
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair
2023 - 2024 Regular

Bill No: SB 950 **Hearing Date:** April 9, 2024
Author: Skinner
Version: March 13, 2024
Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *Reentry from incarceration: programs and benefits*

HISTORY

Source: Amity Foundation

Prior Legislation: SB 135 (Comm. on Budget & Fiscal Rev.), Ch. 190, Stats. 2023
AB 1329 (Maienschein), Ch. 472, Stats. 2023
SB 629 (Roth), Ch. 645, Stats. 2021
AB 3073 (Wicks), Ch. 225, Stats. 2020
SB 708 (Skinner), held in Senate Appropriations in 2017
AB 720 (Skinner), Ch. 646, Stats. 2013

Support: Alameda County Homeless Action Center; All of Us or None Bakersfield; Alliance for Boys and Men of Color; California Alliance for Youth and Community Justice; California Association of Food Banks; California Public Defenders Association; California State Association of Psychiatrists; Californians for Safety and Justice; Coalition of California Welfare Rights Organizations; Communities United for Restorative Youth Justice; Ella Baker Center for Human Rights; Felony Murder Elimination Project; Friends Committee on Legislation of California; Grace Institute - End Child Poverty in CA; Initiate Justice; Initiate Justice Action; La Defensa; Lawyers' Committee for Civil Rights of the San Francisco Bay Area; Legal Aid at Work; Legal Services for Prisoners With Children; National Institute for Criminal Justice Reform; Prosecutors Alliance of California; Root & Rebound; San Francisco Public Defender; Smart Justice California; Transformative In-Prison Workgroup; Urban Peace Movement; Young Women's Freedom Center; Youth Forward; Youth Leadership Institute

Opposition: None known

PURPOSE

The purpose of this bill is to improve and expand access to reentry services by: 1) requiring the Secretary of the California Department of Corrections and Rehabilitation (CDCR) to establish and maintain a memorandum of understanding (MOU) with the federal Social Security Administration (SSA) to allow a person incarcerated in a correctional institution to apply for and receive a replacement social security card and to allow the administration to process Supplemental Security Income (SSI) claims under the prerelease program; 2) requiring CDCR to ensure that all eligible residents of a community correctional reentry center are enrolled in the Medi-Cal program within 30 days of entry at the center; 3) requiring CDCR to

partner with the Department of Health Care Services (DHCS) to maximize Medi-Cal benefits received by community correctional reentry center residents; and 4) requiring CDCR to partner with the Department of Social Services (CDSS) to maximize CalFresh benefits for residents of a community correctional reentry center.

Existing law establishes the BSCC. (Pen. Code, § 6024, subds. (a).)

Existing law provides that the mission of the BSCC is to provide statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships in California's adult and juvenile criminal justice system, including addressing gang problems. (Pen. Code, § 6024, subd. (b).)

Existing law establishes several grant programs administered by the BSCC, including a mentally ill offender crime reduction grant program, a medication-assisted treatment grant program, and a juvenile justice prevention grant program. (Pen. Code, §§ 6045, 6047.1, Welf. & Inst. Code, § 1450.)

Existing law authorizes the Secretary of CDCR to contract for the establishment and operation of separate community correctional reentry centers for men and women. Authorizes CDCR to enter into long-term agreements for transfer of incarcerated individuals to, or placement of incarcerated individuals in, community correctional reentry centers. (Pen. Code, § 6258, subd. (a).)

Existing law provides that the purpose of the community correctional reentry center is to provide an enhancement program to increase the likelihood of a successful parole. Provides that the objective of the program is to make incarcerated individuals aware of their responsibility to society, and to assist incarcerated individuals with educational and employment training to ensure employability once on parole. (Pen. Code, § 6258, subd. (b).)

Existing law requires a community correctional reentry center to prepare each incarcerated individual for reintegration into society. Requires these centers to provide counseling in the areas of drug and alcohol abuse, stress, employment skills, victim awareness, and to, in general, prepare the individual for return to society. Requires the program to emphasize literacy training and utilize computer-supported training so that the incarcerated individual can read and write at least at a 9th-grade level. (Pen. Code, § 6258, subd. (c).)

Existing law requires the Secretary of CDCR, in awarding contracts for community correctional reentry centers, to advertise the potential contract and may entertain proposals for the establishment and operation of community correctional reentry centers from public and private entities. Requires preference be given to the following community correctional reentry centers:

- Centers located near large population centers.
- Centers with approved state or local land use.
- Centers with an identified facility with appropriate capacity to serve not greater than 200 individuals.
- Centers that provide a rehabilitative, supportive setting and programming that is trauma-informed, culturally responsive, and community oriented in order to improve the outcomes of the participants and reduce recidivism.

- Centers operated by a nonprofit organization that has demonstrated experience successfully operating community correctional reentry centers. (Pen. Code, § 6258, subd. (d).)

Existing law establishes the following eligibility criteria for transfer to a community correctional reentry facility:

- The incarcerated individual must apply for a transfer to a community correctional reentry facility.
- The incarcerated individual cannot have a current or prior conviction for an offense that requires registration as a sex offender, as specified.
- The incarcerated individual has less than two years left to serve in a correctional facility.
- The incarcerated individual does not have a history, within the prior 10 years, of an escape, as specified.
- CDCR determines that the incarcerated individual would benefit from the transfer. (Pen. Code, § 6258.1.)

Existing law establishes the Medi-Cal Program, administered by DHCS, to provide comprehensive health benefits to low-income individuals who meet specified eligibility criteria. (Welf. & Inst. Code, § 14000 et seq.)

Existing law establishes the Cal-Fresh Program, a statewide program to enable eligible recipients to receive federal Supplemental Nutrition Assistance Program benefits. (Welf. & Inst. Code, § 18900 et seq.)

This bill provides that is the intent of the Legislature to improve the public health of communities receiving people reentering the community from jail or prison, the likelihood of drug and alcohol addiction recovery, and overall success of people reentering their communities.

This bill requires the Secretary of CDCR to establish and maintain both of the following MOUs with the federal SSA:

- A statewide MOU that would allow a person incarcerated in a correctional facility subject to this code to apply for and receive a replacement social security card.
- A statewide MOU that would allow the federal SSA to process Supplemental Security Income claims under the prerelease program, as specified.

This bill provides that an MOU established pursuant to the provisions of this bill does not supplant any prior related agreement a correctional facility has entered into with the federal SSA.

This bill requires the BSCC to work in collaboration with drug and alcohol recovery experts, reentry advocates, formerly incarcerated people, advocates for people who are advanced in age or have disabilities, providers of permanent supportive housing, and all relevant county agencies and departments, to develop recommendations for expanding existing grant programs to better serve people with special needs with permanent supportive housing options. Requires the BSCC to report those recommendations to the Legislature on or before March 31, 2025.

This bill requires CDCR to work in collaboration with the Department of Aging, CDSS, probation workers and their representatives, probation chiefs or their designee reentry advocates, advocates for people who are advanced in age or have disabilities, and providers of permanent

supportive housing to develop a report exploring alternatives to incarceration for individuals who are advanced in age or disabled and who would otherwise qualify for community correctional reentry centers. Requires the report to include an assessment or plan for CDCR to develop or implement the potential creation of higher or specific modality community correctional reentry centers for individuals advanced in age or those with disabilities. Requires the report to include, at a minimum, CDCR's plan to ensure that individuals advanced in age or who have disabilities leave with a reentry plan according to their needs. Requires CDCR to report those recommendations to the Legislature on or before March 31, 2025.

This bill requires CDCR to convene a working group of department nonprofit vendors holding community-based reentry contracts to develop a plan for establishing statewide in-reach efforts available under CalAIM. Requires the plan to include a determination of process to help effectuate the ability for reentry providers to engage individuals who are incarcerated during the period authorized under justice involved in-reach efforts, and include a plan on determining rates for these services. Requires CDCR to report those recommendations to the Legislature on or before March 31, 2025.

This bill requires CDCR, to the extent possible under federal law, guidance, and waivers, to ensure that all eligible residents of a community correctional reentry center are enrolled in Medi-Cal within 30 days of entering the facility.

This bill requires CDCR, in partnership with DHCS, to maximize Medi-Cal benefits received by residents of and individuals being released from community correctional reentry centers, including, but not limited to, health care services, homelessness prevention services, and other services known to prevent recidivism.

This bill requires CDCR, in partnership with CDSS, to maximize CalFresh benefits and services that are received by residents of and individuals being released from community correctional reentry facilities, including employment and training program services for which matching federal funding is available.

COMMENTS

1. Need For This Bill

According to the author:

California's rehabilitative programs, CCRP and MCRP, have been proven methods to lower recidivism, and provide transformative services for those preparing to return to their communities. These facilities allow qualified incarcerated individuals to serve their final 24 months of incarceration in a community based facility that provides access to ongoing substance use treatment, education and employment services, and more to support the individuals full reintegration back into their community. SB 950 will provide people in CCRPs and MCRPs access to Medi-Cal and CalFresh to support reentry by providing ongoing substance abuse recovery support, specifically fentanyl addiction. SB 950 will also identify ways to expand reentry programs to target people advanced in age or severely disabled who would benefit from specialized care. Finally, SB 950 will identify ways to pre-enroll incarcerated individuals into supportive services, and to expand housing opportunities for those reentering. The programs

introduced in SB 950 will decrease recidivism and increase public safety for Californians.

2. CDCR MOUs with SSA

This bill requires the Secretary of CDCR to establish and maintain both of the following MOUs with the federal Social Security Administration:

- A statewide MOU that would allow a person incarcerated in a correctional facility subject to this code to apply for and receive a replacement social security card.
- A statewide MOU that would allow the federal SSA to process SSI claims under the prerelease program, as specified.

The Social Security Administration's website explains why an MOU is necessary:

Why does SSA have MOUs with prison facilities to enumerate prisoners?

Some prison inmates need an SSN card to participate in work or educational programs while incarcerated, or to gain employment upon release from prison, but prisoners generally do not have access to the types of identity documents required for enumeration purposes. SSA can enter into a formal MOU with the correctional facility enabling SSA to consider a certification of prisoner identity statement from a prison official as evidence of identity, and, thereby, make it possible for inmates to get SSN replacement cards.

Under the terms of a signed MOU, field offices (FOs) process properly completed SS-5 applications from certain prison inmates when accompanied by a certification statement from an authorized prison official as evidence of the inmate's identity. The MOU outlines specific procedures for the correctional facility and SSA to follow to ensure the integrity of the SSN replacement card issuance process for inmates. The MOU also addresses issues of security to protect SSNs and SSN cards from misuse in order to protect the privacy of the inmates. (<https://secure.ssa.gov/poms.nsf/lnx/0110225125>.)

3. Community Correctional Reentry Centers

CDCR's community correctional reentry centers provide individuals the opportunity to serve the end of their sentence in community programs in lieu of confinement in state prison and connect participants to community rehabilitative services and programs focused on skills such as substance abuse treatment, education, housing, family reunification, vocational training and employment services. (<https://www.cdcr.ca.gov/rehabilitation/programs/>.) The purpose of a community correctional reentry center is to provide an enhancement program to increase the likelihood of a successful reentry. (Pen. Code, § 6258, subd. (b).)

Current law requires a community correctional reentry center to prepare each incarcerated individual for reintegration into society. (Pen. Code, § 6258, subd. (c).) These centers are specifically required to provide counseling in the areas of drug and alcohol abuse, stress, employment skills, victim awareness, and general preparation for the individual for return to society. (*Id.*) Penal Code section 6258.1 establishes the following eligibility criteria for transfer to a community correctional reentry facility:

- The incarcerated individual must apply for a transfer to a community correctional reentry facility.
- The incarcerated individual cannot have a current or prior conviction for an offense that requires registration as a sex offender, as specified.
- The incarcerated individual has less than two years left to serve in a correctional facility.
- The incarcerated individual does not have a history, within the prior 10 years, of an escape, as specified.
- CDCR determines that the incarcerated individual would benefit from the transfer.

CalFresh

CalFresh provides monthly food benefits to qualified low-income individuals and families to assist with the purchase of the food they need to maintain adequate nutrition levels. The program is administered by CDSS at the state level, and the counties are responsible for administering CalFresh at the local level. This bill requires CDCR, to the extent possible under federal law, guidance, and waivers, to ensure that all eligible residents of a community correctional reentry center are enrolled in Medi-Cal within 30 days of entering the facility. This bill additionally requires CDCR to partner with CDSS to maximize CalFresh benefits and services that are received by residents of and individuals being released from community correctional reentry facilities, including employment and training program services for which matching federal funding is available.

Medi-Cal

Medi-Cal is the state's Medicaid program which is public health insurance program that provides low-income individuals and families. The program is administered by DHCS at the state level, and county human services departments at the local level. This bill requires CDCR to partner DHCS to maximize Medi-Cal benefits received by residents of and individuals being released from community correctional reentry centers, including, but not limited to, health care services, homelessness prevention services, and other services known to prevent recidivism.

4. Prior Initiatives Intended to Increase Access to Public Benefits

California Advancing and Innovating Medicine (CalAIM) Justice-Involved Initiative

In recent years, there have been various efforts to improve continuity of health care for those re-entering society following incarceration. In 2023, California became the first state in the nation to receive federal approval to offer a targeted set of Medicaid services to youth and eligible adults in state prisons, county jails, and youth correctional facilities for up to 90 days prior to release. By establishing pre-release Medi-Cal enrollment strategies to ensure individuals have continuity of coverage upon their release and access to key services, the state hopes to improve health outcomes in this population and facilitate a successful return to their communities.

Pre-release services are available to Medi-Cal members who meet the following eligibility criteria:

- Adults who meet one or more of the following health needs criteria: confirmed or suspected mental health diagnosis, a substance use disorder or suspected diagnosis, a chronic clinical condition or significant non-chronic clinical condition, a traumatic brain

injury, intellectual or development disability, a positive test or diagnosis of human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS), or are pregnant or within a 12-month postpartum period.

- Youth who are in custody of a youth correctional facility; they do not need to meet clinical criteria

Pre-release Medi-Cal services include the following:

- Reentry care management services.
- Physical and behavioral health clinical consultation services provided through telehealth or in person, as needed, to diagnose health conditions, provide treatment as appropriate, and support pre-release care managers' development of a post-release treatment plan and discharge planning. Laboratory and radiology services.
- Medications and medication administration.
- Medication Assisted Therapy for all Food and Drug Administration-approved medications, including coverage for counseling.
- Services provided by community health workers with lived experience.
(DHCS, *Transformation of Medi-Cal: Justice-Involved*, pp. 2-3 available at <<https://www.dhcs.ca.gov/CalAIM/Documents/CalAIM-JI-a11y.pdf>>.)

AB 3073

AB 3073 (Wicks), Chapter 225, Statutes of 2020, required CDSS to issue an All-County Letter containing recommendations and suggested methods for county human services agencies to partner with CDCR and county jails to pre-enroll incarcerated individuals into the CalFresh program. The department issued an All County Welfare Directors Letter on November 18, 2022, including information on the benefits of enrolling formerly incarcerating individuals in CalFresh, acceptable forms of verification, how to connect individuals released from state prison with employment or employment opportunities, and recommendations for County Welfare Directors to partner with CDCR and county jails for the purpose of CalFresh pre-release applications.

5. Other Provisions

In order to improve and expand access to reentry services, this bill additionally requires:

- BSCC to work in collaboration with drug and alcohol recovery experts, reentry advocates, formerly incarcerated people, advocates for people who are advanced in age or have disabilities, providers of permanent supportive housing, and all relevant county agencies and departments, to develop recommendations for expanding existing grant programs to better serve people with special needs with permanent supportive housing options.
- CDCR to work in collaboration with the Department of Aging, CDSS, probation workers and their representatives, probation chiefs or their designee reentry advocates, advocates for people who are advanced in age or have disabilities, and providers of permanent supportive housing to develop a report exploring alternatives to incarceration for individuals who are advanced in age or disabled and who would otherwise qualify for community correctional reentry centers.

- CDCR to convene a working group of department nonprofit vendors holding community-based reentry contracts to develop a plan for establishing statewide in-reach efforts available under CalAIM.

Each of these directives requires either the BSCC or CDCR to report those recommendations to the Legislature on or before March 31, 2025.

6. Argument in Support

The Coalition of California Welfare Rights Organizations writes:

SB 950 aims to reduce recidivism and drug addiction of individuals impacted by incarceration by ensuring that necessary healthcare, supportive systems, and substance use treatments are created.

The California Department of Rehabilitations (CDCR) launched Male Community Reentry Programs (MCRPs) and Community Correction Reentry Programs (CCRPs) in an effort to provide greater rehabilitation services for individuals in their last two years of custody. MCRPs and CCRPs have shown great strides in lowering recidivism compared to traditional prison by offering social, work, and education services as well as communal housing. Despite the efforts these programs have achieved, 60% of people in reentry are struggling with drug addiction and need additional health services.

SB 950 will help address drug addiction and further lower recidivism by helping incarcerated people pre-enroll into Medicaid/Medical, SSI, CalFresh, and other programs making them eligible to receive benefits upon release. Also, this bill will enroll MCRP and CCRP participants into food, healthcare, and other support systems based on eligibility. Finally, SB 950 will require the Board of State and Community Corrections (BSCC) and CDCR to work with experts to help secure housing for incarcerated individuals prior to release. SB 950 creates a healthy pathway from release to reentry by providing necessary services to people impacted by the carceral system that they need and rightfully deserve.

-- END --