

AMENDED IN ASSEMBLY APRIL 20, 2017

AMENDED IN ASSEMBLY APRIL 6, 2017

AMENDED IN ASSEMBLY MARCH 29, 2017

AMENDED IN ASSEMBLY MARCH 20, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 386

**Introduced by Assembly Member Gonzalez Fletcher
(Coauthors: Assembly Members Reyes and Santiago)**

February 9, 2017

An act to add the heading of Article 1 (commencing with Section 13300) to Chapter 5.6 of Part 3 of Division 9 of, and to add Article 2 (commencing with Section 13400) to Chapter 5.6 of Part 3 of Division 9 of, the Welfare and Institutions Code, relating to immigrants, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 386, as amended, Gonzalez Fletcher. Legal services for deported veterans.

Existing law requires the State Department of Social Services, subject to the availability of funding, to contract with qualified nonprofit legal services organizations to provide legal services to unaccompanied, undocumented minors, as defined, who are transferred to the care and custody of the federal Office of Refugee Resettlement and who are present in this state. Existing law requires that the contracts meet certain conditions.

This bill would require the department to either contract with a qualified nonprofit legal services organization, or contract with a nonprofit agency to administer funding to nonprofit legal services organization subcontractors, to provide legal services to deported veterans, as defined. The bill would also authorize the department to include postconviction relief services to deported veterans in the contract. The bill would require the entities providing services pursuant to these contracts to meet specified conditions. The bill would establish the Veteran Reentry Assistance Fund, a continuously appropriated fund, to accept donations from private foundations and other philanthropic entities for the purpose of expanding the number of individuals who may be provided legal services pursuant to these provisions. By establishing a new continuously appropriated fund, this bill would make an appropriation. The bill would appropriate an unspecified sum from the General Fund to the department for the purpose of implementing these provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
 State-mandated local program: no.

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

1 SECTION 1. The heading of Article 1 (commencing with
 2 Section 13300) is added to Chapter 5.6 of Part 3 of Division 9 of
 3 the Welfare and Institutions Code, to read:

4
 5 Article 1. Immigration Services

6
 7 SEC. 2. Article 2 (commencing with Section 13400) is added
 8 to Chapter 5.6 of Part 3 of Division 9 of the Welfare and
 9 Institutions Code, to read:

10
 11 Article 2. Legal Services For Deported Veterans

12
 13 13400. For purposes of this article, the following definitions
 14 apply:

15 (a) "Department" means the State Department of Social
 16 Services.

1 (b) “Deported veteran” means a veteran who was deported from
2 the United States pursuant to Section 237 of the Immigration and
3 Nationality Act (8 U.S.C. Sec. 1227) and is ineligible for admission
4 pursuant to Section 212 of the Immigration and Nationality Act
5 (8 U.S.C. Sec. 1182).

6 (c) ~~“Veteran” has the same meaning as defined in Section~~
7 ~~18540.4 of the Government Code.~~ *means an individual who has*
8 *received an honorable discharge from the Armed Forces of the*
9 *United States.*

10 13402. (a) The department shall either contract directly with
11 one qualified nonprofit legal services organization, or contract
12 with a nonprofit agency to administer funding to nonprofit legal
13 services organization subcontractors, to provide legal services to
14 deported veterans for assistance with the reentry process.

15 (b) For purposes of this article, a deported veteran is eligible to
16 receive the legal services described in subdivision (a) if the veteran
17 provides acceptable evidence of current or prior California
18 residency, including, but not limited to, any of the following:

19 (1) Graduation from a high school or attaining the equivalent
20 to high school graduation in California.

21 (2) Attendance at a community college or a university in
22 California.

23 (3) Fulfilling all or part of the United States Armed Forces basic
24 training in California.

25 (4) Being stationed in California while serving as an active duty
26 member of the United States Armed Forces.

27 (5) Established California residency prior to being deported.

28 (6) Employment in California.

29 (7) A spouse, child, or immediate family member is currently
30 living in California.

31 (8) One or more of the deported veteran’s children is enrolled
32 in a school in California.

33 (9) One or more of the deported veteran’s children was born in
34 California.

35 13406. (a) The contract awarded pursuant to Section 13402
36 shall be executed either with a nonprofit agency that will administer
37 the contract through nonprofit legal services organization
38 subcontractors that meet both of the following requirements or
39 directly with a nonprofit legal services organization that meets
40 both of the following requirements:

- 1 (1) Have at least one of the following:
- 2 (A) A minimum of three years of experience in representing
- 3 individuals in applications relating to the reentry process.
- 4 (B) A minimum of three years of experience as an organization
- 5 providing legal assistance with the reentry process.
- 6 (C) Experience as a federal subcontractor for immigration
- 7 representation.
- 8 (D) Experience working with or under the supervision of an
- 9 organization, including a legal training or a technical assistance
- 10 organization, that has significant experience in applications relating
- 11 to the reentry process.
- 12 (2) Are accredited by the Board of Immigration Appeals under
- 13 the United States Department of Justice’s Executive Office for
- 14 Immigration Review or meet the requirements to receive funding
- 15 from the Trust Fund Program administered by the State Bar of
- 16 California.
- 17 (b) The department may include the provision of postconviction
- 18 relief services to deported veterans in the contract awarded pursuant
- 19 to Section 13402.
- 20 (c) The department may include case coordination and placement
- 21 services in the contract awarded pursuant to Section 13402 to
- 22 ensure that all individuals eligible for representation receive that
- 23 representation in a timely fashion.
- 24 13408. The Veteran Reentry Assistance Fund is hereby
- 25 established in the State Treasury to accept donations from private
- 26 foundations and other philanthropic entities for the purpose of
- 27 expanding the number of individuals who may be provided legal
- 28 services through contracts entered into by the department pursuant
- 29 to this article. Notwithstanding Section 13340 of the Government
- 30 Code, all moneys in the fund are continuously appropriated to the
- 31 department without regard to fiscal year for purposes of Section
- 32 13402.
- 33 SEC. 3. The sum of ____ dollars (\$____) is hereby appropriated
- 34 from the General Fund to the State Department of Social Services
- 35 for the purposes of implementing this act.
- 36 SEC. 4. This act is an urgency statute necessary for the
- 37 immediate preservation of the public peace, health, or safety within
- 38 the meaning of Article IV of the California Constitution and shall
- 39 go into immediate effect. The facts constituting the necessity are:

1 In order to expedite the provision of legal services to veterans
2 who have been deported and are currently unable to return to their
3 homes in the United States, it is necessary that this bill take effect
4 immediately.

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