

HOUSE BILL No. 5532

October 21, 2009, Introduced by Rep. Paul Scott and referred to the Committee on Families and Children's Services.

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
by amending sections 10a and 10b (MCL 400.10a and 400.10b), as
added by 1996 PA 190, and by adding section 10c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10a. (1) Notwithstanding any other provision of this act,
2 and subject to subsection (2), the ~~family independence agency~~
3 **DEPARTMENT** shall disclose the address of a recipient, **APPLICANT**, or
4 known member of a recipient's **OR APPLICANT'S** household to a
5 federal, state, or local law enforcement officer if ~~all of the~~
6 ~~following requirements are met:~~
7 ~~— (a) The~~ **THE** officer furnishes the ~~family independence agency~~
8 **DEPARTMENT** with the name of the recipient, **APPLICANT**, or known

1 member of the recipient's **OR APPLICANT'S** household, the
2 recipient's, **APPLICANT'S**, or member's social security number or
3 other identifying information, if known, and information showing
4 that the recipient, **APPLICANT**, or member of the household is
5 subject to arrest under an outstanding warrant arising from a
6 felony charge or under an outstanding warrant for extradition
7 arising from a criminal charge in another jurisdiction, or is a
8 material witness in a criminal case arising from a felony charge.

9 ~~—— (b) The officer provides a written statement to the family~~
10 ~~independence agency attesting that locating or apprehending the~~
11 ~~recipient or member of the recipient's household is within the~~
12 ~~officer's official duties and that the information is necessary for~~
13 ~~the officer to conduct his or her official duties.~~

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

23 (3) As used in this section:

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

1 parole.

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

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

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

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

13 Sec. 10b. (1) Subject to subsection (2) **AND EXCEPT AS PROVIDED**
14 **IN SUBSECTION (4)**, the ~~family independence agency~~ **DEPARTMENT** shall
15 not grant public assistance under this act to an individual if the
16 ~~family independence agency~~ **DEPARTMENT** receives information and a
17 ~~written statement~~ described in section 10a that the individual is
18 subject to arrest under an outstanding warrant arising from a
19 felony charge against that individual ~~or under an outstanding~~
20 ~~warrant for extradition arising from a criminal charge against that~~
21 ~~individual in another~~ **IN THIS OR ANY OTHER** jurisdiction. This
22 subsection does not affect the eligibility for assistance of other
23 members of the individual's household. An individual described in
24 this subsection is eligible for assistance when he or she is no
25 longer subject to arrest under an outstanding warrant as described
26 in this section.

27 (2) If federal approval is required in order to prevent the

1 loss of federal reimbursement as a result of the application of
2 this section to a recipient receiving family independence
3 assistance or food stamps, the ~~family independence agency~~
4 **DEPARTMENT** shall promptly take any action necessary to obtain
5 federal approval. In the absence of any necessary federal approval,
6 the ~~family independence agency~~ **DEPARTMENT** shall apply this section
7 only to recipients of state family assistance and state disability
8 assistance.

9 (3) **THE DEPARTMENT DIRECTOR OR HIS OR HER DESIGNEE SHALL**
10 **REVIEW INFORMATION PROVIDED BY THE DEPARTMENT OF STATE POLICE UNDER**
11 **SECTION 4 OF THE C.J.I.S. POLICY COUNCIL ACT, 1974 PA 163, MCL**
12 **28.214, TO DETERMINE IF PUBLIC ASSISTANCE RECIPIENTS ARE SUBJECT TO**
13 **ARREST UNDER AN OUTSTANDING WARRANT AS DESCRIBED IN SECTION 10A.**
14 **THE DEPARTMENT DIRECTOR OR HIS OR HER DESIGNEE SHALL REVIEW THIS**
15 **INFORMATION EVERY 180 DAYS.**

16 (4) **SUBJECT TO SUBSECTION (2) AND EXCEPT AS PROVIDED IN**
17 **SUBSECTION (1), THE DEPARTMENT SHALL NOT GRANT PUBLIC ASSISTANCE**
18 **UNDER THIS ACT TO AN INDIVIDUAL IF THE DEPARTMENT RECEIVES**
19 **INFORMATION FROM THE DEPARTMENT OF STATE POLICE AS PROVIDED IN**
20 **SUBSECTION (3) THAT THE INDIVIDUAL IS SUBJECT TO AN ARREST UNDER AN**
21 **OUTSTANDING WARRANT DESCRIBED IN SECTION 10A.**

22 (5) ~~(3)~~ As used in this section:

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

1 (b) "Public assistance" means family independence assistance
2 PROGRAM, state family assistance, state disability assistance, ~~or~~
3 food stamps—ASSISTANCE PROGRAM, OR CHILD DEVELOPMENT CARE PROGRAM
4 provided under this act.

5 SEC. 10C. (1) THE DEPARTMENT OF INFORMATION TECHNOLOGY SHALL
6 WORK WITH THE DEPARTMENT AND THE DEPARTMENT OF STATE POLICE TO
7 DEVELOP AND IMPLEMENT AN AUTOMATED PROGRAM THAT DOES A COMPARISON
8 OF THE DEPARTMENT'S LIST OF PUBLIC ASSISTANCE RECIPIENTS, AND OF
9 ANY OTHER LIST MAINTAINED BY THE DEPARTMENT OF INDIVIDUALS
10 RECEIVING ASSISTANCE UNDER THIS ACT, WITH THE INFORMATION REGARDING
11 AN OUTSTANDING FELONY WARRANT OR EXTRADITION WARRANT RECEIVED BY
12 THE DEPARTMENT OF STATE POLICE. THIS COMPARISON SHALL ONLY INCLUDE
13 PUBLIC ASSISTANCE RECIPIENTS. UNLESS OTHERWISE PROHIBITED BY LAW,
14 THIS COMPARISON SHALL INCLUDE INFORMATION REGARDING OUTSTANDING
15 FELONY WARRANTS OR EXTRADITION WARRANTS CONTAINED IN A NONPUBLIC
16 RECORD. THE DEPARTMENT, WITH INFORMATION PROVIDED BY THE DEPARTMENT
17 OF STATE POLICE, SHALL PERFORM THIS COMPARISON DURING JANUARY AND
18 JUNE OF EACH YEAR UNTIL JULY 1, 2012. THE DEPARTMENT OF STATE
19 POLICE SHALL TAKE ALL REASONABLE AND NECESSARY MEASURES USING THE
20 AVAILABLE TECHNOLOGY TO ENSURE THE ACCURACY OF INFORMATION
21 REGARDING OUTSTANDING FELONY WARRANTS BEFORE TRANSMITTING THE
22 INFORMATION UNDER THIS SUBSECTION TO THE DEPARTMENT. THE DEPARTMENT
23 SHALL TAKE ALL REASONABLE AND NECESSARY MEASURES USING THE
24 AVAILABLE TECHNOLOGY TO ENSURE THE ACCURACY OF THIS COMPARISON
25 BEFORE NOTIFYING A LOCAL OFFICE OF AN OUTSTANDING FELONY WARRANT OR
26 EXTRADITION WARRANT. IF A COMPARISON DISCLOSES THAT A PERSON ON THE
27 DEPARTMENT'S LIST OF PUBLIC ASSISTANCE RECIPIENTS HAS AN

1 OUTSTANDING FELONY WARRANT OR EXTRADITION WARRANT OR IF THE
2 DEPARTMENT IS OTHERWISE NOTIFIED BY THE DEPARTMENT OF STATE POLICE
3 THAT A PERSON HAS AN OUTSTANDING FELONY WARRANT OR EXTRADITION
4 WARRANT, THE DEPARTMENT SHALL NOTIFY THE LOCAL OFFICE HANDLING THE
5 RECIPIENT'S PUBLIC ASSISTANCE CASE OF THAT OUTSTANDING FELONY
6 WARRANT OR EXTRADITION WARRANT. THE LOCAL OFFICE SHALL TAKE
7 APPROPRIATE ACTION REGARDING CASES THAT LOCAL OFFICE RECEIVES
8 NOTIFICATION OF UNDER THIS SUBSECTION.

9 (2) THE DEPARTMENT OF INFORMATION TECHNOLOGY SHALL WORK WITH
10 THE DEPARTMENT AND THE DEPARTMENT OF STATE POLICE TO DEVELOP AND
11 IMPLEMENT AN AUTOMATED PROGRAM THAT ALLOWS THE DEPARTMENT OF STATE
12 POLICE TO ACCESS ADDRESS INFORMATION OF PUBLIC ASSISTANCE
13 APPLICANTS OR RECIPIENTS. THE DEPARTMENT OF INFORMATION TECHNOLOGY
14 SHALL ENSURE THAT THE DEPARTMENT OF STATE POLICE DOES NOT HAVE
15 ACCESS TO BENEFIT INFORMATION, ONLY ADDRESS INFORMATION.

16 (3) AS USED IN THIS SECTION, "EXTRADITION WARRANT" MEANS AN
17 OUTSTANDING WARRANT FOR EXTRADITION ARISING FROM A CRIMINAL CHARGE
18 AGAINST THE INDIVIDUAL IN ANOTHER JURISDICTION.