



**Senate Fiscal Agency**  
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BILL



ANALYSIS

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House Bill 5509 (Substitute H-2 as reported without amendment)  
Sponsor: Representative Jack Horton  
House Committee: Human Services  
Senate Committee: Families, Mental Health and Human Services

Date Completed: 3-12-96

### **RATIONALE**

According to statistics provided by the State Police, there were 31,811 outstanding felony warrants in the State as of February 3, 1996. Searching for these fugitives reportedly consumes many hours of police time, at a high cost to the taxpayers. Apparently, 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 if they believe that a fugitive felon may be receiving public assistance. Currently, Federal law allows, and Department policy requires, address information regarding recipients to be disclosed to a law enforcement officer if the officer provides the recipient's name and social security number and a statement that it is within the officer's official duties to locate or arrest the recipient. The Department, however, cannot release address information on recipients who are not themselves felons, but who may be housing felons. Further, the Department cannot release address information if the officer does not provide the requisite social security number--information that the officer may not always have or be able to obtain readily. Additionally, in some areas, law enforcement officers reportedly do not request addresses from the Department, because they themselves are not sure if such requests are legal. To help law enforcement officers obtain address information more easily and to avoid any confusion concerning whether address information legally can be released to the officers, it has been suggested that provision should specifically be made in statute for the exchange of information between the Department and law enforcement officers.

As an added incentive for voluntary surrender to law enforcement agencies, it also has been suggested that a public assistance recipient who is subject to an outstanding warrant from a felony charge be denied his or her public assistance benefits until he or she is no longer subject to arrest.

### **CONTENT**

**The bill would amend the Social Welfare Act to require the Family Independence Agency (FIA) to withhold public assistance from a recipient, and disclose the recipient's address to a law enforcement officer, if the officer demonstrated that the recipient was subject to arrest under certain conditions or was a material witness to a crime, and attested that apprehension of the recipient or a member of the recipient's household 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 promptly would have to take any action necessary to obtain Federal approval, if it were 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 be permitted to apply these provisions only to recipients of State Family Assistance and State Disability Assistance.**

## Disclosures

Specifically, the FIA would be required to disclose the address of a recipient, or known member of a recipient's household to a Federal, State, or local law enforcement officer, if 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 was a material witness in a criminal case arising from a felony charge.
- The officer provided a written statement to the FIA attesting that locating or apprehending the recipient or member of the recipient's household was within the officer's official duties, and that the information was necessary for the officer to conduct his or her official duties.

"Felony" would mean a violation of Michigan 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. "Material witness" would mean an individual who was required by subpoena, summons, certificate, or other order of a court to appear and give testimony in a criminal case.

## Withholding of Benefits

The bill would prohibit the FIA from granting public assistance to an individual if the FIA 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. This provision, however, 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.

MCL 400.10a & 400.10b

## ARGUMENTS

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### Supporting Argument

The bill would help law enforcement officers track down fugitives by specifically requiring the Family Independence Agency to release their addresses. The results of such an exchange of information would be significant, according to the Michigan Office of Drug Control Policy. For example, according to the Office and the Michigan State Police, Detroit ranks second lowest in the nation in apprehension of violent criminals. In 1994, 45% of Detroit murders and 75% of rape and aggravated assault cases went unsolved while less than 6% of nearly 13,000 robberies were solved. It is suspected that some, if not many, of the persons responsible for these crimes are receiving public assistance benefits. If so, law enforcement officers would save valuable time and resources if they could obtain the addresses of these recipients or recipients who may be housing fugitives. Because of confusion over the confidentiality of the information, however, or the unavailability of some recipients' social security numbers, the law enforcement officers cannot always obtain the addresses from the Department of Social Services. Common sense dictates that this situation must be remedied. Common sense also argues 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, the bill would provide an incentive for fugitives to turn themselves in.

### Opposing Argument

It is not clear how effective the bill would be in helping law enforcement officers locate fugitive felons. It generally is assumed that most fugitive felons are males. If, therefore, many of them were receiving public assistance, the bill would be an effective law enforcement tool. Since, however, Michigan has eliminated the General Assistance program that distributed benefits to single adults, the majority of the State's public assistance recipients now are women and children, not adult males.

**Response:** Even if only one in 20 fugitive felons were captured, the bill would save law enforcement officers valuable time and resources. In addition, the bill would help in finding individuals wanted on other, lesser, charges, such as probation or parole violations.

**Opposing Argument**

Waivers or State Plan amendment approvals would be needed to allow the Family Independence Agency to implement many of the bill's provisions uniformly across all public assistance categories. Without Federal approval, the bill would apply only to State-funded programs.

Legislative Analyst: L. Burghardt

**FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on the department of Family Independence Agency. At this time it is difficult to assess how many individual State welfare recipients would be temporarily or permanently suspended from the current caseloads, but assuming there were some, this action would result in some savings. However, current plans and activities for the department technological data system would allow for efficient communication with State law enforcement agencies regarding outstanding warrants and arrests. Some additional administrative cost related to information access and transmittal could be incurred by the department.

Fiscal Analyst: C. Cole

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.