

Act No. 190
Public Acts of 1996
Approved by the Governor
May 8, 1996
Filed with the Secretary of State
May 8, 1996

STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996

Introduced by Reps. Horton, Bush, Perricone, Kukuk, Gernaat, Cropsey, McManus, Green, Dalman, Baade, Gustafson, Hill, Ryan, Whyman, Goschka, McBryde, Geiger, Lowe, Weeks, Anthony, Voorhees, DeLange, McNutt and Galloway

ENROLLED HOUSE BILL No. 5509

AN ACT to amend Act No. 280 of the Public Acts of 1939, entitled as amended "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates," as amended, being sections 400.1 to 400.119b of the Michigan Compiled Laws, by adding sections 10a and 10b.

The People of the State of Michigan enact:

Section 1. Act No. 280 of the Public Acts of 1939, as amended, being sections 400.1 to 400.119b of the Michigan Compiled Laws, is amended by adding sections 10a and 10b to read as follows:

Sec. 10a. (1) Notwithstanding any other provision of this act, and subject to subsection (2), the family independence agency shall 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 are met:

(a) The officer furnishes the family independence agency 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 is 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.

(b) The officer provides a written statement to the family independence agency 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 necessary for the officer to conduct his or her official duties.

(2) If federal approval is required in order to prevent the loss of federal reimbursement as a result of the application of this section to a recipient receiving family independence assistance or food stamps, the family independence agency shall promptly take any action necessary to obtain federal approval. In the absence of any necessary federal approval,

the family independence agency shall apply this section only to recipients of state family assistance and state disability assistance.

(3) As used in this section:

(a) "Felony" means a violation of a penal law of this state or the United States for which the offender may be punished by imprisonment for more than 1 year, an offense expressly designated by law to be a felony, or a violation of felony probation or parole.

(b) "Known member of a recipient's household" means an individual listed on the recipient's application for public assistance as an individual who is living with the recipient.

(c) "Material witness" means an individual who is required by subpoena, summons, certificate, or other order of a court to appear and give testimony in a criminal case.

(d) "Public assistance" means family independence assistance, state family assistance, state disability assistance, or food stamps provided under this act.

(e) "Recipient" means an individual receiving public assistance.

Sec. 10b. (1) Subject to subsection (2), the family independence agency shall not grant public assistance under this act to an individual if the family independence agency receives information and a written statement described in section 10a that the individual is subject to arrest under an outstanding warrant arising from a felony charge against that individual or under an outstanding warrant for extradition arising from a criminal charge against that individual in another jurisdiction. This subsection does not affect the eligibility for assistance of other members of the individual's household. An individual described in this subsection is eligible for assistance when he or she is no longer subject to arrest under an outstanding warrant as described in this section.

(2) If federal approval is required in order to prevent the loss of federal reimbursement as a result of the application of this section to a recipient receiving family independence assistance or food stamps, the family independence agency shall promptly take any action necessary to obtain federal approval. In the absence of any necessary federal approval, the family independence agency shall apply this section only to recipients of state family assistance and state disability assistance.

(3) As used in this section:

(a) "Felony" means a violation of a penal law of this state or the United States for which the offender may be punished by imprisonment for more than 1 year, an offense expressly designated by law to be a felony, or a violation of felony probation or parole.

(b) "Public assistance" means family independence assistance, state family assistance, state disability assistance, or food stamps provided under this act.

Section 2. This amendatory act shall take effect October 1, 1996.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.