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BILL ANALYSIS

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House Bill 4721 (as passed by the House)
Sponsor: Representative Jon Bumstead
House Committee: Families, Children, and Seniors
Senate Committee: Families, Seniors, and Human Services

Date Completed: 9-28-11

CONTENT

The bill would amend the Social Welfare Act to do the following:

- **Require the development of an automated program that would compare the Department of Human Services' (DHS's) list of public assistance recipients with information provided by the Michigan State Police (MSP) regarding outstanding felony or extradition warrants.**
- **Require the development of an automated program allowing the MSP access to the address of a public assistance recipient or applicant.**
- **Require the DHS to review information provided by the MSP, to determine if recipients or applicants were subject to arrest.**
- **Require the DHS to disclose the address of a public assistance applicant or a member of an applicant's household to a law enforcement officer if the person were subject to an outstanding warrant.**

Recipients Subject to Warrants

The Act prohibits the DHS from granting public assistance to an individual if the Department receives information from the MSP that the individual 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.

The bill would require the DHS Director or his or her designee, by July 1, 2013, upon implementation of the automated system giving the MSP access to recipients' and applicants' address information, to review information provided by the MSP under the C.J.I.S. Policy Council Act to determine if public assistance recipients or applicants were subject to arrest under an outstanding warrant.

Also, by July 1, 2013, upon implementation of that automated system, the DHS could not grant public assistance to an individual if the Department received information from the MSP that the individual was subject to an arrest under an outstanding warrant.

As used in the current provisions, the Social Welfare Act's definition of "public assistance" refers to family independence assistance, State family assistance, State disability assistance, and food assistance provided under the Act. The bill also would include the child development and care program.

Automated Programs

The bill would require the Department of Technology, Management, and Budget (DTMB), beginning October 1, 2012, to work with the DHS and the MSP to develop and implement an automated program that did a comparison of the DHS's list of public assistance recipients, and of any other list maintained by the DHS of individuals receiving assistance under the Act, with the information regarding an outstanding felony warrant or extradition warrant received by the MSP. The comparison could include public assistance recipients only. Unless otherwise prohibited by law, the comparison would have to include information regarding outstanding felony warrants or extradition warrants contained in a nonpublic record.

The MSP would have to take all reasonable and necessary measures using the available technology to ensure the accuracy of information regarding outstanding felony warrants before transmitting the information to the DHS.

The DHS would have to take all reasonable and necessary measures using the available technology to ensure the accuracy of this comparison before notifying a local office of an outstanding felony warrant or extradition warrant. If a comparison disclosed that a public assistance recipient had an outstanding felony warrant or extradition warrant, or if the MSP otherwise notified the DHS that a person had an outstanding felony warrant or extradition warrant, the DHS would have to give notice of that warrant to the local office handling the recipient's public assistance case. The local office would have to take appropriate action regarding the case.

The bill also would require the DTMB to work with the DHS and the MSP to develop and implement an automated program that allowed the MSP access to address information of public assistance applicants or recipients. The DTMB would have to ensure that the MSP did not have access to benefit information.

By July 1, 2013, the DHS would have to implement the automated program. Upon implementation, the Department would have to report to the chairpersons of the Senate and House Appropriations subcommittees handling the DHS budget, and the Senate and House policy offices, and the Senate and House Fiscal Agencies, that the program had been implemented.

The bill would define "extradition warrant" as an outstanding warrant for extradition arising from a criminal charge against the individual in another jurisdiction.

Disclosure of Address to Officer

The Act requires the DHS to disclose the address of a public assistance recipient or known member of a recipient's household to a Federal, State, or local law enforcement officer if the officer gives the DHS the name of the recipient or household member, the person's Social Security number or other identifying information, and information showing that the individual is subject to arrest under an outstanding warrant arising from a felony charge or an outstanding warrant for extradition arising from a criminal charge in another jurisdiction, or is a material witness in a felony case.

The bill also would require the DHS to disclose the address of a public assistance applicant, or a known member of an applicant's household, under the same circumstances.

Currently, in addition to the information described above, the officer must give the DHS a written statement attesting that locating or apprehending the recipient or household member is within the officer's official duties and that the address information is necessary for the officer to conduct those duties. The bill would delete this requirement.

FISCAL IMPACT

The bill would require the Department of Technology, Management, and Budget, Department of Human Services, and Department of State Police to develop an information technology application that would compare a list of individuals having outstanding felony or extradition warrants with those receiving assistance payments through the DHS.

The total costs to implement the automated program are \$345,000 and have already been accounted for in both the FY 2010-11 and FY 2011-12 Department of Human Services appropriations. Boilerplate Section 295 of Public Act 190 of 2010 allocated \$300,000 to the interface between DHS's Bridges database and the Michigan State Police Law Enforcement Information System (LEIN). The FY 2011-12 budget reduced the allocation to \$45,000, as this amount was all that was required to finish implementing the interface, and removed the boilerplate section.

To the extent that the creation of the automated tool identified individuals inappropriately receiving benefits, there could be a reduction in DHS program costs. Research into the types of benefits that fugitive felons are likely to receive and Federal regulations governing how states may restrict these benefits suggest that any savings achieved would be small.

The costs to the DTMB would be recouped via interdepartmental grants from the DHS and the MSP for any programming costs incurred by the DTMB.

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