



**House  
Legislative  
Analysis  
Section**

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**DENY BENEFITS TO FUGITIVES**

**AS ENROLLED**

**House Bill 5509 (Substitute H-2)  
First Analysis (2-20-96)**

**Sponsor: Rep. Jack Horton  
Committee: Human Services**

***THE APPARENT PROBLEM:***

According to statistics provided by the state police, there were almost 32,000 outstanding felony warrants in the state as of February 3, 1996. Searching for these fugitives consumes many hours of police time, at a high cost to the taxpayers. Interviews and surveillance are conducted, and police reports are scrutinized for the necessary information. Some police officers attest that, when all other leads have been exhausted, they resort to contacting the Department of Social Services (soon to be called the Family Independence Agency) for addresses in cases where they have reason to believe that a fugitive felon may be receiving public assistance. However, although current federal law and DSS policy require disclosure of information to law enforcement officers regarding recipients, it is apparent that the particulars of the law are not widely known or accepted. Sometimes the agency follows through on requests, sometimes it does not. Additionally, in some areas, law enforcement officers don't request addresses from the DSS, because they themselves aren't sure if such requests are legal. In response to this problem, the DSS has agreed to establish a system to assist law enforcement officers to locate fugitive felons by allowing them access to DSS records which may contain needed address information. In addition, some point out that providing fugitive criminals with taxpayer money in the form of public assistance is not good public policy, and it is proposed that this practice be eliminated.

***THE CONTENT OF THE BILL:***

House Bill 5509 would add new sections to the Social Welfare Act (MCL 400.110a and 400.110b) to require that the Family Independence Agency (FIA) withhold public assistance from a recipient, and disclose the recipient's address to law enforcement officers pursuing the individual, provided that the officer furnished information demonstrating that the recipient was fleeing to evade arrest arising from a felony charge and furnished a written statement attesting that apprehension of the recipient or household member was within the officer's official duties and that the requested information was necessary to conduct his or her duties. ("Public assistance" would mean Family Independence

Assistance, State Family Assistance, State Disability Assistance, or food stamps that were provided under the act).

The FIA would have to promptly take any action necessary to obtain federal approval, if that was required in order to prevent the loss of federal reimbursement as a result of the application of the provisions of the bill to a recipient receiving Family Independence Assistance or food stamps. In the absence of any necessary federal approval, the FIA would only be permitted to apply these provisions to recipients of State Family Assistance and State Disability Assistance.

Disclosures. The FIA would be required to disclose the address of a recipient, or known member of a recipient's household (defined under the bill to mean an individual listed on the recipient's application for public assistance as an individual who is living with the recipient), to a federal, state, or local law enforcement officer, provided that all of the following requirements were met:

**\*\*** The law enforcement officer furnished the FIA with the name of the recipient, or known member of the recipient's household; the recipient's or member's Social Security number, or other identifying information, if known; and information showing that the recipient or member of the household was subject to arrest under an outstanding warrant arising from a felony charge, or under an outstanding warrant for extradition arising from a criminal charge in another jurisdiction, or is a material witness in a criminal case arising from a felony charge. ("Felony" would be defined to mean a violation of a state or U.S. penal law for which the offender could be punished by imprisonment for more than one year; an offense expressly designated by law to be a felony; or a violation of felony probation or parole.)

**\*\*** The officer provided a written statement to the FIA attesting that locating or apprehending the recipient or member of the recipient's household is within the officer's official duties, and that the information is

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necessary for the officer to conduct his or her official duties.

**Withholding of Benefits.** The FIA would not grant public assistance to an individual if, in accordance with the provisions of the bill, it received information and a written statement that the individual was subject to arrest under an outstanding warrant arising from a felony charge, or under an outstanding warrant for extradition arising from a criminal charge in another jurisdiction. However, this provision would not affect the eligibility for assistance of other members of a recipient's household. Further, an individual would be eligible for assistance when he or she was no longer subject to arrest under an outstanding warrant.

### **FISCAL IMPLICATIONS:**

The House Fiscal Agency estimates that the elimination of public assistance payments to persons evading arrest on felony charges would result in an indeterminate but minimal savings to the state. Depending on the type of system established to verify if applicants or recipients of public assistance had outstanding arrest warrants, the Department of Social Services would incur increased staffing and administrative costs. (2-16-96)

### **ARGUMENTS:**

#### **For:**

The bill would aid law enforcement officers in tracking down fugitives by clarifying the Department of Social Services' (Family Independence Agency's) policy on releasing their addresses, and the results would be significant, according to testimony by the acting director of the Michigan Office of Drug Control Policy (who is also the governor's criminal justice policy advisor). For example, Detroit ranks second lowest in the nation in apprehension of violent criminals: in 1994, forty-five percent of Detroit murders went unsolved; seventy-five percent of rape and aggravated assault cases went unsolved; and fewer than six percent of nearly 13,000 robberies were solved. Currently, however, law enforcement officers assigned to locate and arrest fugitives wanted for violent crimes may or may not get the addresses of these fugitives from agency employees. Common sense dictates that this situation must be remedied. Common sense would also indicate that public assistance should not be provided to an individual who is wanted on a criminal matter and who ignores court orders. By withholding benefits, on the other hand, the bill would provide an incentive for fugitives to turn themselves in.

#### **Against:**

It is generally assumed that most fugitive felons are males, and that these are the individuals who will be affected by the provisions of the bill. However, since Michigan has eliminated the General Assistance program that distributed benefits to single adults, the majority of the state's public assistance recipients are now women and children. The bill, therefore, would have little impact in assisting law enforcement officers.

#### **Response:**

Even if only one in twenty fugitives were captured, the provisions of the bill would save law enforcement officers valuable time and resources. In addition, it is reasonable to assume that the bill would help in finding individuals wanted on other, lesser, charges, such as probation or parole violations.

### **POSITIONS:**

The Department of Social Services supports the bill. (2-7-96)

The Michigan State Police supports the bill. (2-16-96)

The Police Officers Association of Michigan supports the bill. (2-16-96)

The Michigan State Police Troopers Association, Inc. supports the bill. (2-16-96)

The Police Officers Association of Michigan supports the bill. (2-16-96)

The Michigan Association of Chiefs of Police supports the bill. (2-16-96)

The Michigan Sheriffs' Association has no position on the bill. (2-16-96)

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.