

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2011**

**Introduced by Reps. Bumstead, Forlini, Hooker, Heise, Kowall, Nesbitt, MacMaster, Johnson, Tyler, Price,
Haines, Horn, Cotter and Farrington**

ENROLLED HOUSE BILL No. 4721

AN ACT to amend 1939 PA 280, entitled "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," 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:

Sec. 10a. (1) Notwithstanding any other provision of this act, and subject to subsection (2), the department shall disclose the address of a recipient, applicant, or known member of a recipient's or applicant's household to a federal, state, or local law enforcement officer if the officer furnishes the department with the name of the recipient, applicant, or known member of the recipient's or applicant's household, the recipient's, applicant's, or member's social security number or other identifying information, if known, and information showing that the recipient, applicant, 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.

(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 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.

(3) As used in this section, section 10b, and section 10c:

(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 program, state family assistance, state disability assistance, food assistance program, or child development and care program provided under this act.

(e) “Recipient” means an individual receiving public assistance.

Sec. 10b. (1) Subject to subsection (2) and except as provided in subsection (4), the department shall not grant public assistance under this act to an individual if the department receives information described in 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. 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 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.

(3) Upon implementation by the department under section 10c, not later than July 1, 2013, 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 public assistance recipients or applicants are subject to arrest under an outstanding warrant as described in section 10a.

(4) Upon implementation by the department under section 10c, not later than July 1, 2013, and subject to subsection (2) and except as provided in subsection (1), the department shall not grant public assistance under this act to an individual if the department receives information from the department of state police as provided in subsection (3) that the individual is subject to an arrest under an outstanding warrant described in section 10a.

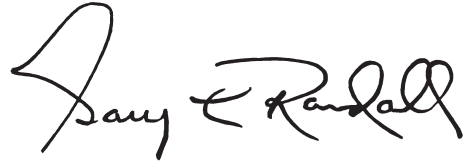
Sec. 10c. (1) Beginning October 1, 2012, the department of technology, management, and budget shall work with the department and the department of state police to develop and implement an automated program that does a comparison of the department’s list of public assistance recipients, and of any other list maintained by the department of individuals receiving assistance under this act, with the information regarding an outstanding felony warrant or extradition warrant received by the department of state police. This comparison shall only include public assistance recipients. Unless otherwise prohibited by law, this comparison shall include information regarding outstanding felony warrants or extradition warrants contained in a nonpublic record. The department of state police shall take all reasonable and necessary measures using the available technology to ensure the accuracy of information regarding outstanding felony warrants before transmitting the information under this subsection to the department. The department shall 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 discloses that a person on the department’s list of public assistance recipients has an outstanding felony warrant or extradition warrant or if the department is otherwise notified by the department of state police that a person has an outstanding felony warrant or extradition warrant, the department shall notify the local office handling the recipient’s public assistance case of that outstanding felony warrant or extradition warrant. The local office shall take appropriate action regarding cases that local office receives notification of under this subsection.

(2) The department of technology, management, and budget shall work with the department and the department of state police to develop and implement an automated program that allows the department of state police to access address information of public assistance applicants or recipients. The department of technology, management, and budget shall ensure that the department of state police does not have access to benefit information, only address information.

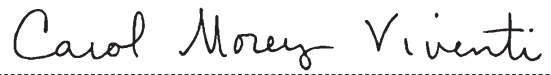
(3) Not later than July 1, 2013, the automated program described in this section shall be implemented by the department. Upon implementation, the department shall submit a report to the chairpersons of the senate and house appropriations subcommittees handling the department budget, and the senate and house policy offices and fiscal agencies, that the automated program has been implemented.

(4) As used in this section, “extradition warrant” means an outstanding warrant for extradition arising from a criminal charge against the individual in another jurisdiction.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor