

SUBSTITUTE FOR
SENATE BILL NO. 941

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
9 member of the recipient's **OR APPLICANT'S** household, the

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

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

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

22 (3) As used in this section, **SECTION 10B, AND SECTION 10C:**

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

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

7 (d) "Public assistance" means family independence ~~assistance~~
8 **PROGRAM**, state family assistance, state disability assistance, ~~or~~
9 ~~food stamps~~ **ASSISTANCE PROGRAM, OR CHILD DEVELOPMENT AND CARE**
10 **PROGRAM** 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) As used in this section:~~

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

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

18 (3) UPON IMPLEMENTATION BY THE DEPARTMENT UNDER SECTION 10C,
19 NOT LATER THAN JULY 1, 2011, THE DEPARTMENT DIRECTOR OR HIS OR HER
20 DESIGNEE SHALL REVIEW INFORMATION PROVIDED BY THE DEPARTMENT OF
21 STATE POLICE UNDER SECTION 4 OF THE C.J.I.S. POLICY COUNCIL ACT,
22 1974 PA 163, MCL 28.214, TO DETERMINE IF PUBLIC ASSISTANCE
23 RECIPIENTS OR APPLICANTS ARE SUBJECT TO ARREST UNDER AN OUTSTANDING
24 WARRANT AS DESCRIBED IN SECTION 10A.

25 (4) UPON IMPLEMENTATION BY THE DEPARTMENT UNDER SECTION 10C,
26 NOT LATER THAN JULY 1, 2011, AND SUBJECT TO SUBSECTION (2) AND
27 EXCEPT AS PROVIDED IN SUBSECTION (1), THE DEPARTMENT SHALL NOT

1 GRANT PUBLIC ASSISTANCE UNDER THIS ACT TO AN INDIVIDUAL IF THE
2 DEPARTMENT RECEIVES INFORMATION FROM THE DEPARTMENT OF STATE POLICE
3 AS PROVIDED IN SUBSECTION (3) THAT THE INDIVIDUAL IS SUBJECT TO AN
4 ARREST UNDER AN OUTSTANDING WARRANT DESCRIBED IN SECTION 10A.

5 SEC. 10C. (1) BEGINNING OCTOBER 1, 2010, THE DEPARTMENT OF
6 TECHNOLOGY, MANAGEMENT, AND BUDGET SHALL WORK WITH THE DEPARTMENT
7 AND THE DEPARTMENT OF STATE POLICE TO DEVELOP AND IMPLEMENT AN
8 AUTOMATED PROGRAM THAT DOES A COMPARISON OF THE DEPARTMENT'S LIST
9 OF PUBLIC ASSISTANCE RECIPIENTS, AND OF ANY OTHER LIST MAINTAINED
10 BY THE DEPARTMENT OF INDIVIDUALS RECEIVING ASSISTANCE UNDER THIS
11 ACT, WITH THE INFORMATION REGARDING AN OUTSTANDING FELONY WARRANT
12 OR EXTRADITION WARRANT RECEIVED BY THE DEPARTMENT OF STATE POLICE.
13 THIS COMPARISON SHALL ONLY INCLUDE PUBLIC ASSISTANCE RECIPIENTS.
14 UNLESS OTHERWISE PROHIBITED BY LAW, THIS COMPARISON SHALL INCLUDE
15 INFORMATION REGARDING OUTSTANDING FELONY WARRANTS OR EXTRADITION
16 WARRANTS CONTAINED IN A NONPUBLIC RECORD. THE DEPARTMENT OF STATE
17 POLICE SHALL TAKE ALL REASONABLE AND NECESSARY MEASURES USING THE
18 AVAILABLE TECHNOLOGY TO ENSURE THE ACCURACY OF INFORMATION
19 REGARDING OUTSTANDING FELONY WARRANTS BEFORE TRANSMITTING THE
20 INFORMATION UNDER THIS SUBSECTION TO THE DEPARTMENT. THE DEPARTMENT
21 SHALL TAKE ALL REASONABLE AND NECESSARY MEASURES USING THE
22 AVAILABLE TECHNOLOGY TO ENSURE THE ACCURACY OF THIS COMPARISON
23 BEFORE NOTIFYING A LOCAL OFFICE OF AN OUTSTANDING FELONY WARRANT OR
24 EXTRADITION WARRANT. IF A COMPARISON DISCLOSES THAT A PERSON ON THE
25 DEPARTMENT'S LIST OF PUBLIC ASSISTANCE RECIPIENTS HAS AN
26 OUTSTANDING FELONY WARRANT OR EXTRADITION WARRANT OR IF THE
27 DEPARTMENT IS OTHERWISE NOTIFIED BY THE DEPARTMENT OF STATE POLICE

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

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

15 (3) NOT LATER THAN JULY 1, 2011, THE AUTOMATED PROGRAM
16 DESCRIBED IN THIS SECTION SHALL BE IMPLEMENTED BY THE DEPARTMENT.
17 UPON IMPLEMENTATION, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE
18 CHAIRPERSONS OF THE SENATE AND HOUSE APPROPRIATIONS SUBCOMMITTEES
19 HANDLING THE DEPARTMENT BUDGET, AND THE SENATE AND HOUSE POLICY
20 OFFICES AND FISCAL AGENCIES, THAT THE AUTOMATED PROGRAM HAS BEEN
21 IMPLEMENTED.

22 (4) AS USED IN THIS SECTION, "EXTRADITION WARRANT" MEANS AN
23 OUTSTANDING WARRANT FOR EXTRADITION ARISING FROM A CRIMINAL CHARGE
24 AGAINST THE INDIVIDUAL IN ANOTHER JURISDICTION.