments.

15 (f) Prior to the assignment of any prize as provided in
16 subdivisions (c) and (d), the Controller shall determine whether
17 the prizewinner owes any obligation that is subject to offset under
18 Article 2 (commencing with Section 12410) of Chapter 5 of Part
19 2 of Division 3, and shall provide written notification of that
20 determination to the lottery and to the Secretary of State.

21 (g) If the lottery determines that the court order issued pursuant
22 to subdivision (d) is complete and correct in all respects, the lottery
23 shall send the prizewinner and the assignee or assignees written
24 confirmation of receipt of the court-ordered assignment and of the
25 lottery's intention to rely on that assignment in making future
26 payments to the assignee or assignees named in the court order.

27 (h) Notwithstanding any other law, by entering into an
28 agreement to assign any prize payments pursuant to subdivision
29 (c) or (d), a prizewinner shall be deemed to have waived any
30 statutory period of limitation as to the State of California enforcing
31 any rights against annual prize payments due after the last assigned
32 payment is paid or released, if assigned as collateral, from the lien
33 granted the secured creditor.

34 (i) The assignment of prize payments pursuant to either
35 subdivision (c) or (d) shall not be valid or allowed for the final
36 three annual prize payments from the lottery to the prizewinner
37 unless the contract assigning all or any part of the final three annual
38 prize payments is entered into on or after the effective date of the
39 act adding this subdivision.

1 (j) Any loans made to a prizewinner pursuant to this section
 2 shall be exempt from the usury provisions of Article XV of the
 3 California Constitution with respect to an assignment of a lottery
 4 prize as collateral to secure a loan.

5 (k) (1) Notwithstanding any other provision of this section, a
 6 prizewinner shall not have the right to assign prize payments
 7 pursuant to subdivision (d), or to direct the payment of a prize
 8 pursuant to paragraph (4) of subdivision (c), if either of the
 9 following occurs:

10 (A) The issuance by the United States Internal Revenue Service
 11 (IRS) of a technical rule letter, revenue ruling, or other public
 12 ruling of the IRS in which the IRS determines that, based upon
 13 the right of assignment provided in subdivision (d), a California
 14 lottery prizewinner who does not assign any prize payments
 15 pursuant to subdivision (d) would be subject to an immediate
 16 income tax liability for the value of the entire prize rather than
 17 annual income tax liability for each installment when paid.

18 (B) The issuance by a court of competent jurisdiction of a
 19 published decision holding that, based upon the right of assignment
 20 provided in subdivision (d), a California lottery prizewinner who
 21 does not assign any prize payments pursuant to subdivision (d)
 22 would be subject to an immediate income tax liability for the value
 23 of the entire prize rather than annual income tax liability for each
 24 installment when paid.

25 (2) Upon receipt of a letter or ruling from the IRS or a published
 26 decision of a court of competent jurisdiction, as specified in
 27 paragraph (1), the director shall immediately file a copy of that
 28 letter, ruling, or published decision with the Secretary of State.
 29 Immediately upon the filing by the director of a letter, ruling, or
 30 published decision with the Secretary of State, a prizewinner shall
 31 be ineligible to assign a prize pursuant to subdivision (d), or to
 32 direct the payment of a prize pursuant to paragraph (4) of
 33 subdivision (c).

34 ~~SEC. 30.~~

35 *SEC. 31.* Section 12621 of the Government Code is amended
 36 to read:

37 12621. For the purposes of this article, the following terms
 38 shall have the following meaning unless the context clearly requires
 39 otherwise:

1 (a) “International student exchange visitor placement
2 organization” or “organization” means a person, partnership,
3 corporation, or other entity that regularly arranges the placement
4 of international student exchange visitors for the purpose, in whole
5 or in part, of providing the students with the opportunity to attend
6 a school that maintains kindergarten and grades 1 to 12, inclusive,
7 in the United States.

8 (b) “International student exchange visitor” or “student” means
9 any person 18 years of age or under, or up to 21 years of age if
10 enrolled or to be enrolled in high school in this state, who enters
11 the United States on a nonimmigrant visa and who is placed by an
12 international student exchange visitor placement organization in
13 an elementary or secondary school or other educational program
14 in this state.

15 (c) “Nonimmigrant visa” means a visa category assigned by the
16 United States Department of Homeland Security pursuant to
17 Section 1101 of Title 8 of the United States Code to nonresident
18 students whose primary purpose for visiting the United States is
19 to study at the elementary or secondary school level or participate
20 in any other educational program.

21 (d) “USIA” means the United States Information Agency
22 designated to administer the Mutual Educational and Cultural
23 Exchange Act of 1961 (22 U.S.C. Sec. 2451; 22 C.F.R. 514.1 et
24 seq.).

25 (e) “Registry” means the Registry of International Student
26 Exchange Visitor Placement Organizations established pursuant
27 to Section 12622.

28 ~~SEC. 31.~~

29 *SEC. 32.* Section 68109 of the Government Code is amended
30 to read:

31 68109. (a) Every court of this state shall cooperate with the
32 United States Department of Homeland Security (DHS) to identify
33 and place a deportation hold on any defendant convicted of a felony
34 who is determined to be an undocumented immigrant subject to
35 deportation.

36 (b) As used in this section, “cooperate” means to provide the
37 DHS and its agents with access to all court records available to
38 the public pursuant to Chapter 3.5 (commencing with Section
39 6250) of Division 7 of Title 1 of the Government Code and to
40 provide any necessary paperwork within a reasonable time.

1 (c) As used in this section, “immigrant” means a person who is
2 not a citizen or national of the United States.

3 ~~SEC. 32.~~

4 *SEC. 33.* Section 1596.601 of the Health and Safety Code is
5 amended to read:

6 1596.601. Any child care provider who possesses any one of
7 the following identification cards may initiate a background
8 examination to be a trustline provider:

9 (a) A valid California driver’s license.

10 (b) A valid identification card issued by the Department of
11 Motor Vehicles.

12 (c) A valid Permanent Resident Card.

13 (d) In the case of a person living in a state other than California,
14 a valid numbered photo identification card issued by an agency of
15 the state other than California.

16 ~~SEC. 33.~~

17 *SEC. 34.* Section 1796.22 of the Health and Safety Code is
18 amended to read:

19 1796.22. Any individual who has submitted a home care aide
20 application and who possesses any one of the following
21 identification cards may initiate a background examination to be
22 a registered home care aide:

23 (a) A valid California driver’s license.

24 (b) A valid identification card issued by the Department of
25 Motor Vehicles.

26 (c) A valid Permanent Resident Card.

27 (d) In the case of a person living in a state other than California,
28 a valid numbered photo identification card issued by an agency of
29 the state other than California.

30 ~~SEC. 34.~~

31 *SEC. 35.* Section 1796.32 of the Health and Safety Code is
32 amended to read:

33 1796.32. Any individual who has submitted an application and
34 who possesses any one of the following identification cards may
35 initiate a background examination to be a licensed home care
36 organization:

37 (a) A valid California driver’s license.

38 (b) A valid identification card issued by the Department of
39 Motor Vehicles.

40 (c) A valid Permanent Resident Card.

1 (d) In the case of a person living in a state other than California,
2 a valid numbered photo identification card issued by an agency of
3 the state other than California.

4 ~~SEC. 35.~~

5 *SEC. 36.* Section 50205 of the Health and Safety Code is
6 amended to read:

7 50205. (a) As used in this section:

8 (1) “Employer” means a person or entity who has petitioned,
9 or will petition, to import an H-2A worker pursuant to Section
10 1188 of Title 8 of the United States Code to work on the
11 employer’s agricultural land.

12 (2) “H-2A worker” means a nonimmigrant person excluded
13 from the term “immigrant,” for purposes of the federal Immigration
14 and Nationality Act (8 U.S.C. Sec. 1101), pursuant to Section
15 1101(a)(15)(H)(ii)(a) of Title 8 of the United States Code employed
16 to work for an employer.

17 (3) “State funding” means any provision of moneys or other
18 financial assistance provided by the state or a state agency,
19 including, but not limited to, grants, loans, and write-downs of
20 land costs, but does not include any allocation of federal or state
21 low-income housing tax credits pursuant to Chapter 3.6
22 (commencing with Section 50199.4) of this part or Sections 12206,
23 17058, or 23610.5 of the Revenue and Taxation Code.

24 (b) (1) Notwithstanding any other law and subject to paragraph
25 (2), state funding shall not be provided to an employer or its agent
26 who employs at least one H-2A worker for the purposes of funding
27 predevelopment of, developing, or operating any housing.

28 (2) Any employer or other recipient of state funding who utilizes
29 state funding for the purposes described in paragraph (1) shall
30 reimburse the state or state agency that provided the funding in an
31 amount equal to the amount of that state funding expended for
32 those purposes.

33 (3) This subdivision shall not apply to any contract or other
34 enforceable agreement pursuant to which the state or a state agency
35 provides state funding that was entered into prior to January 1,
36 2020.

37 (4) The department shall not be responsible for inspecting units
38 that are not subsidized by funding received by the department.

39 (5) A person or entity who receives state funding on and after
40 January 1, 2020, and expends any of those funds for the purpose

1 of funding predevelopment of, developing, or operating any
2 housing shall submit a declaration to the entity administering the
3 funding which declares the following:

4 (A) (i) The person or entity is not an agricultural employer, as
5 defined in Section 1140.4 of the Labor Code, or its agent, or a farm
6 labor contractor, as defined in Section 1682 of the Labor Code, or
7 its agent, who employs at least one H-2A worker, as defined in
8 Section 50205.

9 (ii) The person or entity will not rent, sell, or sublease housing
10 funded pursuant to this chapter to an agricultural employer, as
11 defined in Section 1140.4 of the Labor Code, or its agent, or a farm
12 labor contractor, as defined in Section 1682 of the Labor Code, or
13 its agent, who employs at least one H-2A worker, as defined in
14 Section 50205, until the expiration of the regulatory agreement or
15 affordability covenant, as applicable.

16 (B) The declaration described in subparagraph (A) may be met
17 through the inclusion in a regulatory agreement, contract, or
18 affordability covenant, as applicable, with the entity administering
19 the funding program that is signed by the person or entity receiving
20 funds.

21 ~~SEC. 36.~~

22 *SEC. 37.* Section 12693.76 of the Insurance Code is amended
23 to read:

24 12693.76. (a) Notwithstanding any other provision of law, a
25 child who meets the definition of the term defined in Section 1641
26 of Title 8 of the United States Code shall not be determined
27 ineligible solely on the basis of the child’s date of entry into the
28 United States.

29 (b) Notwithstanding any other provision of law, subdivision (a)
30 may only be implemented to the extent provided in the annual
31 Budget Act.

32 (c) Notwithstanding any other provision of law, any uninsured
33 parent or responsible adult who meets the definition of the term
34 defined in Section 1641 of Title 8 of the United States Code, shall
35 not be determined to be ineligible solely on the basis of that
36 person’s date of entry into the United States.

37 (d) Notwithstanding any other provision of law, subdivision (c)
38 may only be implemented to the extent of funding provided in the
39 annual Budget Act.

1 ~~SEC. 37.~~

2 *SEC. 38.* Section 350 of the Labor Code is amended to read:

3 350. As used in this article, unless the context indicates
4 otherwise:

5 (a) “Employer” means every person engaged in any business
6 or enterprise in this state that has one or more persons in service
7 under any appointment, contract of hire, or apprenticeship, express
8 or implied, oral or written, irrespective of whether the person is
9 the owner of the business or is operating on a concessionaire or
10 other basis.

11 (b) “Employee” means every person, including minors and
12 persons who are not citizens or nationals of the United States,
13 rendering actual service in any business for an employer, whether
14 gratuitously or for wages or pay, whether the wages or pay are
15 measured by the standard of time, piece, task, commission, or other
16 method of calculation, and whether the service is rendered on a
17 commission, concessionaire, or other basis.

18 (c) “Employing” includes hiring, or in any way contracting for,
19 the services of an employee.

20 (d) “Agent” means every person other than the employer having
21 the authority to hire or discharge any employee or supervise, direct,
22 or control the acts of employees.

23 (e) “Gratuity” includes any tip, gratuity, money, or part thereof
24 that has been paid or given to or left for an employee by a patron
25 of a business over and above the actual amount due the business
26 for services rendered or for goods, food, drink, or articles sold or
27 served to the patron. Any amounts paid directly by a patron to a
28 dancer employed by an employer subject to Industrial Welfare
29 Commission Order No. 5 or 10 shall be deemed a gratuity.

30 (f) “Business” means any business establishment or enterprise,
31 regardless of where conducted.

32 ~~SEC. 38.~~

33 *SEC. 39.* Section 2051 of the Labor Code is amended to read:

34 2051. As used in this part:

35 (a) “Car washing and polishing” means washing, cleaning,
36 drying, polishing, detailing, servicing, or otherwise providing
37 cosmetic care to vehicles. “Car washing and polishing” does not
38 include motor vehicle repair, as defined in Section 9880.1 of the
39 Business and Professions Code.

1 (b) (1) “Employer” means any individual, partnership,
 2 corporation, limited liability company, joint venture, or association
 3 engaged in the business of car washing and polishing that engages
 4 any other individual in providing those services.

5 (2) “Employer” does not include any charitable, youth, service,
 6 veteran, or sports group, club, or association that conducts car
 7 washing and polishing on an intermittent basis to raise funds for
 8 charitable, education, or religious purposes. “Employer” does not
 9 include any licensed vehicle dealer or car rental agency that
 10 conducts car washing and polishing ancillary to its primary
 11 business of selling, leasing, or servicing vehicles. “Employer” does
 12 not include either a new motor vehicle dealer, as defined in Section
 13 426 of the Vehicle Code, that is primarily engaged in the business
 14 of selling, leasing, renting, or servicing vehicles or an automotive
 15 repair dealer, as defined by subdivision (a) of Section 9880.1 of
 16 the Business and Professions Code, who is primarily engaged in
 17 the business of repairing and diagnosing malfunctions of motor
 18 vehicles. “Employer” does not include any self-service car wash
 19 or automated car wash that has employees for cashiering or
 20 maintenance purposes only.

21 (c) “Employee” means any person, including a minor or a person
 22 who is not a citizen or national of the United States, who renders
 23 actual car washing and polishing services in any business for an
 24 employer, whether for tips or for wages, and whether wages are
 25 calculated by time, piece, task, commission, or other method of
 26 calculation, and whether the services are rendered on a commission,
 27 concessionaire, or other basis.

28 (d) “Commissioner” means the Labor Commissioner.

29 ~~SEC. 39.~~

30 *SEC. 40.* Section 3351 of the Labor Code is amended to read:

31 3351. “Employee” means every person in the service of an
 32 employer under any appointment or contract of hire or
 33 apprenticeship, express or implied, oral or written, whether lawfully
 34 or unlawfully employed, and includes:

35 (a) Persons who are not citizens or nationals of the United States
 36 and minors.

37 (b) All elected and appointed paid public officers.

38 (c) All officers and members of boards of directors of
 39 quasi-public or private corporations while rendering actual service
 40 for the corporations for pay. An officer or member of a board of

1 directors may elect to be excluded from coverage in accordance
2 with paragraph (16), (18), or (19) of subdivision (a) of Section
3 3352.

4 (d) Except as provided in paragraph (8) of subdivision (a) of
5 Section 3352, any person employed by the owner or occupant of
6 a residential dwelling whose duties are incidental to the ownership,
7 maintenance, or use of the dwelling, including the care and
8 supervision of children, or whose duties are personal and not in
9 the course of the trade, business, profession, or occupation of the
10 owner or occupant.

11 (e) All persons incarcerated in a state penal or correctional
12 institution while engaged in assigned work or employment as
13 defined in paragraph (1) of subdivision (a) of Section 10021 of
14 Title 8 of the California Code of Regulations, or engaged in work
15 performed under contract.

16 (f) All working members of a partnership or limited liability
17 company receiving wages irrespective of profits from the
18 partnership or limited liability company. A general partner of a
19 partnership or a managing member of a limited liability company
20 may elect to be excluded from coverage in accordance with
21 paragraph (17) of subdivision (a) of Section 3352.

22 (g) A person who holds the power to revoke a trust, with respect
23 to shares of a private corporation held in trust or general partnership
24 or limited liability company interests held in trust. To the extent
25 that this person is deemed to be an employee described in
26 subdivision (c) or (f), as applicable, the person may also elect to
27 be excluded from coverage as described in subdivision (c) or (f),
28 as applicable, if that person otherwise meets the criteria for
29 exclusion, as described in Section 3352.

30 (h) A person committed to a state hospital facility under the
31 State Department of State Hospitals, as defined in Section 4100
32 of the Welfare and Institutions Code, while engaged in and
33 assigned work in a vocation rehabilitation program, including a
34 sheltered workshop.

35 (i) Beginning on July 1, 2020, any individual who is an
36 employee pursuant to Section 2750.3. This subdivision shall not
37 apply retroactively.

38 ~~SEC. 40.~~

39 *SEC. 41.* Section 550 of the Military and Veterans Code is
40 amended to read:

1 550. Whenever any part of the National Guard of this state is
2 in active federal service, or when Congress consents thereto, the
3 Governor may organize and maintain within this state during that
4 period, under regulations the Secretary of Defense of the United
5 States may prescribe for discipline in training, the military forces
6 the Governor deems necessary to defend and for the security of
7 this state; provided, however, the Governor may authorize the
8 organization and maintenance of these forces at cadre strength at
9 any time. These forces shall be composed of officers commissioned
10 or assigned, and the qualified citizens or persons who are not
11 citizens or nationals of the United States who have declared their
12 intentions to become citizens and who volunteer for service,
13 supplemented, if necessary, by members of the unorganized militia
14 enrolled by draft or otherwise as provided by law. These forces
15 shall be additional to and distinct from the National Guard and
16 shall be known as the State Guard. These forces shall be uniformed
17 under the conditions and subject to the regulations as the Governor
18 may prescribe.

19 ~~SEC. 41.~~

20 *SEC. 42.* Section 112 of the Penal Code is amended to read:

21 112. (a) Any person who manufactures or sells any false
22 government document with the intent to conceal the true citizenship
23 or resident status for immigration purposes of another person is
24 guilty of a misdemeanor and shall be punished by imprisonment
25 in a county jail for one year. Every false government document
26 that is manufactured or sold in violation of this section may be
27 charged and prosecuted as a separate and distinct violation, and
28 consecutive sentences may be imposed for each violation.

29 (b) A prosecuting attorney shall have discretion to charge a
30 defendant with a violation of this section or any other law that
31 applies.

32 (c) As used in this section, “government document” means any
33 document issued by the United States government or any state or
34 local government, including, but not limited to, any passport,
35 immigration visa, employment authorization card, birth certificate,
36 driver’s license, identification card, or social security card.

37 ~~SEC. 42.~~

38 *SEC. 43.* Section 113 of the Penal Code is amended to read:

39 113. Any person who manufactures, distributes or sells false
40 documents to conceal the true citizenship or resident status for

1 immigration purposes of another person is guilty of a felony, and
2 shall be punished by imprisonment pursuant to subdivision (h) of
3 Section 1170 for five years or by a fine of seventy-five thousand
4 dollars (\$75,000).

5 ~~SEC. 43.~~

6 *SEC. 44.* Section 114 of the Penal Code is amended to read:

7 114. Any person who uses false documents to conceal their
8 true citizenship or resident status for immigration purposes is guilty
9 of a felony, and shall be punished by imprisonment pursuant to
10 subdivision (h) of Section 1170 for five years or by a fine of
11 twenty-five thousand dollars (\$25,000).

12 ~~SEC. 44.~~

13 *SEC. 45.* Section 530.55 of the Penal Code is amended to read:

14 530.55. (a) For purposes of this chapter, “person” means a
15 natural person, living or deceased, firm, association, organization,
16 partnership, business trust, company, corporation, limited liability
17 company, or public entity, or any other legal entity.

18 (b) For purposes of this chapter, “personal identifying
19 information” means any name, address, telephone number, health
20 insurance number, taxpayer identification number, school
21 identification number, state or federal driver’s license, or
22 identification number, social security number, place of
23 employment, employee identification number, professional or
24 occupational number, mother’s maiden name, demand deposit
25 account number, savings account number, checking account
26 number, PIN (personal identification number) or password, United
27 States Citizenship and Immigration Services-assigned number,
28 government passport number, date of birth, unique biometric data
29 including fingerprint, facial scan identifiers, voiceprint, retina or
30 iris image, or other unique physical representation, unique
31 electronic data including information identification number
32 assigned to the person, address or routing code, telecommunication
33 identifying information or access device, information contained
34 in a birth or death certificate, or credit card number of an individual
35 person, or an equivalent form of identification.

36 ~~SEC. 45.~~

37 *SEC. 46.* Section 3082 of the Penal Code is amended to read:

38 3082. Each county board may make and establish written rules
39 and regulations for the unconditional release of and may
40 unconditionally release any prisoner who is not a citizen or national

1 of the United States and who voluntarily consents to return or to
2 be returned to their native land and who actually returns or is
3 returned. The necessary expenses of the transportation of the
4 prisoner and officers or attendants in charge of the prisoner may
5 be paid by the county, upon order of the board of supervisors
6 authorizing or ratifying the return of the prisoner at the expense
7 of the county.

8 ~~SEC. 46.~~

9 *SEC. 47.* Section 3083 of the Penal Code is amended to read:

10 3083. Whenever the board designates deputies to serve as
11 temporary commissioners in considering applications for parole
12 of prisoners, such temporary commissioners or deputies may also
13 exercise all the powers granted by this article relative to the
14 unconditional release of prisoners who are not citizens or nationals
15 of the United States.

16 ~~SEC. 47.~~

17 *SEC. 48.* Section 4017.1 of the Penal Code is amended to read:

18 4017.1. (a) (1) Except as provided in paragraph (2), any person
19 confined in a county jail, industrial farm, road camp, or city jail
20 who is required or permitted by an order of the board of supervisors
21 or city council to perform work, and any person while performing
22 community service in lieu of a fine or custody or who is assigned
23 to work furlough, may not be employed to perform any function
24 that provides access to personal information of private individuals,
25 including, but not limited to, the following: addresses; telephone
26 numbers; health insurance, taxpayer, school, or employee
27 identification numbers; mothers' maiden names; demand deposit
28 account, debit card, credit card, savings account, or checking
29 account numbers, PINs, or passwords; social security numbers;
30 places of employment; dates of birth; state- or government-issued
31 driver's license or identification numbers; United States Citizenship
32 and Immigration Services-assigned numbers; government passport
33 numbers; unique biometric data, such as fingerprints, facial scan
34 identifiers, voice prints, retina or iris images, or other similar
35 identifiers; unique electronic identification numbers; address or
36 routing codes; and telecommunication identifying information or
37 access devices.

38 (2) Notwithstanding paragraph (1), persons assigned to work
39 furlough programs may be permitted to work in situations that
40 allow them to retain or look at a driver's license or credit card for

1 no longer than the period of time needed to complete an immediate
2 transaction. However, no person assigned to work furlough shall
3 be placed in any position that may require the deposit of a credit
4 card or driver's license as insurance or surety.

5 (b) Any person confined in a county jail, industrial farm, road
6 camp, or city jail who has access to any personal information shall
7 disclose that they are confined before taking any personal
8 information from anyone.

9 (c) This section shall not apply to inmates in employment
10 programs or public service facilities where incidental contact with
11 personal information may occur.

12 ~~SEC. 48.~~

13 *SEC. 49.* Section 5025 of the Penal Code, as amended by
14 Section 133 of Chapter 91 of the Statutes of 1995, is amended to
15 read:

16 5025. (a) Immediately upon the effective date of the
17 amendments to this section made at the 1993-94 First
18 Extraordinary Session of the Legislature, the Department of
19 Corrections and Rehabilitation and the Department of Youth and
20 Community Restoration shall implement and maintain procedures
21 to identify, within 90 days of assuming custody, inmates serving
22 terms in state prison or wards of the Department of Youth and
23 Community Restoration who are undocumented felons subject to
24 deportation. The Department of Corrections and Rehabilitation
25 and the Department of Youth and Community Restoration shall
26 refer to the United States Department of Homeland Security the
27 name and location of any inmate or ward who may be an
28 undocumented immigrant and who may be subject to deportation
29 for a determination of whether the inmate or ward is undocumented
30 and subject to deportation. The Department of Corrections and
31 Rehabilitation and the Department of Youth and Community
32 Restoration shall make case files available to the United States
33 Department of Homeland Security for purposes of investigation.

34 (b) The procedures implemented by the department pursuant to
35 subdivision (a) shall include, but not be limited to, the following
36 criteria for determining the country of citizenship of any person
37 serving a term in the state prison:

38 (1) Country of citizenship.

39 (2) Place of birth.

40 (3) Inmate's statements.

- 1 (4) Prior parole records.
- 2 (5) Prior arrest records.
- 3 (6) Probation Officer’s Report (POR).
- 4 (7) Information from the Department of Justice’s Criminal
- 5 Identification and Information Unit.
- 6 (8) Other legal documents.

7 (c) Within 48 hours of identifying an inmate or ward as an
 8 undocumented felon pursuant to subdivision (a), the Department
 9 of Corrections and Rehabilitation and the Department of Youth
 10 and Community Restoration shall cause the inmate or ward to be
 11 transferred to the custody of the United States Attorney General
 12 for appropriate action. Once an inmate or ward has been identified
 13 as an undocumented felon by the United States Immigration and
 14 Naturalization Service, the inmate or ward shall not undergo any
 15 additional evaluation or classification procedures other than those
 16 required for the safety or security of the institution, the inmate or
 17 ward, or the public.

18 (d) The Department of Corrections and Rehabilitation and the
 19 Department of Youth and Community Restoration shall report
 20 quarterly to the Legislature the number of persons referred to the
 21 United States Department of Homeland Security pursuant to
 22 subdivision (a). The report shall contain the number of persons
 23 transported, the race, national origin, and national ancestry of
 24 persons transported, the offense or offenses for which the persons
 25 were committed to state prison, and the facilities to which the
 26 persons were transported.

27 (e) For purposes of this section, “immigrant” means a person
 28 who is not a citizen or national of the United States.

29 ~~SEC. 49.~~

30 *SEC. 50.* Section 5026 of the Penal Code is amended to read:

31 5026. (a) The Department of Corrections and Rehabilitation
 32 and the Department of Youth and Community Restoration shall
 33 cooperate with the United States Department of Homeland Security
 34 by providing the use of prison facilities, transportation, and general
 35 support, as needed, for the purposes of conducting and expediting
 36 deportation hearings and subsequent placement of deportation
 37 holds on undocumented immigrants who are incarcerated in state
 38 prison.

39 (b) For purposes of this section, “immigrant” means a person
 40 who is not a citizen or national of the United States.

1 ~~SEC. 50.~~

2 *SEC. 51.* Section 5071 of the Penal Code is amended to read:

3 5071. (a) The Secretary of the Department of Corrections and
4 Rehabilitation shall not assign any prison inmate to employment
5 that provides that inmate with access to personal information of
6 private individuals, including, but not limited to, the following:
7 addresses; telephone numbers; health insurance, taxpayer, school,
8 or employee identification numbers; mothers' maiden names;
9 demand deposit account, debit card, credit card, savings account,
10 or checking account numbers, PINs, or passwords; social security
11 numbers; places of employment; dates of birth; state- or
12 government-issued driver's license or identification numbers;
13 United States Citizenship and Immigration Services-assigned
14 numbers; government passport numbers; unique biometric data,
15 such as fingerprints, facial scan identifiers, voice prints, retina or
16 iris images, or other similar identifiers; unique electronic
17 identification numbers; address or routing codes; and
18 telecommunication identifying information or access devices.

19 (b) Any person who is a prison inmate, and who has access to
20 any personal information, shall disclose that they are a prison
21 inmate before taking any personal information from anyone.

22 (c) This section shall not apply to inmates in employment
23 programs or public service facilities where incidental contact with
24 personal information may occur.

25 ~~SEC. 51.~~

26 *SEC. 52.* Section 29505 of the Penal Code is amended to read:

27 29505. (a) Requests for entertainment firearms permits shall
28 be made on application forms prescribed by the Department of
29 Justice that require applicant information, including, but not limited
30 to, the following:

31 (1) Complete name.

32 (2) Residential and mailing address.

33 (3) Telephone number.

34 (4) Date of birth.

35 (5) Place of birth.

36 (6) Country of citizenship and, if other than United States,
37 United States Citizenship and Immigration Services-assigned
38 number.

39 (7) Valid driver's license number or valid identification card
40 number issued by the California Department of Motor Vehicles.

1 (8) Social security number.

2 (9) Signature.

3 (b) All applications must be submitted with the appropriate fee
4 as specified in Section 29510.

5 ~~SEC. 52.~~

6 *SEC. 53.* Section 33850 of the Penal Code, as added by Section
7 10 of Chapter 780 of the Statutes of 2018, is amended to read:

8 33850. (a) Any person who claims title to any firearm,
9 ammunition feeding device, or ammunition that is in the custody
10 or control of a court or law enforcement agency and who wishes
11 to have the firearm, ammunition feeding device, or ammunition
12 returned shall make application for a determination by the
13 Department of Justice as to whether the applicant is eligible to
14 possess a firearm, ammunition feeding device, or ammunition.
15 The application shall be submitted electronically via the California
16 Firearms Application Reporting System (CFARS) and shall include
17 the following:

18 (1) The applicant's name, date and place of birth, gender,
19 telephone number, and complete address.

20 (2) Whether the applicant is a United States citizen. If the
21 applicant is not a United States citizen, the application shall also
22 include the applicant's country of citizenship and the applicant's
23 United States Citizenship and Immigration Services-assigned
24 number or I-94 number.

25 (3) If the seized property is a firearm, the firearm's make, model,
26 caliber, barrel length, type, country of origin, and serial number,
27 provided, however, that if the firearm is not a handgun and does
28 not have a serial number, identification number, or identification
29 mark assigned to it, there shall be a place on the application to
30 note that fact.

31 (4) For residents of California, the applicant's valid California
32 driver's license number or valid California identification card
33 number issued by the Department of Motor Vehicles. For
34 nonresidents of California, a copy of the applicant's military
35 identification with orders indicating that the individual is stationed
36 in California, or a copy of the applicant's valid driver's license
37 from the applicant's state of residence, or a copy of the applicant's
38 state identification card from the applicant's state of residence.
39 Copies of the documents provided by non-California residents
40 shall be notarized.

1 (5) The name of the court or law enforcement agency holding
2 the firearm, ammunition feeding device, or ammunition.

3 (6) The signature of the applicant and the date of signature.

4 (7) Any person furnishing a fictitious name or address or
5 knowingly furnishing any incorrect information or knowingly
6 omitting any information required to be provided for the
7 application, including any notarized information pursuant to
8 paragraph (4), shall be guilty of a misdemeanor.

9 (b) A person who owns a firearm that is in the custody of a court
10 or law enforcement agency and who does not wish to obtain
11 possession of the firearm, and the firearm is an otherwise legal
12 firearm, and the person otherwise has right to title of the firearm,
13 shall be entitled to sell or transfer title of the firearm to a licensed
14 dealer or a third party that is not prohibited from possessing that
15 firearm. Any sale or transfer to a third party pursuant to this
16 subdivision shall be conducted pursuant to Section 27545.

17 (c) A person who owns an ammunition feeding device or
18 ammunition that is in the custody of a court or a law enforcement
19 agency and who does not wish to obtain possession of the
20 ammunition or ammunition feeding device, and the ammunition
21 feeding device or ammunition is otherwise legal, shall be entitled
22 to sell or otherwise transfer the ammunition feeding device or
23 ammunition to a licensed firearms dealer or ammunition vendor
24 or a third party that is not prohibited from possessing that
25 ammunition feeding device or ammunition. Any sale or other
26 transfer of ammunition to a third party pursuant to subdivision (b)
27 shall be conducted through an ammunition vendor in accordance
28 with the procedures set forth in Article 4 (commencing with Section
29 30370) of Chapter 1 of Division 10.

30 (d) Any person furnishing a fictitious name or address, or
31 knowingly furnishing any incorrect information or knowingly
32 omitting any information required to be provided for the
33 application, including any notarized information pursuant to
34 paragraph (4) of subdivision (a), is punishable as a misdemeanor.

35 (e) This section shall become operative on July 1, 2020.

36 ~~SEC. 53.~~

37 *SEC. 54.* Section 6411 of the Probate Code is amended to read:

38 6411. No person is disqualified to take as an heir because that
39 person or a person through whom the person claims is or has been
40 a person who is not a citizen or national of the United States.

1 ~~SEC. 54.~~

2 *SEC. 55.* Section 6101 of the Public Contract Code is amended
3 to read:

4 6101. (a) A state agency, as defined in Section 10335.7, that
5 is subject to this code, shall not award a public works or purchase
6 contract to a bidder or contractor, nor shall a bidder or contractor
7 be eligible to bid for or receive a public works or purchase contract,
8 who has, in the preceding five years, been convicted of violating
9 a state or federal law respecting the employment of undocumented
10 immigrants.

11 (b) For purposes of this section, “immigrant” means a person
12 who is not a citizen or national of the United States.

13 ~~SEC. 55.~~

14 *SEC. 56.* Section 6403 of the Public Resources Code is
15 amended to read:

16 6403. This chapter shall not be construed as applicable to the
17 sale or exchange by the state of the following lands:

18 (a) Lands acquired by the state on sale thereof for delinquent
19 taxes, other than lands the deed for which is required to be filed
20 with the Department of Finance or the commission.

21 (b) Lands acquired by the state by foreclosure of any lien for
22 taxes due the state, or for penalties or interest thereon, or by
23 execution of any judgment for money due the state, or lands which
24 are seized by the state and sold pursuant to Section 7891 of the
25 Revenue and Taxation Code.

26 (c) Lands acquired by the state under the provisions of the
27 Streets and Highways Code and sold or exchanged pursuant to the
28 provisions of Section 104.5 thereof.

29 (d) Lands which have escheated to the state or which have been
30 distributed to the state by court decree in estates of deceased
31 persons.

32 (e) Lands which have escheated to the state under the provisions
33 of Proposition 1 of the General Election of 1920, page 1 xxxiii, as
34 amended.

35 (f) Land acquired by the state for public use.

36 ~~SEC. 56.~~

37 *SEC. 57.* Section 6801 of the Public Resources Code is
38 amended to read:

39 6801. A lease or prospecting permit under this chapter shall
40 be issued only to and held by:

1 (a) Persons or associations of persons who are citizens of the
2 United States or who have declared their intention of becoming
3 such, or who are citizens of any country, dependency, colony, or
4 province, the laws, customs, and regulations of which permit the
5 grant of similar or like privileges to citizens of the United States.

6 (b) Any corporation or corporations organized and existing
7 under and by virtue of the laws of the United States or of any state
8 or territory thereof; or any corporation or corporations 90 percent
9 or more of the shares of which are owned by persons eligible to
10 hold a lease or permit under subdivision (a) or (c) of this section;
11 or any corporation or corporations 90 percent or more of the shares
12 of which are owned either by a corporation eligible to hold a lease
13 or permit hereunder, or by any combination of such eligible persons
14 or corporations, or both.

15 (c) Any person who is not a citizen or national of the United
16 States entitled thereto by virtue of any treaty between the United
17 States and the nation or country of which that person is a citizen
18 or subject.

19 (d) In every case of joint bidding, the names of all persons,
20 firms, or corporations interested in a particular joint bid shall be
21 specified.

22 ~~SEC. 57.~~

23 *SEC. 58.* Section 8105 of the Public Resources Code is
24 amended to read:

25 8105. Whenever any resident of this state desires to purchase
26 any part of the 150,000 acres of land granted to the state for the
27 use of an agricultural college, the resident shall make an affidavit
28 before any officer authorized to administer oaths that the resident
29 is a citizen of the United States or, if not a citizen, that the resident
30 has filed an intention of becoming a citizen, a resident of the state,
31 of lawful age; that the resident desires to purchase land, giving a
32 description thereof by legal subdivisions; that there are no
33 improvements of any kind on the land other than those of the
34 applicant, or if there are improvements other than the applicant's,
35 the applicant shall state that the improvements are the property of
36 (giving the other person's name), and have been upon the land for
37 three months or over, and that the township has been sectionized
38 and the plats of survey filed in the land office of the district in
39 which the land is located, for three months or over. The application
40 shall be forwarded to the land agent of the university.

1 ~~SEC. 58.~~

2 *SEC. 59.* Section 1264 of the Unemployment Insurance Code
3 is amended to read:

4 1264. (a) (1) Unemployment compensation benefits, extended
5 duration benefits, and federal-state extended benefits shall not be
6 payable on the basis of services performed by a person who is not
7 a citizen or national of the United States, unless that person is an
8 individual who was lawfully admitted for permanent residence at
9 the time the services were performed, was lawfully present for
10 purposes of performing the services, or was permanently residing
11 in the United States under color of law at the time the services
12 were performed, including a person who was lawfully present in
13 the United States as a result of the application of the provisions of
14 Section 203(a)(7) or Section 212(d)(5) of the Immigration and
15 Nationality Act.

16 (2) For purposes of paragraph (1), and only to the extent
17 authorized by federal law, a person who (A) is the subject of a
18 notice of decision from the federal government granting deferred
19 action under the federal Deferred Action for Childhood Arrivals
20 program announced by the United States Secretary of Homeland
21 Security on June 15, 2012, and (B) performed the services while
22 in receipt of a valid employment authorization from the federal
23 government, is a person who was lawfully present for purposes of
24 performing those services.

25 (b) Any data or information required of individuals applying
26 for benefits specified by subdivision (a) to determine whether these
27 benefits are not payable to them because of their federal
28 immigration status shall be uniformly required from all applicants
29 for these benefits.

30 (c) In the case of an individual whose application for benefits
31 specified by subdivision (a) would otherwise be approved, no
32 determination by the department, an administrative law judge, or
33 the appeals board that these benefits to the individual are not
34 payable because of the individual’s federal immigration status
35 shall be made except upon a preponderance of the evidence.

36 (d) If a person who is not a citizen or national of the United
37 States presents evidence that the Immigration and Naturalization
38 Service has granted the person employment authorization as a
39 result of an application for temporary residence status under the
40 federal Immigration Reform and Control Act of 1986 (Public Law

1 99-603), pending a final determination on this application the
2 department shall not do either of the following:

3 (1) Commence or continue to pursue any administrative or
4 judicial action to collect benefits where there has been a final
5 determination that these benefits have been overpaid or chargeable
6 to the person, because of the person's immigration status at the
7 time they performed the services compensated by their base period
8 wages.

9 (2) Determine that the person was overpaid benefits in the
10 current benefit year or in any prior benefit year, if the basis for the
11 determination is the assumption that because the person is an
12 applicant for temporary resident status they were not, while
13 performing the services compensated by base period wages,
14 lawfully admitted for permanent residence, lawfully present for
15 purposes of performing the services that were compensated by
16 their base period wages, or permanently residing in the United
17 States under color of law.

18 (e) If the Immigration and Naturalization Service grants the
19 application and adjusts the person's status to that of lawful
20 temporary resident, the department shall not take any action
21 described in paragraph (1) of subdivision (d) or make any
22 determination described in paragraph (2) of subdivision (d). If a
23 person is not lawfully admitted for permanent residence, lawfully
24 present for the purpose of performing the services compensated
25 by their base period wages, or permanently residing in the United
26 States under color of law, at the time the person's lawful temporary
27 permanent status terminates, then compensation shall not be
28 payable on the basis of services performed by the person after the
29 termination.

30 (f) Nothing in subdivision (d) shall be construed to require the
31 department to do any of the following:

32 (1) Repay any amounts collected under any present or past
33 action as described in paragraph (1) of subdivision (d).

34 (2) Redetermine the eligibility for unemployment compensation
35 benefits of any person who the department originally determined
36 to be ineligible because of the person's federal immigration status
37 at the time they performed the services compensated by their base
38 period wages and with respect to whom the determination has
39 become final.

40 (3) Apply subdivision (d) or (e) retroactively.

1 (g) If the United States Secretary of Labor finds that subdivisions
 2 (d) and (e) are not in conformity with the federal Unemployment
 3 Tax Act, and effective as of the date that this finding becomes
 4 final, subdivisions (d), (e), and (f) shall be inoperative and of no
 5 legal force or effect.

6 (h) Unless subdivisions (d), (e), and (f) have earlier become
 7 inoperative and of no legal force or effect pursuant to a finding by
 8 the Secretary of Labor under subdivision (g), subdivisions (d), (e),
 9 (f), and (g) shall remain in effect only until September 30, 1990,
 10 and as of that date shall become inoperative, unless a later enacted
 11 statute which is chaptered before September 30, 1990, deletes or
 12 extends that date. Notwithstanding this subdivision, however, the
 13 department shall not take any action to collect benefits from an
 14 individual when the collection against that individual was
 15 suspended pursuant to subdivision (e) prior to September 30, 1990.

16 ~~SEC. 59.~~

17 *SEC. 60.* Section 13009 of the Unemployment Insurance Code
 18 is amended to read:

19 13009. "Wages" means all remuneration, other than fees paid
 20 to a public official, for services performed by an employee for
 21 their employer, including all remuneration paid to a nonresident
 22 employee for services performed in this state, and the cash value
 23 of all remuneration paid in any medium other than cash, except as
 24 provided by this section. "Wages" includes tips received by an
 25 employee in the course of employment. The wages shall be deemed
 26 to be paid at the time a written statement including tips is furnished
 27 to the employer pursuant to Section 13055 or, if no statement
 28 including those tips is so furnished, at the time received. "Wages"
 29 includes compensation, that is deductible under Section 162 of the
 30 Internal Revenue Code, paid to a member of a limited liability
 31 company filing a federal corporate income tax return.

32 "Wages" shall not include remuneration paid under any of the
 33 following conditions:

34 (a) For agricultural labor, as defined in subdivision (g) of Section
 35 3121 of the Internal Revenue Code.

36 (b) For domestic service in a private home, local college club,
 37 or local chapter of a college fraternity or sorority.

38 (c) For service not in the course of the employer's trade or
 39 business performed in any calendar quarter by an employee, unless
 40 the cash remuneration paid for that service is fifty dollars (\$50) or

1 more and the service is performed by an individual who is regularly
2 employed by the employer to perform the service. For purposes
3 of this subdivision, an individual shall be deemed to be regularly
4 employed by an employer during a calendar quarter only if either
5 of the following conditions is met:

6 (1) On each of some 24 days during the quarter, the individual
7 performs for the employer for some portion of the day service not
8 in the course of the employer's trade or business.

9 (2) The individual was regularly employed, as determined under
10 paragraph (1), by the employer in the performance of the service
11 during the preceding calendar quarter.

12 (d) For services by a citizen or resident of the United States for
13 a foreign government or an international organization.

14 (e) For services performed by a nonresident individual who is
15 not a citizen or national of the United States as designated by
16 regulations prescribed by the department.

17 (f) For services performed by a duly ordained, commissioned,
18 or licensed minister of a church in the exercise of their ministry
19 or by a member of a religious order in the exercise of duties
20 required by the order.

21 (g) (1) For services performed by an individual under the age
22 of 18 years in delivery or distribution of newspapers or shopping
23 news, not including delivery or distribution to any point for
24 subsequent delivery or distribution.

25 (2) For services performed by an individual in, and at the time
26 of, the sale of newspapers or magazines to ultimate consumers,
27 under an arrangement under which the newspapers or magazines
28 are to be sold by the individual at a fixed price, the individual's
29 compensation being based on the retention of the excess of the
30 price over the amount at which the newspapers or magazines are
31 charged to the individual whether or not the individual is
32 guaranteed a minimum amount of compensation for the services,
33 or is entitled to be credited with the unsold newspapers or
34 magazines turned back.

35 (h) For services not in the course of the employer's trade or
36 business, to the extent paid in any medium other than cash.

37 (i) To, or on behalf of, an employee or their beneficiary under
38 any of the following situations:

39 (1) From or to a trust which is exempt from tax under Section
40 17631 of the Revenue and Taxation Code at the time of payment,

1 unless the payment is made to an employee of the trust as
2 remuneration for services rendered as an employee and not as a
3 beneficiary of the trust.

4 (2) Under or to an annuity plan which, at the time of payment,
5 is a plan qualified pursuant to Chapter 5 (commencing with Section
6 17501) of Part 10 of Division 2 of the Revenue and Taxation Code.

7 (3) Under or to a bond purchase plan which, at the time of
8 payment, is a bond purchase plan qualified pursuant to Chapter 5
9 (commencing with Section 17501) of Part 10 of Division 2 of the
10 Revenue and Taxation Code.

11 (4) For a payment which qualifies for deduction by an employee
12 pursuant to Section 219 of the Internal Revenue Code if, at the
13 time of payment, it is reasonable to believe that the employee will
14 be entitled to a deduction under that section for payment.

15 (5) Under a cafeteria plan (within the meaning of Section 125
16 of the Internal Revenue Code).

17 (j) To a master, officer, or any other seaman who is a member
18 of a crew on a vessel engaged in foreign, coastwise, intercoastal,
19 interstate, or noncontiguous trade.

20 (k) Pursuant to any provision of law other than Section 5(c) of
21 the Peace Corps Act (22 U.S.C. Sec. 2504(c)) or 6(1) of the Peace
22 Corps Act (22 U.S.C. Sec. 2505(1)), for service performed as a
23 volunteer or volunteer leader within the meaning of that act.

24 (l) In the form of group-term life insurance on the life of an
25 employee.

26 (m) To or on behalf of an employee, and to the extent that, at
27 the time of the payment of remuneration it is reasonable to believe
28 that a corresponding deduction is allowable for moving expenses
29 pursuant to Article 6 (commencing with Section 17201) of Chapter
30 3 of Part 10 of Division 2 of the Revenue and Taxation Code.

31 (n) (1) As tips in any medium other than cash.

32 (2) As cash tips to an employee in any calendar month in the
33 course of employment by an employer, unless the amount of the
34 cash tips is twenty dollars (\$20) or more.

35 (o) For service performed by an individual on a boat engaged
36 in catching fish or other forms of aquatic animal life under an
37 arrangement with the owner or operator of the boat pursuant to
38 which all of the following apply:

39 (1) The individual does not receive any cash remuneration, other
40 than as provided in paragraph (2).

1 (2) The individual receives a share of the boat's (or the boats'
2 in the case of a fishing operation involving more than one boat)
3 catch of fish or other forms of aquatic animal life or a share of the
4 proceeds from the sale of the catch.

5 (3) The amount of the individual's share depends on the amount
6 of the boat's (or the boats' in the case of a fishing operation
7 involving more than one boat) catch of fish or other forms of
8 aquatic animal life.

9 This subdivision shall apply only where the operating crew of
10 the boat (or each boat from which the individual receives a share
11 in the case of a fishing operation involving more than one boat) is
12 normally made up of fewer than 10 individuals.

13 (p) For any medical care reimbursement made to, or for the
14 benefit of, an employee under a self-insured medical reimbursement
15 plan pursuant to Section 105(h)(6) of the Internal Revenue Code.

16 (q) To, or on behalf of, an employee to the extent not includable
17 in gross income pursuant to Section 13006.

18 (r) For services to which Section 633 applies.

19 ~~SEC. 60.~~

20 *SEC. 61.* Section 12801.7 of the Vehicle Code is amended to
21 read:

22 12801.7. (a) The department shall not issue an original driver's
23 license or identification card, or a renewal, duplicate, or
24 replacement driver's license or identification card to any person
25 for whom the department has received notice from the United
26 States Department of Homeland Security that the person has been
27 determined and found by the United States Department of
28 Homeland Security to be a deported person under Section 1252
29 of Title 8 of the United States Code.

30 (b) (1) The department shall cancel any driver's license or
31 identification card issued to any person identified as specified in
32 subdivision (a).

33 (2) The cancellation shall become effective on the 30th day after
34 the date the cancellation notice is mailed to the person, except as
35 authorized under paragraph (3).

36 (3) The person may request a review of the intended cancellation
37 during the 30-day period specified in paragraph (2) and, if proof
38 is provided to show the person is legally present in the United
39 States as authorized under federal law, the department shall rescind
40 the cancellation.

1 (4) The cancellation notice shall be mailed to the person’s last
2 known address.

3 (c) The department shall require an applicant for a driver’s
4 license whose license was canceled under this section to submit
5 satisfactory proof that the applicant’s presence in the United States
6 is authorized under federal law.

7 (d) This section shall become operative on, and apply only to
8 persons determined and found to be a deported person who is not
9 a citizen or national of the United States after, July 1, 1997.

10 ~~SEC. 61.~~

11 *SEC. 62.* Section 219.5 of the Welfare and Institutions Code
12 is amended to read:

13 219.5. (a) No ward of the juvenile court or Department of
14 Youth and Community Restoration, shall perform any function
15 that provides access to personal information of private individuals,
16 including, but not limited to: addresses; telephone numbers; health
17 insurance, taxpayer, school, or employee identification numbers;
18 mothers’ maiden names; demand deposit account, debit card, credit
19 card, savings or checking account numbers, PINs, or passwords;
20 social security numbers; places of employment; dates of birth;
21 state or government issued driver’s license or identification
22 numbers; United States Citizenship and Immigration
23 Services-assigned numbers; government passport numbers; unique
24 biometric data, such as fingerprints, facial scan identifiers, voice
25 prints, retina or iris images, or other similar identifiers; unique
26 electronic identification numbers; address or routing codes; and
27 telecommunication identifying information or access devices.

28 (b) Subdivision (a) shall apply to a person who has been
29 adjudicated to have committed an offense described by any of the
30 following categories:

- 31 (1) An offense involving forgery or fraud.
- 32 (2) An offense involving misuse of a computer.
- 33 (3) An offense for which the person is required to register as a
34 sex offender pursuant to Section 290 of the Penal Code.
- 35 (4) An offense involving any misuse of the personal or financial
36 information of another person.

37 (c) If asked, any person who is a ward of the juvenile court or
38 the Department of Youth and Community Restoration, and who
39 has access to any personal information, shall disclose that the
40 person is a ward of the juvenile court or the Department of the

1 Youth Authority before taking any personal information from
2 anyone.

3 (d) Any program involving the taking of personal information
4 over the telephone by a person who is a ward of the juvenile court
5 or the Department of Youth and Community Restoration, shall be
6 subject to random monitoring of those telephone calls.

7 (e) Any program involving the taking of personal information
8 by a person who is a ward of the juvenile court or the Department
9 of Youth and Community Restoration, shall provide supervision
10 at all times of the ward's activities.

11 (f) This section shall not apply to wards in employment
12 programs or public service facilities where incidental contact with
13 personal information may occur.

14 ~~SEC. 62.~~

15 *SEC. 63.* Section 11008.13 of the Welfare and Institutions
16 Code is amended to read:

17 11008.13. To the extent permitted by federal law and consistent
18 with other provisions of this chapter, in determining the eligibility
19 and amount of aid under this division for a person who is not a
20 citizen or national of the United States for whom an affidavit of
21 support was executed prior to December 19, 1997, the income and
22 resources of the person shall be deemed to include the income and
23 resources of any person who had executed an affidavit of support
24 on behalf of the person and the spouse of that person as provided
25 in Section 408 of the Social Security Act (42 U.S.C. Sec. 608) and
26 any subsequent amendments thereto.

27 ~~SEC. 63.~~

28 *SEC. 64.* Section 11008.135 of the Welfare and Institutions
29 Code is amended to read:

30 11008.135. (a) Notwithstanding any other provision of law,
31 in determining the eligibility and amount of aid for a person who
32 is not a citizen or national of the United States under this division,
33 the income and resources of the person shall be deemed to include
34 the income and resources of any person who has executed an
35 affidavit of support on behalf of the person and the spouse of that
36 person as provided in Subtitle C (commencing with Section 421)
37 of Title IV of Public Law 104-193, as amended by Public Law
38 104-208, and any subsequent amendments thereto, subject to any
39 exceptions required by those provisions, including exceptions for
40 indigents and battered spouses.

1 (b) As a condition of eligibility, the sponsored applicant or
2 recipient shall provide information regarding the income and
3 resources of any person, and the spouse of that person, who has
4 executed an affidavit of support on behalf of the person who is not
5 a citizen or national of the United States.

6 ~~SEC. 64.~~

7 *SEC. 65.* Section 11008.17 of the Welfare and Institutions
8 Code is amended to read:

9 11008.17. (a) To the extent required by federal law, amounts
10 paid pursuant to any federal law enacted in 1988 to provide
11 reparation payments to redress the injustice done to United States
12 citizens and residents of Japanese ancestry who were interned
13 during World War II shall not be considered as income or resources
14 for purposes of determining eligibility to receive Medi-Cal benefits
15 or public assistance benefits or the amount of those benefits.

16 (b) To the extent that federal financial participation is available,
17 amounts paid by the Canadian government to provide reparation
18 payments to redress the injustice done to persons of Japanese
19 ancestry who were interned in Canada during World War II shall
20 not be considered as income or resources for purposes of
21 determining eligibility to receive Medi-Cal benefits or public
22 assistance benefits or the amount of those benefits.

23 (c) To the extent that federal financial participation is available,
24 where the reparation payments described in subdivisions (a) and
25 (b) have been converted to another form, amounts of otherwise
26 excess nonexempt resources equal to the amount of these reparation
27 payments received by the individual or inherited by the spouse of
28 the individual, or both, shall not be considered as resources in
29 determining eligibility for Medi-Cal.

30 (d) To the extent that federal financial participation is available,
31 reparation payments described in subdivisions (a) and (b), or where
32 the reparation payments described in subdivisions (a) and (b) have
33 been converted to another form, amounts of resources equal to the
34 amount of these reparation payments, received by the deceased
35 Medi-Cal beneficiary or inherited by the deceased spouse of that
36 beneficiary, or both, shall be exempt from estate recovery by the
37 State Department of Health Services pursuant to Section 14009.5.

38 ~~SEC. 65.~~

39 *SEC. 66.* Section 11104 of the Welfare and Institutions Code
40 is amended to read:

1 11104. People who are not citizens or nationals of the United
2 States shall be eligible for aid only to the extent permitted by
3 federal law.

4 A person who is not a citizen or national of the United States
5 shall only be eligible for aid if the person has been lawfully
6 admitted for permanent residence, or is otherwise permanently
7 residing in the United States under color of law. No aid shall be
8 paid unless evidence as to eligible immigration status is presented.

9 ~~SEC. 66.~~

10 *SEC. 67.* Section 11266 of the Welfare and Institutions Code
11 is amended to read:

12 11266. (a) At the time of application, the county shall
13 determine whether the applicant needs immediate assistance
14 because the applicant does not have sufficient resources to meet
15 their emergency needs, and shall determine whether the applicant
16 is apparently eligible for aid under this chapter.

17 (1) The county shall determine that the applicant needs
18 immediate assistance if the family's total available liquid resources,
19 both nonexempt and exempt, are less than one hundred dollars
20 (\$100) and there is an emergency situation, whether foreseeable
21 or not. Examples of emergency situations include, but are not
22 limited to, lack of housing, lack of food, notice of termination or
23 loss of utility service, lack of essential clothing (including diapers),
24 and inability to meet essential transportation needs.

25 (2) Apparent eligibility exists when evidence presented by the
26 applicant or which is otherwise available to the county welfare
27 department and the information provided on the application
28 documents indicate that there would be eligibility for aid under
29 this chapter if the evidence and information were verified. An
30 applicant who is not a citizen or national of the United States and
31 who does not provide verification of their eligible immigration
32 status, or a person with no eligible children who does not provide
33 medical verification of pregnancy, shall not be considered to be
34 apparently eligible under this subdivision.

35 (b) If an applicant needs immediate assistance, and is apparently
36 eligible for aid as defined in subdivision (a), the county shall pay
37 the applicant two hundred dollars (\$200) or the maximum amount
38 for which that applicant is eligible, whichever is less. The advance
39 payment shall be made by the end of the first working day
40 following the request for that aid. The county shall verify the

1 applicant's eligibility for aid within 15 working days of the date
2 that immediate need is requested, and advance payments made
3 under this section shall be offset against the first grant payment
4 made to the recipient.

5 (c) An applicant's receipt of a notice of eviction, including a
6 three-day notice to pay or quit, shall constitute an emergency
7 situation under subdivision (a), irrespective of the one hundred
8 dollar (\$100) resource test, if the applicant has insufficient income
9 or resources to pay the rent owing. In those cases, the county shall
10 give the applicant the option of receiving an immediate advance
11 on the grant as described in subdivision (b), or an expedited
12 determination of eligibility for aid. Before an applicant decides
13 between these two options, the county shall fully apprise the
14 applicant, in writing, of all information necessary to establish
15 eligibility for aid. If an applicant requests expedited determination
16 of eligibility for aid, the county shall complete the determination
17 of eligibility for aid under this chapter, and, if the applicant is
18 determined to be eligible, issue payment of the full prorated grant
19 no more than three working days from the request for immediate
20 need. If the eligibility determination is not made within this
21 three-day period, the county shall immediately pay the applicant
22 two hundred dollars (\$200) or the maximum amount for which the
23 applicant is eligible, whichever is less, as specified in subdivisions
24 (a) and (b). The county shall verify the applicant's eligibility within
25 15 working days of the date of the request for immediate assistance,
26 and advance payments made under this subdivision shall be offset
27 against the first grant payment made to the recipient.

28 (d) (1) The county may deny an immediate advance payment
29 if the applicant's only immediate need is homelessness and this
30 need will be met by issuance of nonrecurring special needs payment
31 in accordance with subdivision (f) of Section 11450, or if the
32 applicant's only immediate need is lack of food and this need will
33 be met by issuance of CalFresh benefits within one working day
34 of the request therefor. With regard to all other immediate needs,
35 an advance payment may be denied and the applicant referred to
36 another public or private program or resource, if all of the following
37 conditions are met:

38 (A) Not more than one referral is made and the referral, when
39 made, is to meet no more than one need.

1 (B) The county has verified in advance that the specific need
2 can be satisfactorily addressed by the other program or resource
3 immediately.

4 (C) Travel to the other program or resource will not impose a
5 hardship on the applicant.

6 (2) If, for any reason, the other program or resource does not
7 satisfactorily meet the applicant's need, the applicant shall be
8 immediately issued an advance payment, as specified in subdivision
9 (b).

10 (3) Except in the case of an applicant whose only need is lack
11 of food and the need is met with the issuance of CalFresh benefits
12 within one working day of the request, where an applicant's
13 immediate need is met by an alternative program or resource
14 authorized in this subdivision, the county shall verify the
15 applicant's eligibility for aid within 15 working days of the date
16 of request.

17 (e) A denial of an immediate need application shall not constitute
18 a denial of the application for aid unless it is based upon the failure
19 to meet relevant eligibility requirements.

20 ~~SEC. 67:~~

21 *SEC. 68.* Section 11450 of the Welfare and Institutions Code,
22 as amended by Section 1 of Chapter 444 of the Statutes of 2019,
23 is amended to read:

24 11450. (a) (1) (A) Aid shall be paid for each needy family,
25 which shall include all eligible brothers and sisters of each eligible
26 applicant or recipient child and the parents of the children, but
27 shall not include unborn children, or recipients of aid under Chapter
28 3 (commencing with Section 12000), qualified for aid under this
29 chapter. In determining the amount of aid paid, and notwithstanding
30 the minimum basic standards of adequate care specified in Section
31 11452, the family's income, exclusive of any amounts considered
32 exempt as income or paid pursuant to subdivision (e) or Section
33 11453.1, determined for the prospective semiannual period
34 pursuant to Sections 11265.1, 11265.2, and 11265.3, and then
35 calculated pursuant to Section 11451.5, shall be deducted from
36 the sum specified in the following table, as adjusted for
37 cost-of-living increases pursuant to Section 11453 and paragraph
38 (2). In no case shall the amount of aid paid for each month exceed
39 the sum specified in the following table, as adjusted for
40 cost-of-living increases pursuant to Section 11453 and paragraph

1 (2), plus any special needs, as specified in subdivisions (c), (e),
2 and (f):

3 4 Number of 5 eligible needy 6 persons in 7 the same home	Maximum aid
8 1.....	\$ 326
9 2.....	535
10 3.....	663
11 4.....	788
12 5.....	899
13 6.....	1,010
14 7.....	1,109
15 8.....	1,209
16 9.....	1,306
17 10 or more.....	1,403

18
19 (B) If, when, and during those times that the United States
20 government increases or decreases its contributions in assistance
21 of needy children in this state above or below the amount paid on
22 July 1, 1972, the amounts specified in the above table shall be
23 increased or decreased by an amount equal to that increase or
24 decrease by the United States government, provided that no
25 increase or decrease shall be subject to subsequent adjustment
26 pursuant to Section 11453.

27 (2) The sums specified in paragraph (1) shall not be adjusted
28 for cost of living for the 1990–91, 1991–92, 1992–93, 1993–94,
29 1994–95, 1995–96, 1996–97, and 1997–98 fiscal years, and through
30 October 31, 1998, nor shall that amount be included in the base
31 for calculating any cost-of-living increases for any fiscal year
32 thereafter. Elimination of the cost-of-living adjustment pursuant
33 to this paragraph shall satisfy the requirements of former Section
34 11453.05, and no further reduction shall be made pursuant to that
35 section.

36 (b) (1) If the family does not include a needy child qualified
37 for aid under this chapter, aid shall be paid to a pregnant child who
38 is 18 years of age or younger at any time after verification of
39 pregnancy, in the amount that would otherwise be paid to one
40 person, as specified in subdivision (a), if the pregnant child and

1 the child, if born, would have qualified for aid under this chapter.
2 Verification of pregnancy shall be required as a condition of
3 eligibility for aid under this subdivision.

4 (2) Notwithstanding paragraph (1), if the family does not include
5 a needy child qualified for aid under this chapter, aid shall be paid
6 to a pregnant person for the month in which the birth is anticipated
7 and for the six-month period immediately prior to the month in
8 which the birth is anticipated, in the amount that would otherwise
9 be paid to one person, as specified in subdivision (a), if the
10 pregnant person and child, if born, would have qualified for aid
11 under this chapter. Verification of pregnancy is required as a
12 condition of eligibility for aid under this subdivision.

13 (3) Paragraph (1) shall apply only when the Cal-Learn Program
14 is operative.

15 (c) The amount of forty-seven dollars (\$47) per month shall be
16 paid to a pregnant person qualified for aid under subdivision (a)
17 or (b) to meet special needs resulting from pregnancy if the
18 pregnant person and child, if born, would have qualified for aid
19 under this chapter. County welfare departments shall refer all
20 recipients of aid under this subdivision to a local provider of the
21 California Special Supplemental Nutrition Program for Women,
22 Infants, and Children. If that payment to a pregnant person qualified
23 for aid under subdivision (a) is considered income under federal
24 law in the first five months of pregnancy, payments under this
25 subdivision do not apply to a person eligible under subdivision
26 (a), except for the month in which birth is anticipated and for the
27 three-month period immediately prior to the month in which
28 delivery is anticipated, if the pregnant person and child, if born,
29 would have qualified for aid under this chapter.

30 (d) For children receiving AFDC-FC under this chapter, there
31 shall be paid, exclusive of any amount considered exempt as
32 income, an amount of aid each month that, if added to the child's
33 income, is equal to the rate specified in Section 11460, 11461,
34 11462, 11462.1, or 11463. In addition, the child is eligible for
35 special needs, as specified in departmental regulations.

36 (e) In addition to the amounts payable under subdivision (a)
37 and former Section 11453.1, a family is entitled to receive an
38 allowance for recurring special needs not common to a majority
39 of recipients. These recurring special needs include, but are not
40 limited to, special diets upon the recommendation of a physician

1 for circumstances other than pregnancy, and unusual costs of
2 transportation, laundry, housekeeping services, telephone, and
3 utilities. The recurring special needs allowance for each family
4 per month shall not exceed that amount resulting from multiplying
5 the sum of ten dollars (\$10) by the number of recipients in the
6 family who are eligible for assistance.

7 (f) After a family has used all available liquid resources, both
8 exempt and nonexempt, in excess of one hundred dollars (\$100),
9 with the exception of funds deposited in a restricted account
10 described in subdivision (a) of Section 11155.2, the family is also
11 entitled to receive an allowance for nonrecurring special needs.

12 (1) An allowance for nonrecurring special needs shall be granted
13 for replacement of clothing and household equipment and for
14 emergency housing needs other than those needs addressed by
15 paragraph (2). These needs shall be caused by sudden and unusual
16 circumstances beyond the control of the needy family. The
17 department shall establish the allowance for each of the
18 nonrecurring special needs items. The sum of all nonrecurring
19 special needs provided by this subdivision shall not exceed six
20 hundred dollars (\$600) per event.

21 (2) (A) (i) Homeless assistance is available to a homeless
22 family seeking shelter when the family is eligible for aid under
23 this chapter.

24 (ii) Homeless assistance for temporary shelter is also available
25 to homeless families that are apparently eligible for aid under this
26 chapter. Apparent eligibility exists when evidence presented by
27 the applicant, or that is otherwise available to the county welfare
28 department, and the information provided on the application
29 documents indicate that there would be eligibility for aid under
30 this chapter if the evidence and information were verified.
31 However, an applicant who is not a citizen or national of the United
32 States and who does not provide verification of their eligible
33 immigration status, or a person with no eligible children who does
34 not provide medical verification of their pregnancy, is not
35 apparently eligible for purposes of this section.

36 (iii) Homeless assistance for temporary shelter is also available
37 to homeless families that would be eligible for aid under this
38 chapter but for the fact that the only child or children in the family
39 are in out-of-home placement pursuant to an order of the
40 dependency court, if the family is receiving reunification services

1 and the county determines that homeless assistance is necessary
2 for reunification to occur.

3 (B) A family is considered homeless, for the purpose of this
4 section, when the family lacks a fixed and regular nighttime
5 residence, the family has a primary nighttime residence that is a
6 supervised publicly or privately operated shelter designed to
7 provide temporary living accommodations, or the family is residing
8 in a public or private place not designed for, or ordinarily used as,
9 a regular sleeping accommodation for human beings. A family is
10 also considered homeless for the purpose of this section if the
11 family has received a notice to pay rent or quit. The family shall
12 demonstrate that the eviction is the result of a verified financial
13 hardship as a result of extraordinary circumstances beyond their
14 control, and not other lease or rental violations, and that the family
15 is experiencing a financial crisis that may result in homelessness
16 if preventive assistance is not provided.

17 (3) (A) (i) A nonrecurring special needs benefit of eighty-five
18 dollars (\$85) a day shall be available to families of up to four
19 members for the costs of temporary shelter, subject to the
20 requirements of this paragraph. The fifth and additional members
21 of the family shall each receive fifteen dollars (\$15) per day, up
22 to a daily maximum of one hundred forty-five dollars (\$145).
23 County welfare departments may increase the daily amount
24 available for temporary shelter as necessary to secure the additional
25 bedspace needed by the family.

26 (ii) This special needs benefit shall be granted or denied
27 immediately upon the family's application for homeless assistance,
28 and benefits shall be available for up to three working days. The
29 county welfare department shall verify the family's homelessness
30 within the first three working days. If the family meets the criteria
31 of questionable homelessness established by the department, the
32 county welfare department shall refer the family to its early fraud
33 prevention and detection unit, if the county has such a unit, for
34 assistance in the verification of homelessness within this period.

35 (iii) After homelessness has been verified, the three-day limit
36 shall be extended for a period of time that, when added to the initial
37 benefits provided, does not exceed a total of 16 calendar days.
38 This extension of benefits shall be done in increments of one week,
39 and shall be based upon searching for permanent housing, which
40 shall be documented on a housing search form, good cause, or

1 other circumstances defined by the department. Documentation
2 of a housing search is required for the initial extension of benefits
3 beyond the three-day limit and on a weekly basis thereafter if the
4 family is receiving temporary shelter benefits. Good cause shall
5 include, but is not limited to, situations in which the county welfare
6 department has determined that the family, to the extent it is
7 capable, has made a good faith but unsuccessful effort to secure
8 permanent housing while receiving temporary shelter benefits or
9 that the family is homeless as a direct and primary result of a state
10 or federally declared natural disaster.

11 (iv) Notwithstanding clauses (ii) and (iii), the county may waive
12 the three-day limit and may provide benefits in increments of more
13 than one week for a family that becomes homeless as a direct and
14 primary result of a state or federally declared natural disaster.

15 (B) (i) A nonrecurring special needs benefit for permanent
16 housing assistance is available to pay for last month's rent and
17 security deposits if these payments are reasonable conditions of
18 securing a residence, or to pay for up to two months of rent
19 arrearages, if these payments are a reasonable condition of
20 preventing eviction.

21 (ii) The last month's rent or monthly arrearage portion of the
22 payment shall meet both of the following requirements:

23 (I) It shall not exceed 80 percent of the family's total monthly
24 household income without the value of CalFresh benefits or special
25 needs benefit for a family of that size.

26 (II) It shall only be made to families that have found permanent
27 housing costing no more than 80 percent of the family's total
28 monthly household income without the value of CalFresh benefits
29 or special needs benefit for a family of that size.

30 (iii) However, if the county welfare department determines that
31 a family intends to reside with individuals who will be sharing
32 housing costs, the county welfare department shall, in appropriate
33 circumstances, set aside the condition specified in subclause (II)
34 of clause (ii).

35 (C) The nonrecurring special needs benefit for permanent
36 housing assistance is also available to cover the standard costs of
37 deposits for utilities that are necessary for the health and safety of
38 the family.

39 (D) A payment for, or denial of, permanent housing assistance
40 shall be issued no later than one working day from the time that a

1 family presents evidence of the availability of permanent housing.
2 If an applicant family provides evidence of the availability of
3 permanent housing before the county welfare department has
4 established eligibility for aid under this chapter, the county welfare
5 department shall complete the eligibility determination so that the
6 payment for, or denial of, permanent housing assistance is issued
7 within one working day from the submission of evidence of the
8 availability of permanent housing, unless the family has failed to
9 provide all of the verification necessary to establish eligibility for
10 aid under this chapter.

11 (E) (i) Except as provided in clauses (ii) and (iii), eligibility
12 for the temporary shelter assistance and the permanent housing
13 assistance pursuant to this paragraph is limited to 16 cumulative
14 calendar days of temporary assistance and one payment of
15 permanent assistance every 12 months. A person who applies for
16 homeless assistance benefits shall be informed that, with certain
17 exceptions, the temporary shelter benefit is limited to a maximum
18 of 16 calendar days for that 12-month period.

19 (ii) (I) A family that becomes homeless as a direct and primary
20 result of a state or federally declared natural disaster is eligible for
21 temporary and permanent homeless assistance.

22 (II) If there is a state or federally declared disaster in a county,
23 the county human services agency shall coordinate with public
24 and private disaster response organizations and agencies to identify
25 and inform recipients of their eligibility for temporary and
26 permanent homeless housing assistance available pursuant to
27 subclause (I).

28 (iii) A family is eligible for temporary and permanent homeless
29 assistance if homelessness is a direct result of domestic violence
30 by a spouse, partner, or roommate; physical or mental illness that
31 is medically verified that shall not include a diagnosis of
32 alcoholism, drug addiction, or psychological stress; or the
33 uninhabitability of the former residence caused by sudden and
34 unusual circumstances beyond the control of the family, including
35 natural catastrophe, fire, or condemnation. These circumstances
36 shall be verified by a third-party governmental or private health
37 and human services agency, except that domestic violence may
38 also be verified by a sworn statement by the victim, as provided
39 under Section 11495.25. Homeless assistance payments based on
40 these specific circumstances may not be received more often than

1 once in any 12-month period. In addition, if the domestic violence
2 is verified by a sworn statement by the victim, the homeless
3 assistance payments shall be limited to two periods of not more
4 than 16 cumulative calendar days of temporary assistance and two
5 payments of permanent assistance. A county may require that a
6 recipient of homeless assistance benefits who qualifies under this
7 paragraph for a second time in a 24-month period participate in a
8 homelessness avoidance case plan as a condition of eligibility for
9 homeless assistance benefits. The county welfare department shall
10 immediately inform recipients who verify domestic violence by a
11 sworn statement of the availability of domestic violence counseling
12 and services, and refer those recipients to services upon request.

13 (iv) If a county requires a recipient who verifies domestic
14 violence by a sworn statement to participate in a homelessness
15 avoidance case plan pursuant to clause (iii), the plan shall include
16 the provision of domestic violence services, if appropriate.

17 (v) If a recipient seeking homeless assistance based on domestic
18 violence pursuant to clause (iii) has previously received homeless
19 avoidance services based on domestic violence, the county shall
20 review whether services were offered to the recipient and consider
21 what additional services would assist the recipient in leaving the
22 domestic violence situation.

23 (vi) The county welfare department shall report necessary data
24 to the department through a statewide homeless assistance payment
25 indicator system, as requested by the department, regarding all
26 recipients of aid under this paragraph.

27 (F) The county welfare departments, and all other entities
28 participating in the costs of the CalWORKs program, have the
29 right in their share to any refunds resulting from payment of the
30 permanent housing. However, if an emergency requires the family
31 to move within the 12-month period specified in subparagraph
32 (E), the family shall be allowed to use any refunds received from
33 its deposits to meet the costs of moving to another residence.

34 (G) Payments to providers for temporary shelter and permanent
35 housing and utilities shall be made on behalf of families requesting
36 these payments.

37 (H) The daily amount for the temporary shelter special needs
38 benefit for homeless assistance may be increased if authorized by
39 the current year's Budget Act by specifying a different daily
40 allowance and appropriating the funds therefor.

1 (I) A payment shall not be made pursuant to this paragraph
2 unless the provider of housing is any of the following:

3 (i) A commercial establishment.

4 (ii) A shelter.

5 (iii) A person with whom, or an establishment with which, the
6 family requesting assistance has executed a valid lease, sublease,
7 or shared housing agreement.

8 (J) (i) Commencing July 1, 2018, a CalWORKs applicant who
9 provides a sworn statement of past or present domestic abuse and
10 who is fleeing their abuser is deemed to be homeless and is eligible
11 for temporary homeless assistance under clause (i) of subparagraph
12 (A) and under subparagraph (E), notwithstanding any income and
13 assets attributable to the alleged abuser.

14 (ii) The homeless assistance payments issued under this
15 subparagraph shall be granted immediately after the family's
16 application, and benefits shall be available in increments of 16
17 days of temporary shelter assistance pursuant to clause (i) of
18 subparagraph (A). The homeless assistance payments shall be
19 limited to two periods of not more than 16 cumulative calendar
20 days each of temporary assistance within a lifetime. The homeless
21 assistance payments issued under this subparagraph shall be in
22 addition to other payments for which the CalWORKs applicant,
23 if the applicant becomes a CalWORKs recipient, may later qualify
24 under this subdivision.

25 (iii) For purposes of this subparagraph, the housing search
26 documentation described in clause (iii) of subparagraph (A) shall
27 be required only upon issuance of an immediate need payment
28 pursuant to Section 11266 or the issuance of benefits for the month
29 of application.

30 (g) The department shall establish rules and regulations ensuring
31 the uniform statewide application of this section.

32 (h) The department shall notify all applicants and recipients of
33 aid through the standardized application form that these benefits
34 are available and shall provide an opportunity for recipients to
35 apply for the funds quickly and efficiently.

36 (i) The department shall work with county human services
37 agencies, the County Welfare Directors Association of California,
38 and advocates of CalWORKs recipients to gather information
39 regarding the actual costs of a nightly shelter and best practices
40 for transitioning families from a temporary shelter to a permanent

1 shelter, and to provide that information to the Legislature, to be
 2 submitted annually in accordance with Section 9795 of the
 3 Government Code.

4 (j) (1) Except for the purposes of Section 15200, the amounts
 5 payable to recipients pursuant to Section 11453.1 shall not
 6 constitute part of the payment schedule set forth in subdivision
 7 (a).

8 (2) The amounts payable to recipients pursuant to Section
 9 11453.1 shall not constitute income to recipients of aid under this
 10 section.

11 (k) For children receiving Kin-GAP pursuant to Article 4.5
 12 (commencing with Section 11360) or Article 4.7 (commencing
 13 with Section 11385), there shall be paid, exclusive of any amount
 14 considered exempt as income, an amount of aid each month, which,
 15 when added to the child’s income, is equal to the rate specified in
 16 Sections 11364 and 11387.

17 (l) (1) A county shall implement the semiannual reporting
 18 requirements in accordance with Chapter 501 of the Statutes of
 19 2011 no later than October 1, 2013.

20 (2) Upon completion of the implementation described in
 21 paragraph (1), each county shall provide a certificate to the director
 22 certifying that semiannual reporting has been implemented in the
 23 county.

24 (3) Upon filing the certificate described in paragraph (2), a
 25 county shall comply with the semiannual reporting provisions of
 26 this section.

27 (m) This section shall become operative on January 1, 2020, or
 28 when the department notifies the Legislature that the Statewide
 29 Automated Welfare System can perform the necessary automation
 30 to implement this section, whichever date is later.

31 ~~SEC. 68.~~

32 *SEC. 69.* Section 11450 of the Welfare and Institutions Code,
 33 as amended by Section 1 of Chapter 152 of the Statutes of 2020,
 34 is amended to read:

35 11450. (a) (1) (A) Aid shall be paid for each needy family,
 36 which shall include all eligible brothers and sisters of each eligible
 37 applicant or recipient child and the parents of the children, but
 38 shall not include unborn children, or recipients of aid under Chapter
 39 3 (commencing with Section 12000), qualified for aid under this
 40 chapter. In determining the amount of aid paid, and notwithstanding

1 the minimum basic standards of adequate care specified in Section
 2 11452, the family’s income, exclusive of any amounts considered
 3 exempt as income or paid pursuant to subdivision (e) or Section
 4 11453.1, determined for the prospective semiannual period
 5 pursuant to Sections 11265.1, 11265.2, and 11265.3, and then
 6 calculated pursuant to Section 11451.5, shall be deducted from
 7 the sum specified in the following table, as adjusted for
 8 cost-of-living increases pursuant to Section 11453 and paragraph
 9 (2). In no case shall the amount of aid paid for each month exceed
 10 the sum specified in the following table, as adjusted for
 11 cost-of-living increases pursuant to Section 11453 and paragraph
 12 (2), plus any special needs, as specified in subdivisions (c), (e),
 13 and (f):

15 Number of 16 eligible needy 17 persons in 18 the same home	Maximum aid
19 1.....	\$ 326
20 2.....	535
21 3.....	663
22 4.....	788
23 5.....	899
24 6.....	1,010
25 7.....	1,109
26 8.....	1,209
27 9.....	1,306
28 10 or more.....	1,403

29
 30 (B) If, when, and during those times that the United States
 31 government increases or decreases its contributions in assistance
 32 of needy children in this state above or below the amount paid on
 33 July 1, 1972, the amounts specified in the above table shall be
 34 increased or decreased by an amount equal to that increase or
 35 decrease by the United States government, provided that no
 36 increase or decrease shall be subject to subsequent adjustment
 37 pursuant to Section 11453.

38 (2) The sums specified in paragraph (1) shall not be adjusted
 39 for cost of living for the 1990–91, 1991–92, 1992–93, 1993–94,
 40 1994–95, 1995–96, 1996–97, and 1997–98 fiscal years, and through

1 October 31, 1998, nor shall that amount be included in the base
2 for calculating any cost-of-living increases for any fiscal year
3 thereafter. Elimination of the cost-of-living adjustment pursuant
4 to this paragraph shall satisfy the requirements of former Section
5 11453.05, and no further reduction shall be made pursuant to that
6 section.

7 (b) (1) If the family does not include a needy child qualified
8 for aid under this chapter, aid shall be paid to a pregnant child who
9 is 18 years of age or younger at any time after verification of
10 pregnancy, in the amount that would otherwise be paid to one
11 person, as specified in subdivision (a), if the pregnant child and
12 the child, if born, would have qualified for aid under this chapter.
13 Verification of pregnancy shall be required as a condition of
14 eligibility for aid under this subdivision.

15 (2) Notwithstanding paragraph (1), if the family does not include
16 a needy child qualified for aid under this chapter, aid shall be paid
17 to a pregnant person for the month in which the birth is anticipated
18 and for the six-month period immediately prior to the month in
19 which the birth is anticipated, in the amount that would otherwise
20 be paid to one person, as specified in subdivision (a), if the
21 pregnant person and child, if born, would have qualified for aid
22 under this chapter. Verification of pregnancy is required as a
23 condition of eligibility for aid under this subdivision.

24 (3) Paragraph (1) shall apply only when the Cal-Learn Program
25 is operative.

26 (c) The amount of forty-seven dollars (\$47) per month shall be
27 paid to a pregnant person qualified for aid under subdivision (a)
28 or (b) to meet special needs resulting from pregnancy if the
29 pregnant person and child, if born, would have qualified for aid
30 under this chapter. County welfare departments shall refer all
31 recipients of aid under this subdivision to a local provider of the
32 California Special Supplemental Nutrition Program for Women,
33 Infants, and Children. If that payment to a pregnant person qualified
34 for aid under subdivision (a) is considered income under federal
35 law in the first five months of pregnancy, payments under this
36 subdivision do not apply to a person eligible under subdivision
37 (a), except for the month in which birth is anticipated and for the
38 three-month period immediately prior to the month in which
39 delivery is anticipated, if the pregnant person and child, if born,
40 would have qualified for aid under this chapter.

1 (d) For children receiving AFDC-FC under this chapter, there
2 shall be paid, exclusive of any amount considered exempt as
3 income, an amount of aid each month that, if added to the child's
4 income, is equal to the rate specified in Section 11460, 11461,
5 11462, 11462.1, or 11463. In addition, the child is eligible for
6 special needs, as specified in departmental regulations.

7 (e) In addition to the amounts payable under subdivision (a)
8 and former Section 11453.1, a family is entitled to receive an
9 allowance for recurring special needs not common to a majority
10 of recipients. These recurring special needs include, but are not
11 limited to, special diets upon the recommendation of a physician
12 for circumstances other than pregnancy, and unusual costs of
13 transportation, laundry, housekeeping services, telephone, and
14 utilities. The recurring special needs allowance for each family
15 per month shall not exceed that amount resulting from multiplying
16 the sum of ten dollars (\$10) by the number of recipients in the
17 family who are eligible for assistance.

18 (f) After a family has used all available liquid resources, both
19 exempt and nonexempt, in excess of one hundred dollars (\$100),
20 with the exception of funds deposited in a restricted account
21 described in subdivision (a) of Section 11155.2, the family is also
22 entitled to receive an allowance for nonrecurring special needs.

23 (1) An allowance for nonrecurring special needs shall be granted
24 for replacement of clothing and household equipment and for
25 emergency housing needs other than those needs addressed by
26 paragraph (2). These needs shall be caused by sudden and unusual
27 circumstances beyond the control of the needy family. The
28 department shall establish the allowance for each of the
29 nonrecurring special needs items. The sum of all nonrecurring
30 special needs provided by this subdivision shall not exceed six
31 hundred dollars (\$600) per event.

32 (2) (A) (i) Homeless assistance is available to a homeless
33 family seeking shelter when the family is eligible for aid under
34 this chapter.

35 (ii) Homeless assistance for temporary shelter is also available
36 to homeless families that are apparently eligible for aid under this
37 chapter. Apparent eligibility exists when evidence presented by
38 the applicant, or that is otherwise available to the county welfare
39 department, and the information provided on the application
40 documents indicate that there would be eligibility for aid under

1 this chapter if the evidence and information were verified.
2 However, an applicant who is not a citizen or national of the United
3 States and who does not provide verification of their eligible
4 immigration status, or a person with no eligible children who does
5 not provide medical verification of their pregnancy, is not
6 apparently eligible for purposes of this section.

7 (iii) Homeless assistance for temporary shelter is also available
8 to homeless families that would be eligible for aid under this
9 chapter but for the fact that the only child or children in the family
10 are in out-of-home placement pursuant to an order of the
11 dependency court, if the family is receiving reunification services
12 and the county determines that homeless assistance is necessary
13 for reunification to occur.

14 (B) A family is considered homeless, for the purpose of this
15 section, when the family lacks a fixed and regular nighttime
16 residence, the family has a primary nighttime residence that is a
17 supervised publicly or privately operated shelter designed to
18 provide temporary living accommodations, or the family is residing
19 in a public or private place not designed for, or ordinarily used as,
20 a regular sleeping accommodation for human beings. A family is
21 also considered homeless for the purpose of this section if the
22 family has received a notice to pay rent or quit. The family shall
23 demonstrate that the eviction is the result of a verified financial
24 hardship as a result of extraordinary circumstances beyond their
25 control, and not other lease or rental violations, and that the family
26 is experiencing a financial crisis that may result in homelessness
27 if preventive assistance is not provided.

28 (3) (A) (i) A nonrecurring special needs benefit of eighty-five
29 dollars (\$85) a day shall be available to families of up to four
30 members for the costs of temporary shelter, subject to the
31 requirements of this paragraph. The fifth and additional members
32 of the family shall each receive fifteen dollars (\$15) per day, up
33 to a daily maximum of one hundred forty-five dollars (\$145).
34 County welfare departments may increase the daily amount
35 available for temporary shelter as necessary to secure the additional
36 bedspace needed by the family.

37 (ii) This special needs benefit shall be granted or denied
38 immediately upon the family's application for homeless assistance,
39 and benefits shall be available for up to three working days. The
40 county welfare department shall verify the family's homelessness

1 within the first three working days. If the family meets the criteria
2 of questionable homelessness established by the department, the
3 county welfare department shall refer the family to its early fraud
4 prevention and detection unit, if the county has such a unit, for
5 assistance in the verification of homelessness within this period.

6 (iii) After homelessness has been verified, the three-day limit
7 shall be extended for a period of time that, when added to the initial
8 benefits provided, does not exceed a total of 16 calendar days.
9 This extension of benefits shall be done in increments of one week,
10 and shall be based upon searching for permanent housing, which
11 shall be documented on a housing search form, good cause, or
12 other circumstances defined by the department. Documentation
13 of a housing search is required for the initial extension of benefits
14 beyond the three-day limit and on a weekly basis thereafter if the
15 family is receiving temporary shelter benefits. Good cause shall
16 include, but is not limited to, situations in which the county welfare
17 department has determined that the family, to the extent it is
18 capable, has made a good faith but unsuccessful effort to secure
19 permanent housing while receiving temporary shelter benefits or
20 that the family is homeless as a direct and primary result of a state
21 or federally declared natural disaster.

22 (iv) Notwithstanding clauses (ii) and (iii), the county may waive
23 the three-day limit and may provide benefits in increments of more
24 than one week for a family that becomes homeless as a direct and
25 primary result of a state or federally declared natural disaster.

26 (B) (i) A nonrecurring special needs benefit for permanent
27 housing assistance is available to pay for last month's rent and
28 security deposits if these payments are reasonable conditions of
29 securing a residence, or to pay for up to two months of rent
30 arrearages, if these payments are a reasonable condition of
31 preventing eviction.

32 (ii) The last month's rent or monthly arrearage portion of the
33 payment shall meet both of the following requirements:

34 (I) It shall not exceed 80 percent of the family's total monthly
35 household income without the value of CalFresh benefits or special
36 needs benefit for a family of that size.

37 (II) It shall only be made to families that have found permanent
38 housing costing no more than 80 percent of the family's total
39 monthly household income without the value of CalFresh benefits
40 or special needs benefit for a family of that size.

1 (iii) However, if the county welfare department determines that
2 a family intends to reside with individuals who will be sharing
3 housing costs, the county welfare department shall, in appropriate
4 circumstances, set aside the condition specified in subclause (II)
5 of clause (ii).

6 (C) The nonrecurring special needs benefit for permanent
7 housing assistance is also available to cover the standard costs of
8 deposits for utilities that are necessary for the health and safety of
9 the family.

10 (D) A payment for, or denial of, permanent housing assistance
11 shall be issued no later than one working day from the time that a
12 family presents evidence of the availability of permanent housing.
13 If an applicant family provides evidence of the availability of
14 permanent housing before the county welfare department has
15 established eligibility for aid under this chapter, the county welfare
16 department shall complete the eligibility determination so that the
17 payment for, or denial of, permanent housing assistance is issued
18 within one working day from the submission of evidence of the
19 availability of permanent housing, unless the family has failed to
20 provide all of the verification necessary to establish eligibility for
21 aid under this chapter.

22 (E) (i) Except as provided in clauses (ii) and (iii), eligibility
23 for the temporary shelter assistance and the permanent housing
24 assistance pursuant to this paragraph is limited to 16 cumulative
25 calendar days of temporary assistance and one payment of
26 permanent assistance every 12 months. A person who applies for
27 homeless assistance benefits shall be informed that, with certain
28 exceptions, the temporary shelter benefit is limited to a maximum
29 of 16 calendar days for that 12-month period.

30 (ii) (I) A family that becomes homeless as a direct and primary
31 result of a state or federally declared natural disaster is eligible for
32 temporary and permanent homeless assistance.

33 (II) If there is a state or federally declared disaster in a county,
34 the county human services agency shall coordinate with public
35 and private disaster response organizations and agencies to identify
36 and inform recipients of their eligibility for temporary and
37 permanent homeless housing assistance available pursuant to
38 subclause (I).

39 (iii) A family is eligible for temporary and permanent homeless
40 assistance if homelessness is a direct result of domestic violence

1 by a spouse, partner, or roommate; physical or mental illness that
2 is medically verified that shall not include a diagnosis of
3 alcoholism, drug addiction, or psychological stress; or the
4 uninhabitability of the former residence caused by sudden and
5 unusual circumstances beyond the control of the family, including
6 natural catastrophe, fire, or condemnation. These circumstances
7 shall be verified by a third-party governmental or private health
8 and human services agency, except that domestic violence may
9 also be verified by a sworn statement by the victim, as provided
10 under Section 11495.25. Homeless assistance payments based on
11 these specific circumstances may not be received more often than
12 once in any 12-month period. In addition, if the domestic violence
13 is verified by a sworn statement by the victim, the homeless
14 assistance payments shall be limited to two periods of not more
15 than 16 cumulative calendar days of temporary assistance and two
16 payments of permanent assistance. A county may require that a
17 recipient of homeless assistance benefits who qualifies under this
18 paragraph for a second time in a 24-month period participate in a
19 homelessness avoidance case plan as a condition of eligibility for
20 homeless assistance benefits. The county welfare department shall
21 immediately inform recipients who verify domestic violence by a
22 sworn statement of the availability of domestic violence counseling
23 and services, and refer those recipients to services upon request.

24 (iv) If a county requires a recipient who verifies domestic
25 violence by a sworn statement to participate in a homelessness
26 avoidance case plan pursuant to clause (iii), the plan shall include
27 the provision of domestic violence services, if appropriate.

28 (v) If a recipient seeking homeless assistance based on domestic
29 violence pursuant to clause (iii) has previously received homeless
30 avoidance services based on domestic violence, the county shall
31 review whether services were offered to the recipient and consider
32 what additional services would assist the recipient in leaving the
33 domestic violence situation.

34 (vi) The county welfare department shall report necessary data
35 to the department through a statewide homeless assistance payment
36 indicator system, as requested by the department, regarding all
37 recipients of aid under this paragraph.

38 (F) The county welfare departments, and all other entities
39 participating in the costs of the CalWORKs program, have the
40 right in their share to any refunds resulting from payment of the

1 permanent housing. However, if an emergency requires the family
2 to move within the 12-month period specified in subparagraph
3 (E), the family shall be allowed to use any refunds received from
4 its deposits to meet the costs of moving to another residence.

5 (G) Payments to providers for temporary shelter and permanent
6 housing and utilities shall be made on behalf of families requesting
7 these payments.

8 (H) The daily amount for the temporary shelter special needs
9 benefit for homeless assistance may be increased if authorized by
10 the current year's Budget Act by specifying a different daily
11 allowance and appropriating the funds therefor.

12 (I) A payment shall not be made pursuant to this paragraph
13 unless the provider of housing is any of the following:

14 (i) A commercial establishment.

15 (ii) A shelter.

16 (iii) A person with whom, or an establishment with which, the
17 family requesting assistance has executed a valid lease, sublease,
18 or shared housing agreement.

19 (J) (i) Commencing July 1, 2018, a CalWORKs applicant who
20 provides a sworn statement of past or present domestic abuse and
21 who is fleeing their abuser is deemed to be homeless and is eligible
22 for temporary homeless assistance under clause (i) of subparagraph
23 (A) and under subparagraph (E), notwithstanding any income and
24 assets attributable to the alleged abuser.

25 (ii) The homeless assistance payments issued under this
26 subparagraph shall be granted immediately after the family's
27 application, and benefits shall be available in increments of 16
28 days of temporary shelter assistance pursuant to clause (i) of
29 subparagraph (A). The homeless assistance payments shall be
30 limited to two periods of not more than 16 cumulative calendar
31 days each of temporary assistance within a lifetime. The homeless
32 assistance payments issued under this subparagraph shall be in
33 addition to other payments for which the CalWORKs applicant,
34 if the applicant becomes a CalWORKs recipient, may later qualify
35 under this subdivision.

36 (iii) For purposes of this subparagraph, the housing search
37 documentation described in clause (iii) of subparagraph (A) shall
38 be required only upon issuance of an immediate need payment
39 pursuant to Section 11266 or the issuance of benefits for the month
40 of application.

1 (g) The department shall establish rules and regulations ensuring
2 the uniform statewide application of this section.

3 (h) The department shall notify all applicants and recipients of
4 aid through the standardized application form that these benefits
5 are available and shall provide an opportunity for recipients to
6 apply for the funds quickly and efficiently.

7 (i) The department shall work with county human services
8 agencies, the County Welfare Directors Association of California,
9 and advocates of CalWORKs recipients to gather information
10 regarding the actual costs of a nightly shelter and best practices
11 for transitioning families from a temporary shelter to a permanent
12 shelter, and to provide that information to the Legislature, to be
13 submitted annually in accordance with Section 9795 of the
14 Government Code.

15 (j) (1) Except for the purposes of Section 15200, the amounts
16 payable to recipients pursuant to Section 11453.1 shall not
17 constitute part of the payment schedule set forth in subdivision
18 (a).

19 (2) The amounts payable to recipients pursuant to Section
20 11453.1 shall not constitute income to recipients of aid under this
21 section.

22 (k) For children receiving Kin-GAP pursuant to Article 4.5
23 (commencing with Section 11360) or Article 4.7 (commencing
24 with Section 11385), there shall be paid, exclusive of any amount
25 considered exempt as income, an amount of aid each month, which,
26 when added to the child's income, is equal to the rate specified in
27 Sections 11364 and 11387.

28 (l) (1) A county shall implement the semiannual reporting
29 requirements in accordance with Chapter 501 of the Statutes of
30 2011 no later than October 1, 2013.

31 (2) Upon completion of the implementation described in
32 paragraph (1), each county shall provide a certificate to the director
33 certifying that semiannual reporting has been implemented in the
34 county.

35 (3) Upon filing the certificate described in paragraph (2), a
36 county shall comply with the semiannual reporting provisions of
37 this section.

38 (m) This section shall become operative on January 1, 2020, or
39 when the department notifies the Legislature that the Statewide

1 Automated Welfare System can perform the necessary automation
2 to implement this section, whichever date is later.

3 (n) This section shall become inoperative on July 1, 2021, or
4 on the date the department notifies the Legislature that the
5 Statewide Automated Welfare System can perform the necessary
6 automation to implement Section 11450, as added by Section 2 of
7 the act that added this subdivision, whichever date is later, and is
8 repealed on January 1 of the following year.

9 ~~SEC. 69.~~

10 *SEC. 70.* Section 11450 of the Welfare and Institutions Code,
11 as added by Section 2 of Chapter 152 of the Statutes of 2020, is
12 amended to read:

13 11450. (a) (1) (A) Aid shall be paid for each needy family,
14 which shall include all eligible brothers and sisters of each eligible
15 applicant or recipient child and the parents of the children, but
16 shall not include unborn children, or recipients of aid under Chapter
17 3 (commencing with Section 12000), qualified for aid under this
18 chapter. In determining the amount of aid paid, and notwithstanding
19 the minimum basic standards of adequate care specified in Section
20 11452, the family’s income, exclusive of any amounts considered
21 exempt as income or paid pursuant to subdivision (e) or Section
22 11453.1, determined for the prospective semiannual period
23 pursuant to Sections 11265.1, 11265.2, and 11265.3, and then
24 calculated pursuant to Section 11451.5, shall be deducted from
25 the sum specified in the following table, as adjusted for
26 cost-of-living increases pursuant to Section 11453 and paragraph
27 (2). In no case shall the amount of aid paid for each month exceed
28 the sum specified in the following table, as adjusted for
29 cost-of-living increases pursuant to Section 11453 and paragraph
30 (2), plus any special needs, as specified in subdivisions (c), (e),
31 and (f):

Number of eligible needy persons in the same home	Maximum aid
1.....	\$ 326
2.....	535
3.....	663
4.....	788

1	Number of	
2	eligible needy	
3	persons in	Maximum
4	the same home	aid
5	5.....	899
6	6.....	1,010
7	7.....	1,109
8	8.....	1,209
9	9.....	1,306
10	10 or more.....	1,403

11
12 (B) If, when, and during those times that the United States
13 government increases or decreases its contributions in assistance
14 of needy children in this state above or below the amount paid on
15 July 1, 1972, the amounts specified in the above table shall be
16 increased or decreased by an amount equal to that increase or
17 decrease by the United States government, provided that no
18 increase or decrease shall be subject to subsequent adjustment
19 pursuant to Section 11453.

20 (2) The sums specified in paragraph (1) shall not be adjusted
21 for cost of living for the 1990–91, 1991–92, 1992–93, 1993–94,
22 1994–95, 1995–96, 1996–97, and 1997–98 fiscal years, and through
23 October 31, 1998, nor shall that amount be included in the base
24 for calculating any cost-of-living increases for any fiscal year
25 thereafter. Elimination of the cost-of-living adjustment pursuant
26 to this paragraph shall satisfy the requirements of former Section
27 11453.05, and no further reduction shall be made pursuant to that
28 section.

29 (b) (1) If the family does not include a needy child qualified
30 for aid under this chapter, aid shall be paid to a pregnant child who
31 is 18 years of age or younger at any time after verification of
32 pregnancy, in the amount that would otherwise be paid to one
33 person, as specified in subdivision (a), if the pregnant child and
34 the child, if born, would have qualified for aid under this chapter.
35 Verification of pregnancy shall be required as a condition of
36 eligibility for aid under this subdivision.

37 (2) Notwithstanding paragraph (1), if the family does not include
38 a needy child qualified for aid under this chapter, aid shall be paid
39 to a pregnant person for the month in which the birth is anticipated
40 and for the six-month period immediately prior to the month in

1 which the birth is anticipated, in the amount that would otherwise
2 be paid to one person, as specified in subdivision (a), if the
3 pregnant person and child, if born, would have qualified for aid
4 under this chapter. Verification of pregnancy is required as a
5 condition of eligibility for aid under this subdivision.

6 (3) Paragraph (1) shall apply only when the Cal-Learn Program
7 is operative.

8 (c) The amount of forty-seven dollars (\$47) per month shall be
9 paid to a pregnant person qualified for aid under subdivision (a)
10 or (b) to meet special needs resulting from pregnancy if the
11 pregnant person and child, if born, would have qualified for aid
12 under this chapter. County welfare departments shall refer all
13 recipients of aid under this subdivision to a local provider of the
14 California Special Supplemental Nutrition Program for Women,
15 Infants, and Children. If that payment to a pregnant person qualified
16 for aid under subdivision (a) is considered income under federal
17 law in the first five months of pregnancy, payments under this
18 subdivision do not apply to a person eligible under subdivision
19 (a), except for the month in which birth is anticipated and for the
20 three-month period immediately prior to the month in which
21 delivery is anticipated, if the pregnant person and child, if born,
22 would have qualified for aid under this chapter.

23 (d) For children receiving AFDC-FC under this chapter, there
24 shall be paid, exclusive of any amount considered exempt as
25 income, an amount of aid each month that, if added to the child's
26 income, is equal to the rate specified in Section 11460, 11461,
27 11462, 11462.1, or 11463. In addition, the child is eligible for
28 special needs, as specified in departmental regulations.

29 (e) In addition to the amounts payable under subdivision (a)
30 and former Section 11453.1, a family is entitled to receive an
31 allowance for recurring special needs not common to a majority
32 of recipients. These recurring special needs include, but are not
33 limited to, special diets upon the recommendation of a physician
34 for circumstances other than pregnancy, and unusual costs of
35 transportation, laundry, housekeeping services, telephone, and
36 utilities. The recurring special needs allowance for each family
37 per month shall not exceed that amount resulting from multiplying
38 the sum of ten dollars (\$10) by the number of recipients in the
39 family who are eligible for assistance.

1 (f) (1) After a family has used all available liquid resources,
2 both exempt and nonexempt, in excess of one hundred dollars
3 (\$100), with the exception of funds deposited in a restricted account
4 described in subdivision (a) of Section 11155.2, the family is also
5 entitled to receive an allowance for nonrecurring special needs.
6 This paragraph does not apply to the allowance for nonrecurring
7 special needs for homeless assistance pursuant to subparagraph
8 (A) of paragraph (3).

9 (2) An allowance for nonrecurring special needs shall be granted
10 for replacement of clothing and household equipment and for
11 emergency housing needs other than those needs addressed by
12 subparagraph (A) of paragraph (3). These needs shall be caused
13 by sudden and unusual circumstances beyond the control of the
14 needy family. The department shall establish the allowance for
15 each of the nonrecurring special needs items. The sum of all
16 nonrecurring special needs provided by this subdivision shall not
17 exceed six hundred dollars (\$600) per event.

18 (3) (A) (i) An allowance for nonrecurring special needs for
19 homeless assistance is available to a homeless family seeking
20 shelter when the family is eligible for aid under this chapter.

21 (ii) Homeless assistance for temporary shelter is also available
22 to homeless families that are apparently eligible for aid under this
23 chapter. Apparent eligibility exists when evidence presented by
24 the applicant, or that is otherwise available to the county welfare
25 department, and the information provided on the application
26 documents indicate that there would be eligibility for aid under
27 this chapter if the evidence and information were verified.
28 However, an applicant who is not a citizen or national of the United
29 States and who does not provide verification of their eligible
30 immigration status, or a person with no eligible children who does
31 not provide medical verification of their pregnancy, is not
32 apparently eligible for purposes of this section.

33 (iii) Homeless assistance for temporary shelter is also available
34 to homeless families that would be eligible for aid under this
35 chapter but for the fact that the only child or children in the family
36 are in out-of-home placement pursuant to an order of the
37 dependency court, if the family is receiving reunification services
38 and the county determines that homeless assistance is necessary
39 for reunification to occur.

1 (B) A family is considered homeless, for the purpose of this
2 section, when the family lacks a fixed and regular nighttime
3 residence, the family has a primary nighttime residence that is a
4 supervised publicly or privately operated shelter designed to
5 provide temporary living accommodations, or the family is residing
6 in a public or private place not designed for, or ordinarily used as,
7 a regular sleeping accommodation for human beings. A family is
8 also considered homeless for the purpose of this section if the
9 family has received a notice to pay rent or quit.

10 (4) (A) (i) A nonrecurring special needs benefit of eighty-five
11 dollars (\$85) a day shall be available to families of up to four
12 members for the costs of temporary shelter, subject to the
13 requirements of this paragraph. The fifth and additional members
14 of the family shall each receive fifteen dollars (\$15) per day, up
15 to a daily maximum of one hundred forty-five dollars (\$145).
16 County welfare departments may increase the daily amount
17 available for temporary shelter as necessary to secure the additional
18 bedspace needed by the family.

19 (ii) This special needs benefit shall be granted or denied the
20 same day as the family’s application for homeless assistance, and
21 benefits shall be available for up to three working days. Upon
22 applying for homeless assistance, the family shall provide a sworn
23 statement that the family is homeless. If the family meets the
24 criteria of questionable homelessness, which means that there is
25 reason to suspect that the family has permanent housing, the county
26 human services agency shall refer the family to its early fraud
27 prevention and detection unit, if the county has such a unit, for
28 assistance in the verification of homelessness within this period.

29 (iii) After homelessness has been verified, the three-day limit
30 shall be extended for a period of time that, when added to the initial
31 benefits provided, does not exceed a total of 16 calendar days.
32 This extension of benefits shall be done in increments of one week,
33 and shall be based upon searching for permanent housing, which
34 shall be documented on a housing search form, good cause, or
35 other circumstances defined by the department. Documentation
36 of a housing search is required for the initial extension of benefits
37 beyond the three-day limit and on a weekly basis thereafter if the
38 family is receiving temporary shelter benefits. Good cause shall
39 include, but is not limited to, situations in which the county welfare
40 department has determined that the family, to the extent it is

1 capable, has made a good faith but unsuccessful effort to secure
2 permanent housing while receiving temporary shelter benefits or
3 that the family is homeless as a direct and primary result of a state
4 or federally declared disaster.

5 (iv) Notwithstanding clauses (ii) and (iii), the county may waive
6 the three-day limit and may provide benefits in increments of more
7 than one week for a family that becomes homeless as a direct and
8 primary result of a state or federally declared disaster.

9 (B) (i) A nonrecurring special needs benefit for permanent
10 housing assistance is available to pay for last month's rent and
11 security deposits if these payments are conditions of securing a
12 residence, or to pay for up to two months of rent arrearages, if
13 these payments are a reasonable condition of preventing eviction.

14 (ii) The last month's rent or monthly arrearage portion of the
15 payment shall meet both of the following requirements:

16 (I) It shall not exceed 80 percent of the family's total monthly
17 household income without the value of CalFresh benefits or special
18 needs benefit for a family of that size.

19 (II) It shall only be made to families that have found permanent
20 housing costing no more than 80 percent of the family's total
21 monthly household income without the value of CalFresh benefits
22 or special needs benefit for a family of that size.

23 (iii) However, if the county welfare department determines that
24 a family intends to reside with individuals who will be sharing
25 housing costs, the county welfare department shall, in appropriate
26 circumstances, set aside the condition specified in subclause (II)
27 of clause (ii).

28 (C) The nonrecurring special needs benefit for permanent
29 housing assistance is also available to cover the standard costs of
30 deposits for utilities that are necessary for the health and safety of
31 the family.

32 (D) A payment for, or denial of, permanent housing assistance
33 shall be issued no later than one working day from the time that a
34 family presents evidence of the availability of permanent housing.
35 If an applicant family provides evidence of the availability of
36 permanent housing before the county welfare department has
37 established eligibility for aid under this chapter, the county welfare
38 department shall complete the eligibility determination so that the
39 payment for, or denial of, permanent housing assistance is issued
40 within one working day from the submission of evidence of the

1 availability of permanent housing, unless the family has failed to
2 provide all of the verification necessary to establish eligibility for
3 aid under this chapter.

4 (E) (i) Except as provided in clauses (ii) and (iii), eligibility for
5 the temporary shelter assistance and the permanent housing
6 assistance pursuant to this paragraph is limited to the number of
7 days allowable under subparagraph (A) for temporary shelter
8 assistance and one payment of permanent housing assistance every
9 12 months. A person who applies for homeless assistance benefits
10 shall be informed that, with certain exceptions, the temporary
11 shelter benefit is limited to the number of days allowable under
12 subparagraph (A) for the 12-month period.

13 (ii) (I) A family that becomes homeless as a direct and primary
14 result of a state or federally declared disaster is eligible for
15 homeless assistance.

16 (II) If there is a state or federally declared disaster in a county,
17 the county human services agency shall coordinate with public
18 and private disaster response organizations and agencies to identify
19 and inform recipients of their eligibility for homeless assistance
20 available pursuant to subclause (H).

21 (iii) A family is eligible for homeless assistance if homelessness
22 is a direct result of domestic violence by a spouse, partner, or
23 roommate; physical or mental illness that is medically verified that
24 shall not include a diagnosis of alcoholism, drug addiction, or
25 psychological stress; or the uninhabitability of the former residence
26 caused by sudden and unusual circumstances beyond the control
27 of the family, including natural catastrophe, fire, or condemnation.
28 These circumstances shall be verified by a third-party governmental
29 or private health and human services agency, except that domestic
30 violence may also be verified by a sworn statement by the victim,
31 as provided under Section 11495.25. Homeless assistance payments
32 based on these specific circumstances may not be received more
33 often than once in any 12-month period. In addition, if the domestic
34 violence is verified by a sworn statement by the victim, the
35 homeless assistance payments shall be limited to two periods of
36 not more than 16 cumulative calendar days of temporary shelter
37 assistance and two payments of permanent housing assistance. A
38 county may require that a recipient of homeless assistance benefits
39 who qualifies under this paragraph for a second time in a 24-month
40 period participate in a homelessness avoidance case plan as a

1 condition of eligibility for homeless assistance benefits. The county
2 welfare department shall immediately inform recipients who verify
3 domestic violence by a sworn statement of the availability of
4 domestic violence counseling and services, and refer those
5 recipients to services upon request.

6 (iv) If a county requires a recipient who verifies domestic
7 violence by a sworn statement to participate in a homelessness
8 avoidance case plan pursuant to clause (iii), the plan shall include
9 the provision of domestic violence services, if appropriate.

10 (v) If a recipient seeking homeless assistance based on domestic
11 violence pursuant to clause (iii) has previously received homeless
12 avoidance services based on domestic violence, the county shall
13 review whether services were offered to the recipient and consider
14 what additional services would assist the recipient in leaving the
15 domestic violence situation.

16 (vi) The county welfare department shall report necessary data
17 to the department through a statewide homeless assistance payment
18 indicator system, as requested by the department, regarding all
19 recipients of aid under this paragraph.

20 (F) Payments to providers for temporary shelter and permanent
21 housing and utilities shall be made on behalf of families requesting
22 these payments.

23 (G) The daily amount for the temporary shelter special needs
24 benefit for homeless assistance may be increased if authorized by
25 the current year's Budget Act by specifying a different daily
26 allowance and appropriating the funds therefor.

27 (H) A payment shall not be made pursuant to this paragraph
28 unless the provider of housing is any of the following:

29 (i) A commercial establishment.

30 (ii) A shelter.

31 (iii) A person with whom, or an establishment with which, the
32 family requesting assistance has executed a valid lease, sublease,
33 or shared housing agreement.

34 (I) (i) Commencing July 1, 2018, a CalWORKs applicant who
35 provides a sworn statement of past or present domestic abuse and
36 who is fleeing their abuser is deemed to be homeless and is eligible
37 for temporary shelter assistance under clause (i) of subparagraph
38 (A) and under subparagraph (E), notwithstanding any income and
39 assets attributable to the alleged abuser.

1 (ii) The homeless assistance payments issued under this
2 subparagraph shall be granted the same day as the family’s
3 application, and benefits shall be available in increments of 16
4 days of temporary shelter assistance pursuant to clause (i) of
5 subparagraph (A). The homeless assistance payments shall be
6 limited to two periods of not more than 16 cumulative calendar
7 days each of temporary shelter assistance within the applicant’s
8 lifetime. The second 16-day period shall continue to be available
9 when the applicant becomes a CalWORKs recipient during the
10 first 16-day period. The homeless assistance payments issued under
11 this subparagraph shall be in addition to other payments for which
12 the CalWORKs applicant, if the applicant becomes a CalWORKs
13 recipient, may later qualify under this subdivision.

14 (iii) For purposes of this subparagraph, the housing search
15 documentation described in clause (iii) of subparagraph (A) shall
16 be required only upon issuance of an immediate need payment
17 pursuant to Section 11266 or the issuance of benefits for the month
18 of application.

19 (g) The department shall establish rules and regulations ensuring
20 the uniform statewide application of this section.

21 (h) The department shall notify all applicants and recipients of
22 aid through the standardized application form that these benefits
23 are available and shall provide an opportunity for recipients to
24 apply for the funds quickly and efficiently.

25 (i) The department shall work with county human services
26 agencies, the County Welfare Directors Association of California,
27 and advocates of CalWORKs recipients to gather information
28 regarding the actual costs of a nightly shelter and best practices
29 for transitioning families from a temporary shelter to permanent
30 housing, and to provide that information to the Legislature, to be
31 submitted annually in accordance with Section 9795 of the
32 Government Code.

33 (j) (1) Except for the purposes of Section 15200, the amounts
34 payable to recipients pursuant to Section 11453.1 shall not
35 constitute part of the payment schedule set forth in subdivision
36 (a).

37 (2) The amounts payable to recipients pursuant to Section
38 11453.1 shall not constitute income to recipients of aid under this
39 section.

1 (k) For children receiving Kin-GAP pursuant to Article 4.5
2 (commencing with Section 11360) or Article 4.7 (commencing
3 with Section 11385), there shall be paid, exclusive of any amount
4 considered exempt as income, an amount of aid each month, which,
5 when added to the child's income, is equal to the rate specified in
6 Sections 11364 and 11387.

7 (l) (1) A county shall implement the semiannual reporting
8 requirements in accordance with Chapter 501 of the Statutes of
9 2011 no later than October 1, 2013.

10 (2) Upon completion of the implementation described in
11 paragraph (1), each county shall provide a certificate to the director
12 certifying that semiannual reporting has been implemented in the
13 county.

14 (3) Upon filing the certificate described in paragraph (2), a
15 county shall comply with the semiannual reporting provisions of
16 this section.

17 (m) (1) Notwithstanding the rulemaking provisions of the
18 Administrative Procedure Act (Chapter 3.5 (commencing with
19 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
20 Code), the State Department of Social Services may implement
21 and administer this section by means of all-county letters or similar
22 instructions from the department until regulations are adopted.
23 These all-county letters or similar written instructions shall have
24 the same force and effect as regulations until the adoption of
25 regulations.

26 (2) The department shall adopt emergency regulations no later
27 than 18 months following the completion of all necessary
28 automation to implement this section. The department may readopt
29 any emergency regulation authorized by this section that is the
30 same as, or substantially equivalent to, an emergency regulation
31 previously adopted under this section.

32 (3) The initial adoption of emergency regulations pursuant to
33 this section and one readoption of emergency regulations shall be
34 deemed an emergency and necessary for the immediate
35 preservation of the public peace, health, safety, or general welfare.
36 Initial emergency regulations and the one readoption of emergency
37 regulations authorized by this section shall be exempt from review
38 by the Office of Administrative Law. The initial emergency
39 regulations and the one readoption of emergency regulations
40 authorized by this section shall be submitted to the Office of

1 Administrative Law for filing with the Secretary of State and each
2 shall remain in effect for no more than 180 days, by which time
3 final regulations shall be adopted.

4 (n) This section shall become operative on July 1, 2021, or on
5 the date the department notifies the Legislature that the Statewide
6 Automated Welfare System can perform the necessary automation
7 to implement this section, whichever date is later.

8 (o) Notwithstanding subdivision (n), the individual changes
9 imposed by the act adding this section that result in a cost shall
10 become operative only if necessary funds are appropriated for
11 these changes in the annual Budget Act or another statute for these
12 purposes.

13 ~~SEC. 70.~~

14 *SEC. 71.* Section 13300 of the Welfare and Institutions Code
15 is amended to read:

16 13300. (a) Subject to the availability of funding in the act that
17 added this chapter or the annual Budget Act, the department shall
18 contract, as described in Section 13301, with qualified nonprofit
19 legal services organizations to provide legal services to
20 unaccompanied undocumented minors who are transferred to the
21 care and custody of the federal Office of Refugee Resettlement
22 and who are present in this state.

23 (b) Legal services provided in accordance with subdivision (a)
24 shall be for the sole purpose of providing legal representation to
25 unaccompanied undocumented minors who are in the physical
26 custody of the federal Office of Refugee Resettlement or who are
27 residing with a family member or other sponsor.

28 (c) For purposes of this chapter, the term “unaccompanied
29 undocumented minors” means unaccompanied children as
30 described in Section 279(g)(2) of Title 6 of the United States Code.

31 (d) For purposes of this chapter, the term “legal services”
32 includes culturally and linguistically appropriate services provided
33 by attorneys, paralegals, interpreters and other support staff for
34 state court proceedings, federal immigration proceedings, and any
35 appeals arising from those proceedings.

36 ~~SEC. 71.~~

37 *SEC. 72.* Section 14007.2 of the Welfare and Institutions Code
38 is amended to read:

39 14007.2. (a) Any individual who is otherwise eligible for
40 Medi-Cal services, but who does not meet the documentation

1 requirements described in subdivision (e) of Section 14011.2, shall
2 be eligible only for the scope of services made available to persons
3 who are not citizens or nationals of the United States under
4 subdivision (d) of Section 14007.5, and Sections 14007.65,
5 14007.7, and 14007.8.

6 (b) To the extent that federal financial participation is available
7 to fund services described under subdivision (a), the department
8 shall file all necessary state plan amendments or waivers to obtain
9 that funding.

10 ~~SEC. 72.~~

11 *SEC. 73.* Section 14007.5 of the Welfare and Institutions Code
12 is amended to read:

13 14007.5. (a) Persons who are not citizens or nationals of the
14 United States shall be eligible for Medi-Cal, whether federally
15 funded or state-funded, only to the same extent as permitted under
16 federal law and regulations for receipt of federal financial
17 participation under Title XIX of the federal Social Security Act,
18 except as otherwise provided in this section and elsewhere in this
19 chapter.

20 (b) In accordance with Section 1903(v)(1) of the federal Social
21 Security Act (42 U.S.C. Sec. 1396b(v)(1)), a person who is not a
22 citizen or a national of the United States shall only be eligible for
23 the full scope of Medi-Cal benefits if the person has been lawfully
24 admitted for permanent residence, or is otherwise permanently
25 residing in the United States under color of law.

26 For purposes of this section, persons who are not citizens or
27 nationals of the United States and who are “permanently residing
28 in the United States under color of law” shall be interpreted to
29 include all persons who are not citizens or nationals of the United
30 States residing in the United States with the knowledge and
31 permission of the United States Department of Homeland Security
32 and whose departure the United States Department of Homeland
33 Security does not contemplate enforcing and with respect to whom
34 federal financial participation is available under Title XIX of the
35 federal Social Security Act.

36 (c) Any person whose immigration status has been adjusted
37 either to lawful temporary resident or lawful permanent resident
38 in accordance with the provisions of Section 210, 210A, or 245A
39 of the federal Immigration and Nationality Act, and who meets all
40 other eligibility requirements, shall be eligible only for care and

1 services under Medi-Cal for which the person is not disqualified
2 pursuant to those sections of the federal act.

3 (d) Any person who is not a citizen or national of the United
4 States who is otherwise eligible for Medi-Cal services, but who
5 does not meet the requirements under subdivision (b) or (c), shall
6 only be eligible for care and services that are necessary for the
7 treatment of an emergency medical condition and medical care
8 directly related to the emergency, as defined in federal law. For
9 purposes of this section, the term “emergency medical condition”
10 means a medical condition manifesting itself by acute symptoms
11 of sufficient severity, including severe pain, such that the absence
12 of immediate medical attention could reasonably be expected to
13 result in any of the following:

14 (1) Placing the patient’s health in serious jeopardy.

15 (2) Serious impairment to bodily functions.

16 (3) Serious dysfunction to any bodily organ or part. It is the
17 intent of this section to entitle eligible individuals to inpatient and
18 outpatient services that are necessary for the treatment of the
19 emergency medical condition in the same manner as administered
20 by the department through regulations and provisions of federal
21 law.

22 (e) Pursuant to Section 14001.2, each county department shall
23 require that each applicant for, or beneficiary of, Medi-Cal,
24 including a child, shall provide their social security number account
25 number, or numbers, if they have more than one social security
26 number.

27 (f) (1) In order to be eligible for benefits under subdivision (b)
28 or (c), an applicant or beneficiary shall present United States
29 Citizenship and Immigration Services registration documentation
30 or other proof of satisfactory immigration status from the United
31 States Citizenship and Immigration Services.

32 (2) Any person who meets all other program requirements but
33 who lacks documentation of United States Citizenship and
34 Immigration Services registration or other proof of satisfactory
35 immigration status shall be provided a reasonable opportunity to
36 submit the evidence. For purposes of this paragraph, “reasonable
37 opportunity” means 30 days or the time it actually takes the county
38 to process the Medi-Cal application, whichever is longer.

39 (3) During the reasonable opportunity period under paragraph
40 (2), the county department shall process the applicant’s application

1 for medical assistance in a manner that conforms to its normal
2 processing procedures and timeframes.

3 (g) (1) The county department shall grant only the Medi-Cal
4 benefits set forth in subdivision (d) of this section or in Section
5 14007.7 to any individual who, after 30 calendar days or the time
6 it actually takes the county to process the Medi-Cal application,
7 whichever is longer, has failed to submit documents constituting
8 reasonable evidence indicating a satisfactory immigration status
9 for Medi-Cal purposes, or who is reported by the United States
10 Citizenship and Immigration Services to lack a satisfactory
11 immigration status for Medi-Cal purposes.

12 (2) If a person who is not a citizen or national of the United
13 States has been receiving Medi-Cal benefits based on eligibility
14 established prior to the effective date of this section and that
15 individual, upon redetermination of eligibility for benefits, fails
16 to submit documents constituting reasonable evidence indicating
17 a satisfactory immigration status for Medi-Cal purposes, the county
18 department shall discontinue the Medi-Cal benefits, except for the
19 care and services set forth in subdivision (d) of this section or in
20 Section 14007.7. The county department shall provide adequate
21 notice to the individual of any adverse action and shall accord the
22 individual an opportunity for a fair hearing if the individual
23 requests one.

24 (h) To the extent permitted by federal law and regulations, a
25 person who is not a citizen or national of the United States applying
26 for services under subdivisions (b) and (c) shall be granted
27 eligibility for the scope of services to which they would otherwise
28 be entitled if, at the time the county department makes the
29 determination about their eligibility, the person meets either of the
30 following requirements:

31 (1) The person has not had a reasonable opportunity to submit
32 documents constituting reasonable evidence indicating satisfactory
33 immigration status.

34 (2) The person has provided documents constituting reasonable
35 evidence indicating a satisfactory immigration status, but the
36 county department has not received timely verification of the
37 person's immigration status from the United States Citizenship
38 and Immigration Services.

39 (3) The verification process shall protect the privacy of all
40 participants. A person's immigration status shall be subject to

1 verification by the United States Citizenship and Immigration
2 Services, to the extent required for receipt of federal financial
3 participation in the Medi-Cal program.

4 (i) If a person does not declare status as a lawful permanent
5 resident or person permanently residing under color of law, or as
6 a person legalized under Section 210, 210A, or 245A of the federal
7 Immigration and Nationality Act (Public Law 82-414), Medi-Cal
8 coverage under subdivision (d) of this section or in Section 14007.7
9 shall be provided to the individual if they are otherwise eligible.

10 (j) If a person subject to this section is not fluent in English, the
11 county department shall provide an understandable explanation of
12 the requirements of this section in a language in which the person
13 is fluent.

14 (k) Persons who are not citizens or nationals of the United States
15 who were receiving long-term care or renal dialysis services (1)
16 on the day prior to the effective date of the amendment to paragraph
17 (1) of subdivision (f) of Section 1 of Chapter 1441 of the Statutes
18 of 1988 at the 1991–92 Regular Session of the Legislature and (2)
19 under the authority of paragraph (1) of subdivision (f) of Section
20 1 of Chapter 1441 of the Statutes of 1988 as it read on June 30,
21 1992, shall continue to receive these services. The authority for
22 continuation of long-term care or renal dialysis services in this
23 subdivision shall not apply to any person whose long-term care or
24 renal dialysis services end for any reason after the effective date
25 of the amendment described in this subdivision.

26 ~~SEC. 73:~~

27 *SEC. 74.* Section 14007.65 of the Welfare and Institutions
28 Code is amended to read:

29 14007.65. (a) Persons who are not citizens or nationals of the
30 United States who were receiving long-term care services under
31 the authority of subdivision (f) of Section 1 of Chapter 1441 of
32 the Statutes of 1988 on the day prior to the effective date of this
33 section shall continue to receive those long-term care services.

34 (b) On or after the effective date of this section, any applicant
35 who is not lawfully present in the United States, who is otherwise
36 eligible for Medi-Cal services, but who does not meet the
37 requirements under subdivision (b) or (c) of Section 14007.5,
38 would be eligible to receive federally reimbursable long-term care
39 services pursuant to the Medicaid program provided for pursuant
40 to Title 19 of the federal Social Security Act (42 U.S.C. Sec. 1396

1 et seq.), shall be eligible to receive long-term care services to the
2 extent that funding is made available for this purpose in the annual
3 Budget Act. In no event shall expenditures for this program exceed
4 the amount necessary to serve 110 percent of the 1999–2000
5 estimated eligible population without further authorization by the
6 Legislature.

7 ~~SEC. 74.~~

8 *SEC. 75.* Section 14007.7 of the Welfare and Institutions Code
9 is amended to read:

10 14007.7. Any person who is not a citizen or national of the
11 United States who is otherwise eligible for Medi-Cal services, but
12 who does not meet the requirements under subdivision (b) or (c)
13 of Section 14007.5, shall be eligible for medically necessary
14 pregnancy-related services.

15 ~~SEC. 75.~~

16 *SEC. 76.* Section 14007.71 of the Welfare and Institutions
17 Code is amended to read:

18 14007.71. (a) The department shall adopt the option made
19 available under Section 1396a(a)(10)(A)(ii)(XVIII) of Title 42 of
20 the United States Code, to provide medical assistance during the
21 period in which an individual described in subdivision (c) of
22 Section 104162 of the Health and Safety Code requires treatment
23 for breast or cervical cancer. In addition, to assist in the delivery
24 of timely and continuing breast cancer and cervical cancer
25 treatment, a state benefits identification card shall be issued by the
26 department within four working days of the date in which the
27 individual submits application information that demonstrates to
28 the provider, as described in subdivision (c) of Section 104162 of
29 the Health and Safety Code, that the individual meets the federal
30 criteria described in Section 1902a(aa) of the federal Social
31 Security Act (Section 1396a(aa) of Title 42 of the United States
32 Code).

33 (b) Notwithstanding any other provision of law, an individual
34 who meets the definition of the term defined in Section 1641 of
35 Title 8 of the United States Code shall not be determined ineligible
36 for services under this section solely on the basis of the individual's
37 date of entry into the United States.

38 (c) The department shall file all necessary state plan amendments
39 to implement the requirements of this section.

1 (d) Notwithstanding Chapter 3.5 (commencing with Section
2 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
3 the department shall implement this section, and Article 1.3
4 (commencing with Section 104150) and Article 1.5 (commencing
5 with Section 104160) of Chapter 2 of Part 1 of Division 103 of
6 the Health and Safety Code, by means of an all-county letter or
7 similar instruction, without taking any further regulatory action.
8 Thereafter, the department shall adopt regulations to implement
9 this section in accordance with the requirements of Chapter 3.5
10 (commencing with Section 11340) of Part 1 of Division 3 of Title
11 2 of the Government Code.

12 (e) Notwithstanding any other provision of law, the department
13 shall make eligibility determinations and redeterminations
14 necessary for applicants and beneficiaries to obtain services
15 pursuant to this section as provided under Title XIX of the federal
16 Social Security Act (42 U.S.C. Sec. 1396 et seq.).

17 (f) Except for those individuals described in subdivision (b) and
18 notwithstanding any other provision of law, this section shall be
19 implemented only if, and to the extent that, the department
20 determines that federal financial participation, as provided under
21 Title XIX of the federal Social Security Act (42 U.S.C. Section
22 1396a, et seq.), is available.

23 (g) The department shall implement this section on January 1,
24 2002, if a state plan amendment adopting the option described in
25 subdivision (a), has been approved by the federal Centers for
26 Medicare and Medicaid Services, or at the time state plan
27 amendment is approved, if a later date.

28 ~~SEC. 76.~~

29 *SEC. 77.* Section 14011.2 of the Welfare and Institutions Code
30 is amended to read:

31 14011.2. (a) The department shall require that each applicant
32 for or beneficiary of Medi-Cal, including a child, who is not a
33 recipient of aid under the provisions of Chapter 2 (commencing
34 with Section 11200) or Chapter 3 (commencing with Section
35 12000) shall provide their social security account number, or
36 numbers, if they have more than one such number.

37 (b) The requirement for a social security account number shall
38 be a condition of eligibility only for the applicant who is seeking
39 or the beneficiary who is receiving (1) full-scope medical benefits
40 or (2), pursuant to Section 14007.5, restricted medical benefits

1 (emergency and pregnancy-related services only), and, in either
2 case, who declares, as required in subdivision (d), that they are a
3 citizen or national of the United States, and, if they are not a citizen
4 or national of the United States, that they have satisfactory
5 immigration status.

6 (c) The requirement for a social security account number shall
7 not be a condition of eligibility for the applicant who is seeking
8 or the beneficiary who is receiving, pursuant to Section 14007.5,
9 restricted medical benefits (emergency and pregnancy-related
10 services only), and who has not made the declaration, as required
11 in subdivision (d), that they are not a citizen or national of the
12 United States, and, if they are not a citizen or national of the United
13 States, that they do not have satisfactory immigration status.

14 (d) Every applicant or beneficiary or, in the case of a child, by
15 the child's caretaker relative or legal guardian on their behalf shall
16 declare, under penalty of perjury, that they are, or are not any of
17 the following:

18 (1) A citizen of the United States.

19 (2) A national of the United States.

20 (3) A person who has satisfactory immigration status.

21 (e) (1) Notwithstanding Section 50301.1 of Title 22 of the
22 California Code of Regulations, an individual who declares to be
23 a citizen or national of the United States in accordance with Section
24 1903(i)(22) of the federal Social Security Act (42 U.S.C. Sec.
25 1396b(i)(22)) shall present satisfactory documentary evidence of
26 citizenship or nationality in compliance with Section 1903(x) (42
27 U.S.C. Sec. 1396b(x) of the federal Social Security Act). Except
28 as otherwise provided in Section 14007.2 and in paragraph (7), no
29 services shall be available under this chapter for an individual who
30 fails to comply with the documentation requirements of this section.

31 (2) (A) The documentation required pursuant to paragraph (1)
32 shall be provided once by each individual, as follows:

33 (i) During the initial application process for applicants.

34 (ii) During the redetermination process for existing beneficiaries.

35 (B) If the documentation is obtained from a beneficiary, the
36 county shall maintain a copy of the documentation in the case file
37 of the beneficiary, and shall not request this documentation again.

38 (C) If electronic verification is used, a record of the
39 documentation shall be maintained in the case record and shall not
40 be requested again.

1 (D) Once the required documentation has been obtained by the
2 county, the beneficiary shall not be required to provide it again,
3 even if they are transferring to or applying in a new county.

4 (3) To the extent that federal financial participation is available,
5 the department shall provide for exceptions or alternatives to the
6 documentation requirements imposed by this subdivision as a
7 means of providing individuals with increased flexibility and ability
8 to provide satisfactory documentary evidence within a reasonable
9 period of time. These exceptions or alternatives may include, but
10 shall not be limited to, using an expanded list of acceptable
11 documents, relying on electronic data matches for birth certificates,
12 relying on a sworn affidavit of citizenship with respect to an
13 individual who can demonstrate good cause for their inability or
14 other failure to provide the required documentation, and relying
15 on other information that may be available electronically.

16 (4) (A) To the extent that federal financial participation is
17 available, the department shall rely on the eligibility determinations
18 for the CalWORKs program or the Aid to Families with Dependent
19 Children-Foster Care program as meeting the requirements of this
20 section.

21 (B) To the extent that federal financial participation is available,
22 an individual shall be deemed to have met the documentation
23 requirements of this subdivision if the individual has been
24 determined to be eligible for supplemental security income pursuant
25 to Title XVI of the Social Security Act (42 U.S.C. Sec. 1601 et
26 seq.).

27 (5) The following provisions shall apply to the extent that federal
28 financial participation is available:

29 (A) If an individual cooperates in the effort to obtain and present
30 the documentation required under this subdivision, the individual
31 shall be given as much time as is allowed by federal law and policy
32 to present that documentation.

33 (B) During the time period described in subparagraph (A), an
34 applicant shall receive the scope of Medi-Cal benefits for which
35 the applicant is otherwise eligible.

36 (6) To the extent that federal financial participation is available,
37 the county shall do all of the following to assist an individual in
38 obtaining and presenting the documentation required under this
39 subdivision:

1 (A) For an applicant who does not present the required
2 documentation at the time of application, the county, during the
3 time period described in subparagraph (A) of paragraph (5), shall
4 assist the applicant in obtaining that documentation.

5 (B) For a current beneficiary who has not yet documented their
6 citizenship, the county shall do the following:

7 (i) If, at the time of annual redetermination, the beneficiary
8 returns the annual redetermination form and, but for the failure to
9 present the required documentation, continued eligibility could be
10 established, the county shall do the following:

11 (I) Review county eligibility files and records, and the Medi-Cal
12 Eligibility Data System, to access those documents. This review
13 shall include a review of any CalWORKs or CalFresh files that
14 may exist for the beneficiary.

15 (II) Attempt to reach the beneficiary by telephone to advise the
16 beneficiary as to the need to obtain and present the required
17 documentation.

18 (III) If the beneficiary fails to respond to the telephone contact
19 or present the required documents, send a second form to the
20 beneficiary that highlights the documentation being requested and
21 informs the beneficiary to contact the county. The form shall be
22 written in a simple, clear, consumer-friendly manner, and shall
23 explain why the documentation is necessary.

24 (IV) If the beneficiary fails to contact the county, the county
25 shall make another attempt to reach the beneficiary by telephone
26 to advise the beneficiary of the need to obtain and present the
27 required documentation.

28 (ii) Document in the case file any efforts made to contact and
29 advise the beneficiary as to the need to obtain and present the
30 required documentation.

31 (C) If a beneficiary fails to present the required documentation
32 after the process required under clause (i), the county shall send a
33 10-day notice of action to indicate that the beneficiary's benefits
34 are reduced to those made available under Section 14007.2.

35 (7) To the extent federal financial participation is available, and
36 only to the extent any necessary federal approvals have been
37 obtained, the department may, in its discretion, elect the option
38 referenced in Section 1396a(a)(46)(B)(ii) of Title 42 of the United
39 States Code to satisfy the requirements of paragraph (1). This
40 paragraph shall become operative on January 1, 2010, or when all

1 necessary agreements with the Commissioner of Social Security
2 are in place, whichever is later. The department may implement
3 this paragraph earlier than January 1, 2010, only to the extent
4 allowed by federal law or guidance.

5 (8) (A) Any benefits provided in accordance with subparagraph
6 (B) of paragraph (5) shall terminate if any of the following occurs:

7 (i) The individual does not obtain and present the required
8 documentation within the time period provided in subparagraph
9 (A) of paragraph (5).

10 (ii) The documentation is received by the county and the county
11 has made a final determination of eligibility.

12 (B) The termination of Medi-Cal benefits under this paragraph
13 shall occur without the necessity of further review or determination
14 by the department. This shall not affect an individual's right to a
15 hearing with respect to the denial of the application or termination
16 of eligibility resulting from the annual eligibility redetermination.

17 (9) Notwithstanding Chapter 3.5 (commencing with Section
18 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
19 the department shall implement this subdivision by means of an
20 all-county letter or similar instruction without taking regulatory
21 action. Within three years from the date that this subdivision
22 becomes effective, the department shall adopt regulations in
23 accordance with the requirements of Chapter 3.5 (commencing
24 with Section 11340) of Part 1 of Division 3 of Title 2 of the
25 Government Code.

26 (10) The department shall notify and consult with advocates,
27 providers, counties, and health plans in implementing, interpreting,
28 or making specific this subdivision.

29 (11) The department shall file all necessary state plan
30 amendments to implement the requirements of this subdivision.
31 Upon filing any state plan amendment, the department shall provide
32 the appropriate fiscal committees of the Legislature with a copy
33 of the state plan amendment.

34 (12) If any part of this subdivision is in conflict with or does
35 not comply with federal law, the subdivision shall be implemented
36 only to the extent that federal law permits. Any part that is in
37 conflict with or does not comply with federal law shall be severable
38 from the remaining portions of this subdivision.

1 ~~SEC. 77.~~

2 *SEC. 78.* Section 14011.3 of the Welfare and Institutions Code
3 is amended to read:

4 14011.3. (a) To the same extent as required by federal law, a
5 person who is not a citizen or national of the United States whose
6 entry into the United States has been sponsored by an individual
7 who, or organization that, executed an affidavit of support or
8 similar agreement with respect to the person shall be ineligible for
9 the Medi-Cal program for a period of five years after the person's
10 entry into the United States unless the sponsoring person dies or
11 the sponsoring organization ceases to exist.

12 (b) Subdivision (a) shall not apply with respect to any person
13 who is not a citizen or national of the United States who is:

14 (1) Admitted to the United States as a result of the application,
15 prior to April 1, 1980, of Section 1153(a)(7) of Title 8 of the United
16 States Code.

17 (2) Admitted to the United States as a result of the application,
18 after March 31, 1980, of Section 1157(c) of Title 8 of the United
19 States Code.

20 (3) Paroled into the United States under Section 1182(d)(5) of
21 Title 8 of the United States Code.

22 (4) Granted political asylum by the United States Attorney
23 General under Section 1158 of Title 8 of the United States Code.

24 (5) A Cuban or Haitian entrant, as defined in Section 501(e) of
25 the Refugee Education Assistance Act of 1980 (Public Law
26 96-422).

27 (c) This section shall become operative on the effective date of
28 federal law that prohibits providing Medi-Cal assistance to a
29 sponsored person, as defined in subdivision (a), and shall remain
30 operative only as long as federal law remains in effect. The director
31 shall determine the operative dates of this section pursuant to this
32 subdivision and shall execute a declaration, that shall be retained
33 by the director, that sets forth the operative date or termination
34 date.

35 ~~SEC. 78.~~

36 *SEC. 79.* Section 16120 of the Welfare and Institutions Code
37 is amended to read:

38 16120. A child is eligible for Adoption Assistance Program
39 benefits if all of the conditions specified in subdivisions (a) to (l),

1 inclusive, are met or if the conditions specified in subdivision (m)
2 are met.

3 (a) It has been determined that the child cannot or should not
4 be returned to the home of the child’s parents as evidenced by a
5 petition for termination of parental rights, a court order terminating
6 parental rights, or a signed relinquishment, or, in the case of a
7 tribal customary adoption, if the court has given full faith and
8 credit to a tribal customary adoption order as provided for pursuant
9 to paragraph (2) of subdivision (e) of Section 366.26, or, in the
10 case of a nonminor dependent the court has dismissed dependency
11 or transitional jurisdiction subsequent to the approval of the
12 nonminor dependent, adoption petition pursuant to subdivision (f)
13 of Section 366.31.

14 (b) The child has at least one of the following characteristics
15 that are barriers to the child’s adoption:

16 (1) Adoptive placement without financial assistance is unlikely
17 because of membership in a sibling group that should remain intact
18 or by virtue of race, ethnicity, color, language, three years of age
19 or older, or parental background of a medical or behavioral nature
20 that can be determined to adversely affect the development of the
21 child.

22 (2) Adoptive placement without financial assistance is unlikely
23 because the child has a mental, physical, emotional, or medical
24 disability that has been certified by a licensed professional
25 competent to make an assessment and operating within the scope
26 of that licensee’s profession. This paragraph shall also apply to
27 children with a developmental disability, as defined in subdivision
28 (a) of Section 4512, including those determined to require
29 out-of-home nonmedical care, as described in Section 11464.

30 (c) The need for an adoption subsidy is evidenced by an
31 unsuccessful search for an adoptive home to take the child without
32 financial assistance, as documented in the case file of the
33 prospective adoptive child. The requirement for this search shall
34 be waived when it would be against the best interest of the child
35 because of the existence of significant emotional ties with
36 prospective adoptive parents while in the care of these persons as
37 a foster child.

38 (d) The child satisfies any of the following criteria:

39 (1) The child is under 18 years of age.

1 (2) The child is under 21 years of age and has a mental or
2 physical handicap that warrants the continuation of assistance.

3 (3) Effective January 1, 2012, the child is under 19 years of age,
4 effective January 1, 2013, the child is under 20 years of age, and
5 effective January 1, 2014, the child is under 21 years of age and
6 as described in Section 10103.5, and has attained 16 years of age
7 before the adoption assistance agreement became effective, and
8 one or more of the conditions specified in paragraphs (1) to (5),
9 inclusive, of subdivision (b) of Section 11403 applies.

10 (e) The adoptive family is responsible for the child pursuant to
11 the terms of an adoptive placement agreement or a final decree of
12 adoption and has signed an adoption assistance agreement.

13 (f) The adoptive family is legally responsible for the support of
14 the child and the child is receiving support from the adoptive
15 parent.

16 (g) The department or the county responsible for determining
17 the child's Adoption Assistance Program eligibility status and for
18 providing financial aid, and the prospective adoptive parent, prior
19 to or at the time the adoption decree is issued by the court, have
20 signed an adoption assistance agreement that stipulates the need
21 for, and the amount of, Adoption Assistance Program benefits.

22 (h) The prospective adoptive parent or any adult living in the
23 prospective adoptive home has completed the criminal background
24 check requirements pursuant to Section 671(a)(20)(A) and (C) of
25 Title 42 of the United States Code.

26 (i) To be eligible for state funding, the child is the subject of an
27 agency adoption, as defined in Section 8506 of the Family Code,
28 and was any of the following:

29 (1) Under the supervision of a county welfare department as
30 the subject of a legal guardianship or juvenile court dependency.

31 (2) Relinquished for adoption to a licensed California private
32 or public adoption agency, or another public agency operating a
33 Title IV-E program on behalf of the state, and would have
34 otherwise been at risk of dependency as certified by the responsible
35 public child welfare agency.

36 (3) Committed to the care of the department pursuant to Section
37 8805 or 8918 of the Family Code.

38 (4) The child is an Indian child and the subject of an order of
39 adoption based on tribal customary adoption of an Indian child,
40 as described in Section 366.24. Notwithstanding Section 8600.5

1 of the Family Code, for purposes of this subdivision a tribal
2 customary adoption shall be considered an agency adoption.

3 (j) To be eligible for federal funding, in the case of a child who
4 is not an applicable child for the federal fiscal year, as defined in
5 subdivision (n), the child satisfies any of the following criteria:

6 (1) Prior to the finalization of an agency adoption, as defined
7 in Section 8506 of the Family Code, or an independent adoption,
8 as defined in Section 8524 of the Family Code, is filed, the child
9 has met the requirements to receive federal supplemental security
10 income benefits pursuant to Subchapter 16 (commencing with
11 Section 1381) of Chapter 7 of Title 42 of the United States Code,
12 as determined and documented by the federal Social Security
13 Administration.

14 (2) The child was removed from the home of a specified relative
15 and the child would have been AFDC eligible in the home of
16 removal according to Section 606(a) or 607 of Title 42 of the
17 United States Code, as those sections were in effect on July 16,
18 1996, in the month of the voluntary placement agreement or in the
19 month court proceedings are initiated to remove the child, resulting
20 in a judicial determination that continuation in the home would be
21 contrary to the child's welfare. The child must have been living
22 with the specified relative from whom the child was removed
23 within six months of the month the voluntary placement agreement
24 was signed or the petition to remove was filed.

25 (3) The child was voluntarily relinquished to a licensed public
26 or private adoption agency, or another public agency operating a
27 Title IV-E program on behalf of the state, and there is a petition
28 to the court to remove the child from the home within six months
29 of the time the child lived with a specified relative and a subsequent
30 judicial determination that remaining in the home would be
31 contrary to the child's welfare.

32 (4) Title IV-E foster care maintenance was paid on behalf of
33 the child's minor parent and covered the cost of the minor parent's
34 child while the child was in the foster family home or child care
35 institution with the minor parent.

36 (5) The child is an Indian child and the subject of an order of
37 adoption based on tribal customary adoption of an Indian child,
38 as described in Section 366.24.

1 (k) To be eligible for federal funding, in the case of a child who
2 is an applicable child for the federal fiscal year, as defined in
3 subdivision (n), the child meets any of the following criteria:

4 (1) At the time of initiation of adoptive proceedings, was in the
5 care of a public or licensed private child placement agency or
6 Indian tribal organization pursuant to either of the following:

7 (A) An involuntary removal of the child from the home in
8 accordance with a judicial determination to the effect that
9 continuation in the home would be contrary to the welfare of the
10 child.

11 (B) A voluntary placement agreement or a voluntary
12 relinquishment.

13 (2) The child meets all medical or disability requirements of
14 Title XVI with respect to eligibility for supplemental security
15 income benefits.

16 (3) The child was residing in a foster family home or a child
17 care institution with the child's minor parent, and the child's minor
18 parent was in the foster family home or child care institution
19 pursuant to either of the following:

20 (A) An involuntary removal of the child from the home in
21 accordance with a judicial determination to the effect that
22 continuation in the home would be contrary to the welfare of the
23 child.

24 (B) A voluntary placement agreement or voluntary
25 relinquishment.

26 (4) The child is an Indian child and the subject of an order of
27 adoption based on tribal customary adoption of an Indian child,
28 as described in Section 366.24.

29 (5) The nonminor dependent, as described in subdivision (v) of
30 Section 11400, is the subject of an adoption pursuant to subdivision
31 (f) of Section 366.31.

32 (l) (1) The child is a citizen of the United States or a qualified
33 immigrant. If the child is a qualified immigrant who entered the
34 United States on or after August 22, 1996, and is placed with an
35 unqualified immigrant, the child must meet the five-year residency
36 requirement pursuant to Section 673(a)(2)(B) of Title 42 of the
37 United States Code, unless the child is a member of one of the
38 excepted groups pursuant to Section 1612(b) of Title 8 of the
39 United States Code.

1 (2) For purposes of this subdivision, a “qualified immigrant”
2 means a person who meets the definition of the term defined in
3 Section 1641 of Title 8 of the United States Code.

4 (m) A child or nonminor shall be eligible for Adoption
5 Assistance Program benefits if the following conditions are met:

6 (1) The child or nonminor received Adoption Assistance
7 Program benefits with respect to a prior adoption and the child or
8 nonminor is again available for adoption because the prior adoption
9 was dissolved and the parental rights of the adoptive parents were
10 terminated or because the child’s or nonminor’s adoptive parents
11 died and the child or nonminor meets the special needs criteria
12 described in subdivisions (a) to (c), inclusive. When a nonminor
13 is receiving Adoption Assistance Program benefits after 18 years
14 of age and the nonminor’s adoptive parents die, the juvenile court
15 may resume dependency jurisdiction over the nonminor pursuant
16 to Section 388.1.

17 (2) To receive federal funding, the citizenship requirements in
18 subdivision (l).

19 (n) (1) Except as provided in this subdivision, “applicable child”
20 means a child for whom an adoption assistance agreement is
21 entered into under this section during any federal fiscal year
22 described in this subdivision if the child attained the applicable
23 age for that federal fiscal year before the end of that federal fiscal
24 year.

25 (A) For federal fiscal year 2010, the applicable age is 16 years.

26 (B) For federal fiscal year 2011, the applicable age is 14 years.

27 (C) For federal fiscal year 2012, the applicable age is 12 years.

28 (D) For federal fiscal year 2013, the applicable age is 10 years.

29 (E) For federal fiscal year 2014, the applicable age is eight years.

30 (F) For federal fiscal year 2015, the applicable age is six years.

31 (G) For federal fiscal year 2016, the applicable age is four years.

32 (H) For federal fiscal year 2017, the applicable age is two years.

33 (I) For October 1, 2017, to December 31, 2017, any age.

34 (J) Effective January 1, 2018, to June 30, 2024, the applicable
35 age is two years.

36 (K) Effective July 1, 2024, and thereafter, any age.

37 (2) Beginning with the 2010 federal fiscal year, the term
38 “applicable child” shall include a child of any age on the date on
39 which an adoption assistance agreement is entered into on behalf

1 of the child under this section if the child meets both of the
2 following criteria:

3 (A) The child has been in foster care under the responsibility
4 of the state for at least 60 consecutive months.

5 (B) The child meets the requirements of subdivision (k).

6 (3) Beginning with the 2010 federal fiscal year, an applicable
7 child shall include a child of any age on the date that an adoption
8 assistance agreement is entered into on behalf of the child under
9 this section, without regard to whether the child is described in
10 paragraph (2), if the child meets all of the following criteria:

11 (A) The child is a sibling of a child who is an applicable child
12 for the federal fiscal year, under subdivision (n) or paragraph (2).

13 (B) The child is to be placed in the same adoption placement
14 as an “applicable child” for the federal fiscal year who is their
15 sibling.

16 (C) The child meets the requirements of subdivision (k).

17 ~~SEC. 79.~~

18 *SEC. 80.* Section 17001.6 of the Welfare and Institutions Code
19 is amended to read:

20 17001.6. (a) To the extent not inconsistent with federal law,
21 a county may require the legal sponsor of a person who is not a
22 citizen or national of the United States general assistance recipient
23 to sign a written agreement to repay any aid provided to the person
24 during the period of time during which the sponsor has agreed, in
25 writing, to provide for the person who is not a citizen or national
26 of the United States.

27 (b) Upon request of the board of supervisors, the district attorney
28 or any other civil legal officer may maintain an action against the
29 legal sponsor of a person who is not a citizen or national of the
30 United States to recover, for the county, the aid provided the person
31 during the period described in subdivision (a) and to secure an
32 order requiring payment of any sums that may become due in the
33 future.

34 (c) For purposes of enforcing this section, a county may seek
35 and employ all remedies otherwise authorized by this part.

36 (d) This section shall not be construed to authorize a county to
37 penalize a recipient of general assistance, or to otherwise deny,
38 curtail, or modify the general assistance provided a recipient unless
39 otherwise provided in the county general assistance program
40 standards and requirements.

1 ~~SEC. 80.~~

2 *SEC. 81.* Section 17001.7 of the Welfare and Institutions Code
3 is amended to read:

4 17001.7. (a) In adopting standards of aid and care for the
5 indigent and dependent poor of the county or city and county, the
6 board of supervisors or the agency authorized by the county charter
7 may, for purposes of determining eligibility for aid and care, deem
8 the income and resources of any person who, as a sponsor of the
9 entry of a general assistance applicant or recipient into the United
10 States, executed an affidavit of support or similar agreement with
11 respect to that applicant or recipient, and the income and resources
12 of the sponsor's spouse, to be the income and resources of that
13 applicant or recipient, in accordance with subdivisions (b) and (c),
14 for a period of three years after the individual's entry into the
15 United States. Any such deemed income shall be treated as
16 unearned income of the general assistance applicant or recipient.

17 (b) (1) The amount of income of a sponsor and the sponsor's
18 spouse that shall be deemed to be the unearned income of a person
19 who is not a citizen or national of the United States for any month
20 shall be determined as follows:

21 (A) The total amount of earned and unearned income of the
22 sponsor and the sponsor's spouse, if the spouse is living with the
23 sponsor, shall be determined for that month.

24 (B) The amount determined under subparagraph (A) shall be
25 reduced by an amount equal to the following:

26 (i) One hundred seventy-five dollars (\$175), or 20 percent of
27 the total of any amounts received by the sponsor and the sponsor's
28 spouse in that month as wages or salary or as net earnings from
29 self-employment, plus the full amount of any costs incurred by
30 them in producing self-employment income in that month,
31 whichever is less.

32 (ii) The amount of maximum aid established pursuant to Section
33 11450 for a family of the same size and composition as the sponsor
34 and those other individuals living in the same household as the
35 sponsor who are claimed by the sponsor as dependents for purposes
36 of determining the sponsor's federal personal income tax liability,
37 but whose needs are not taken into account in making a
38 determination for eligibility for Aid to Families with Dependent
39 Children program under Section 602(a)(7) of Title 42 of the United
40 States Code.

1 (iii) Any amounts paid by the sponsor or the sponsor's spouse
2 to individuals not living in the sponsor's household who are
3 claimed by the sponsor as dependents for purposes of determining
4 the sponsor's federal personal income tax liability.

5 (iv) Any payments of spousal or child support by the sponsor
6 or the sponsor's spouse with respect to individuals not living in
7 the sponsor's household.

8 (2) The amount of resources of a sponsor and the sponsor's
9 spouse that shall be deemed to be the resources of a person who
10 is not a citizen or national of the United States for any month shall
11 be the total amount of resources determined as if the sponsor were
12 applying for general assistance under this chapter of the sponsor
13 and the sponsor's spouse, if the spouse is living with the sponsor,
14 and in accordance with the standards adopted by the county or city
15 and county, reduced by one thousand five hundred dollars (\$1,500).

16 (c) Any sponsor of a person who is not a citizen or national of
17 the United States, and the person who is not a citizen or national
18 of the United States, shall be jointly and severally liable for an
19 amount equal to any overpayment of aid made to the person who
20 is not a citizen or national of the United States during the period
21 of three years after the person's entry into the United States, on
22 account of the sponsor's failure to provide correct information
23 under this section, except where that sponsor was without fault,
24 or where good cause of that failure existed.

25 (d) In any case where a person is the sponsor of two or more
26 persons who are not citizens or nationals of the United States who
27 are living in the same home, the income and resources of the
28 sponsor and the sponsor's spouse, to the extent they would be
29 deemed the income and resources of any one of these persons who
30 are not citizens or nationals of the United States under subdivisions
31 (a) to (c), inclusive, shall be divided into two or more equal shares,
32 the number of shares being the same as the number of these persons
33 who are not citizens or nationals of the United States, and the
34 income and resources of each of those persons shall be deemed to
35 include one share.

36 (e) As a condition to providing aid pursuant to this chapter, the
37 county or city and county may require the person who is not a
38 citizen or national of the United States to provide the name and
39 address of the person's sponsor and may require the person or the
40 person's sponsor to provide all information regarding the income

1 and assets of the sponsor and the sponsor’s spouse necessary to
 2 enforce this section.

3 (f) The deeming of sponsor’s and sponsor’s spouse’s income
 4 and resources shall not apply to a person who is not a citizen or
 5 national of the United States whose sponsor has abandoned their
 6 duty to support the person. For purposes of this section,
 7 abandonment of the duty to support shall include, but not be limited
 8 to, abuse, battery, neglect, or refusal to support. Evidence of
 9 abandonment may be demonstrated by documentary evidence or
 10 collateral statements.

11 (g) This section shall not apply to a person who is not a citizen
 12 or national of the United States to whom any of the following
 13 applies:

14 (1) Admitted to the United States as a result of the application,
 15 prior to April 1, 1980, of Section 1153(a)(7) of Title 8 of the United
 16 States Code.

17 (2) Admitted to the United States as a result of the application,
 18 after March 31, 1980, of Section 1157(c) of Title 8 of the United
 19 States Code.

20 (3) Paroled into the United States as a refugee under Section
 21 1182(d)(5) of Title 8 of the United States Code.

22 (4) Granted political asylum by the Attorney General of the
 23 United States pursuant to Section 1158 of Title 8 of the United
 24 States Code.

25 (5) A Cuban or Haitian entrant, as defined in Section 501(e) of
 26 the Refugee Education Assistance Act of 1980 (Public Law
 27 96-422).

28 ~~SEC. 81.~~

29 *SEC. 82.* Section 17001.8 of the Welfare and Institutions Code
 30 is amended to read:

31 17001.8. (a) In adopting standards of aid for general assistance
 32 for the indigent and dependent poor of the county or city and
 33 county, the board of supervisors or the agency authorized by the
 34 county charter may determine, with regard to any person who is
 35 not a citizen or national of the United States whose entry into the
 36 United States has been sponsored by an individual who, or an
 37 organization which, executed an affidavit of support or similar
 38 agreement with respect to the person and who has become
 39 ineligible for assistance pursuant to Section 11008.135, that the
 40 person who is not a citizen or national of the United States is

1 ineligible for aid for a period of five years after the person's entry
2 into the United States, unless (1) the person is a minor and the
3 sponsor, or the sponsor's spouse, is the parent of the person's child
4 or (2) the sponsoring person dies or the sponsoring organization
5 ceases to exist.

6 (b) This section shall not apply with respect to any person who
7 is not a citizen or a national of the United States who is:

8 (1) Admitted to the United States as a result of the application,
9 prior to April 1, 1980, of the provisions of Section 1153 (c) of
10 Title 8 of the United States Code.

11 (2) Admitted to the United States as a result of the application,
12 after March 31, 1980, of Section 1157(c) of Title 8 of the United
13 States Code.

14 (3) Paroled into the United States under Section 1182(d)(5) of
15 Title 8 of the United States Code.

16 (4) Granted political asylum by the United States Attorney
17 General under Section 1158 of Title 8 of the United States Code.

18 (5) A Cuban or Haitian entrant, as defined in Section 501(e) of
19 the Refugee Education Assistance Act of 1980 (Public Law
20 96-422).

21 (c) This section shall become operative on the effective date of
22 federal law that prohibits providing assistance to sponsored persons
23 who are not citizens or nationals of the United States and shall
24 remain operative only as long as that federal law remains in effect.
25 The Director of Social Services shall determine the operative dates
26 of this section pursuant to this subdivision and shall execute a
27 declaration, that shall be retained by the director, that sets forth
28 the operative date or termination date.

29 ~~SEC. 82.~~

30 *SEC. 83.* Section 17001.9 of the Welfare and Institutions Code
31 is amended to read:

32 17001.9. (a) Notwithstanding any other provision of this part:

33 (1) As a condition of providing nonemergency medical care to
34 an indigent and dependent adult resident of the county, other than
35 an involuntary detainee or prisoner, who is a sponsored person
36 who is not a citizen or national of the United States, a county may
37 require that the legal sponsor of the person sign a written agreement
38 to repay any aid provided to the person during the period of time
39 during which the sponsor has agreed, in writing, to provide for the
40 person who is not a citizen or national of the United States.

1 (2) To the extent not inconsistent with federal law, if a county
2 has provided emergency medical care to an indigent and dependent
3 adult resident of the county, other than an involuntary detainee or
4 prisoner, who is a sponsored person who is not a citizen or national
5 of the United States and that care was provided during the period
6 during which the sponsor has agreed, in writing, to provide for the
7 person, the county may recover the reasonable cost of that care
8 from the sponsor of that person. If the county is required to take
9 legal action to enforce this right to recovery, the written promise
10 to provide for the person shall be considered, under state law, to
11 be the equivalent of a written contract to pay for that medical care.

12 (3) No county shall be required to provide medical care to any
13 sponsored person who is eligible, with or without a share of cost,
14 for participation in the California Medical Assistance (Medi-Cal)
15 program.

16 (b) This section shall not apply if the sponsoring person dies or
17 the sponsoring organization ceases to exist.

18 (c) This section shall not apply with respect to any person who
19 is not a citizen or national of the United States who is:

20 (1) Admitted to the United States as a result of the application,
21 prior to April 1, 1980, of the provisions of Section 1153 (c) of
22 Title 8 of the United States Code.

23 (2) Admitted to the United States as a result of the application,
24 after March 31, 1980, of Section 1157(c) of Title 8 of the United
25 States Code.

26 (3) Paroled into the United States under Section 1182(d)(5) of
27 Title 8 of the United States Code.

28 (4) Granted political asylum by the United States Attorney
29 General under Section 1158 of Title 8 of the United States Code.

30 (5) A Cuban or Haitian entrant, as defined in Section 501(e) of
31 the Refugee Education Assistance Act of 1980 (Public Law
32 96-422).

33 (6) A minor and the sponsor or the sponsor's spouse is the parent
34 of the child.

35 (d) This section shall become operative on the effective date of
36 federal law that prohibits providing Medi-Cal assistance to
37 sponsored persons who are not citizens or nationals of the United
38 States, and shall remain operative only as long as federal law
39 remains in effect. The Director of Health Services shall determine
40 the operative dates of this section pursuant to this subdivision and

- 1 shall execute a declaration, that shall be retained by the director,
- 2 that sets forth the operative date or termination date.

O