

THE SOCIAL WELFARE ACT (EXCERPT)
Act 280 of 1939

400.10b Individual subject to felony charge; eligibility for cash or food assistance; federal approval; review by department director; definitions.

Sec. 10b. (1) Subject to subsection (3) and except as provided in subsection (5), the department shall not grant cash assistance under this act to an individual if the department receives information provided under section 10a that the individual is subject to arrest under an outstanding warrant arising from a felony charge against that individual in this or any other jurisdiction. Except as otherwise provided in this subsection, the department shall not grant food assistance to an individual if the individual has an outstanding felony warrant and law enforcement is actively seeking the individual. 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 cash assistance when he or she is no longer subject to arrest under an outstanding warrant as described in this section and law enforcement is not actively seeking the individual. This subsection does not apply to an individual applying for food assistance if he or she has an outstanding felony warrant for a violation of part 74 of the public health code, 1978 PA 368, MCL 333.7401 to 333.7461.

(2) Subject to subsection (3), the department shall not grant cash assistance under this act to an individual if the department receives information under section 84 of the corrections code of 1953, 1953 PA 232, MCL 791.284, that the individual has absconded from supervision under that act. Subject to subsection (3), the department shall not grant food assistance under this act to an individual if the department receives information under section 84 of the corrections code of 1953, 1953 PA 232, MCL 791.284, that the individual has absconded from supervision under that act and that law enforcement or the department of corrections is actively seeking the individual.

(3) 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 program assistance or food assistance, the department shall promptly take any action necessary to obtain federal approval. In the absence of any necessary federal approval, the department shall apply this section only to recipients of state family assistance and state disability assistance.

(4) The department director or his or her designee shall review information provided by the department of state police under section 4 of the C.J.I.S. policy council act, 1974 PA 163, MCL 28.214, to determine if cash assistance or food assistance recipients or applicants are subject to arrest under an outstanding warrant as described in section 10a. The department director or his or her designee shall review information provided by the department of corrections under section 84 of the corrections code of 1953, 1953 PA 232, MCL 791.284, to determine if cash assistance recipients or applicants are subject to a warrant for absconding. The department director or his or her designee shall review information provided by the department of corrections under section 84 of the corrections code of 1953, 1953 PA 232, MCL 791.284, to determine if food assistance recipients or applicants are subject to a warrant for absconding and if law enforcement is actively seeking the recipients or applicants.

(5) Subject to subsection (3) and except as provided in subsection (1), the department shall not grant cash assistance or food assistance under this act to an individual if the department receives information from the department of state police as provided in subsection (4) that the individual is subject to an arrest under an outstanding warrant described in section 10a. Subject to subsection (3), the department shall not grant cash assistance under this act to an individual if the department receives information from the department of corrections that the individual has absconded from supervision. Subject to subsection (3), the department shall not grant food assistance under this act to an individual if the department receives information from the department of corrections that the individual has absconded from supervision and law enforcement is actively seeking the individual.

(6) As used in this section:

(a) "Abscond" and "actively seeking" mean those terms as defined in section 84 of the corrections code of 1953, 1953 PA 232, MCL 791.284.

(b) "Cash assistance" means cash benefits provided under the family independence program, the refugee assistance program, or state disability assistance.

(c) "Food assistance" means the food benefits provided under the food assistance program administered under this act.

History: Add. 1996, Act 190, Eff. Oct. 1, 1996;—Am. 2011, Act 198, Imd. Eff. Oct. 18, 2011;—Am. 2017, Act 13, Eff. June 29, 2017;—Am. 2020, Act 392, Imd. Eff. Jan. 4, 2021.

Popular name: Act 280