

## Assembly Bill No. 701

### CHAPTER 435

An act to amend Section 3007.05 of the Penal Code, relating to exonerated prisoners.

[Approved by Governor October 2, 2019. Filed with Secretary of State October 2, 2019.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 701, Weber. Prisoners: exonerated: housing costs.

Existing law requires the Department of Corrections and Rehabilitation to assist a person who is exonerated as to a conviction for which the person is serving a state prison sentence in accessing specified public services, including enrollment in the CalFresh and Medi-Cal programs. Existing law requires a person who is exonerated to be paid the sum of \$1,000 upon release from funds to be made available upon appropriation by the Legislature for this purpose.

This bill would additionally require the payment of \$5,000 to a person who is exonerated, upon release, to be used to pay for housing and would entitle the exonerated person to receive direct payment or reimbursement for reasonable housing costs, including, among others, rent and hotel costs, not to exceed specified limits, for a period of not more than 4 years. The bill would require the department to approve these payments and reimbursements from funds to be made available upon appropriation by the Legislature for this purpose.

*The people of the State of California do enact as follows:*

SECTION 1. Section 3007.05 of the Penal Code is amended to read:

3007.05. (a) The Department of Corrections and Rehabilitation and the Department of Motor Vehicles shall ensure that all eligible inmates released from state prisons have valid identification cards, issued pursuant to Article 5 (commencing with Section 13000) of Chapter 1 of Division 6 of the Vehicle Code.

(b) For purposes of this section, "eligible inmate" means an inmate who meets all of the following requirements:

- (1) The inmate has previously held a California driver's license or identification card.
- (2) The inmate has a usable photo on file with the Department of Motor Vehicles that is not more than 10 years old.
- (3) The inmate has no outstanding fees due for a prior California identification card.

(4) The inmate has provided, and the Department of Motor Vehicles has verified, all of the following information:

- (A) The inmate's true full name.
- (B) The inmate's date of birth.
- (C) The inmate's social security number.
- (D) The inmate's legal presence in the United States.

(c) The Department of Corrections and Rehabilitation shall assist a person who is exonerated as to a conviction for which the person is serving a state prison sentence at the time of exoneration with all of the following:

(1) Transitional services, including housing assistance, job training, and mental health services, as applicable. The services shall be offered within the first week of an individual's exoneration and again within the first 30 days of exoneration. Services shall be provided for a period of not less than six months and not more than one year from the date of release unless the exonerated person qualifies for services beyond one year under existing law.

(2) Enrollment in the Medi-Cal program established pursuant to Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code.

(3) (A) Enrollment in the CalFresh program established pursuant to Chapter 10 (commencing with Section 18900) of Part 6 of Division 9 of the Welfare and Institutions Code.

(B) Exonerated persons who are ineligible for CalFresh benefits pursuant to the federal Supplemental Nutrition Assistance Program limitation specified in Section 2015(o) of Title 7 of the United States Code shall be given priority for receipt of the 15-percent exemption specified in Section 2015(o)(6) of Title 7 of the United States Code. The State Department of Social Services shall issue guidance to counties regarding that requirement.

(4) Referral to the Employment Development Department and applicable regional planning units for workforce services.

(5) Enrollment in the federal supplemental security income benefits program pursuant to Title XVI of the federal Social Security Act (42 U.S.C. Sec. 1381 et seq.) and state supplemental program pursuant to Title XVI of the federal Social Security Act and Chapter 3 (commencing with Section 12000) of Part 3 of Division 9 of the Welfare and Institutions Code.

(d) (1) In addition to any other payment to which the person is entitled to by law, a person who is exonerated shall be paid the sum of one thousand dollars (\$1,000) upon release, from funds to be made available upon appropriation by the Legislature for this purpose.

(2) In addition to any other payment to which the person is entitled to by law, a person who is exonerated shall be paid the sum of five thousand dollars (\$5,000) upon release, to be used for housing, including, but not limited to, hotel costs, mortgage expenses, a down payment, security deposit, or any payment necessary to secure and maintain rental housing or other housing accommodations. The exonerated person shall also be entitled to receive direct payment or reimbursement for reasonable housing costs for a period of not more than four years following release from custody. The

Department of Corrections and Rehabilitation shall disburse payments or reimbursements pursuant to this paragraph from funds to be made available upon appropriation by the Legislature for this purpose.

(3) As used in paragraph (2), the term “reasonable housing costs” means all the following:

(A) For hotel costs, the cost of lodging, not to exceed 25 percent above the federal General Services Administration’s per diem lodging reimbursement rate.

(B) For payments necessary to secure and maintain rental housing, both of the following:

(i) The actual cost of any security deposits necessary to secure a rental housing unit.

(ii) The cost of rent, not to exceed 25 percent above the fair market value as defined by the United States Department of Housing and Urban Development.

(C) For mortgage expenses, the cost of mortgage payments, not to exceed 25 percent above the Federal Housing Administration’s area loan limits.

(e) For the purposes of this section, “exonerated” means the person has been convicted and subsequently one of the following occurred:

(1) A writ of habeas corpus concerning the person was granted on the basis that the evidence unerringly points to innocence, or the person’s conviction was reversed on appeal on the basis of insufficient evidence.

(2) A writ of habeas corpus concerning the person was granted pursuant to Section 1473, either resulting in dismissal of the criminal charges for which the person was incarcerated or following a determination that the person is entitled to release on the person’s own recognizance, or to bail, pending retrial or pending appeal.

(3) The person was given an absolute pardon by the Governor on the basis that the person was innocent.