



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 5509 (Substitute H-2 as passed by the House)
Sponsor: Representative Jack Horton
House Committee: Human Services
Senate Committee: Families, Mental Health and Human Services

Date Completed: 3-7-96

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.

Proposed MCL 400.10a & 400.10b

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.