

HOUSE BILL No. 4721

June 9, 2011, Introduced by Reps. Bumstead, Forlini, Hooker, Heise, Kowall, Nesbitt, MacMaster, Johnson, Tyler, Price, Haines, Horn, Cotter and Farrington and referred to the Committee on Families, Children, and Seniors.

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~~

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

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

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

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

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

1 by law to be a felony, or a violation of felony probation or
2 parole.

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

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

9 (d) "Public assistance" means family independence ~~assistance~~
10 **PROGRAM**, state family assistance, state disability assistance, ~~or~~
11 ~~food stamps~~ **ASSISTANCE PROGRAM, OR CHILD DEVELOPMENT AND CARE**
12 **PROGRAM** provided under this act.

13 (e) "Recipient" means an individual receiving public
14 assistance.

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

1 in this section.

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

11 ~~—— (3) As used in this section:~~

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

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

20 (3) UPON IMPLEMENTATION BY THE DEPARTMENT UNDER SECTION 10C,
21 NOT LATER THAN JULY 1, 2013, THE DEPARTMENT DIRECTOR OR HIS OR HER
22 DESIGNEE SHALL REVIEW INFORMATION PROVIDED BY THE DEPARTMENT OF
23 STATE POLICE UNDER SECTION 4 OF THE C.J.I.S. POLICY COUNCIL ACT,
24 1974 PA 163, MCL 28.214, TO DETERMINE IF PUBLIC ASSISTANCE
25 RECIPIENTS OR APPLICANTS ARE SUBJECT TO ARREST UNDER AN OUTSTANDING
26 WARRANT AS DESCRIBED IN SECTION 10A.

27 (4) UPON IMPLEMENTATION BY THE DEPARTMENT UNDER SECTION 10C,

1 NOT LATER THAN JULY 1, 2013, AND SUBJECT TO SUBSECTION (2) AND
2 EXCEPT AS PROVIDED IN SUBSECTION (1), THE DEPARTMENT SHALL NOT
3 GRANT PUBLIC ASSISTANCE UNDER THIS ACT TO AN INDIVIDUAL IF THE
4 DEPARTMENT RECEIVES INFORMATION FROM THE DEPARTMENT OF STATE POLICE
5 AS PROVIDED IN SUBSECTION (3) THAT THE INDIVIDUAL IS SUBJECT TO AN
6 ARREST UNDER AN OUTSTANDING WARRANT DESCRIBED IN SECTION 10A.

7 SEC. 10C. (1) BEGINNING OCTOBER 1, 2012, THE DEPARTMENT OF
8 TECHNOLOGY, MANAGEMENT, AND BUDGET SHALL WORK WITH THE DEPARTMENT
9 AND THE DEPARTMENT OF STATE POLICE TO DEVELOP AND IMPLEMENT AN
10 AUTOMATED PROGRAM THAT DOES A COMPARISON OF THE DEPARTMENT'S LIST
11 OF PUBLIC ASSISTANCE RECIPIENTS, AND OF ANY OTHER LIST MAINTAINED
12 BY THE DEPARTMENT OF INDIVIDUALS RECEIVING ASSISTANCE UNDER THIS
13 ACT, WITH THE INFORMATION REGARDING AN OUTSTANDING FELONY WARRANT
14 OR EXTRADITION WARRANT RECEIVED BY THE DEPARTMENT OF STATE POLICE.
15 THIS COMPARISON SHALL ONLY INCLUDE PUBLIC ASSISTANCE RECIPIENTS.
16 UNLESS OTHERWISE PROHIBITED BY LAW, THIS COMPARISON SHALL INCLUDE
17 INFORMATION REGARDING OUTSTANDING FELONY WARRANTS OR EXTRADITION
18 WARRANTS CONTAINED IN A NONPUBLIC RECORD. 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 TECHNOLOGY, MANAGEMENT, AND BUDGET SHALL
10 WORK WITH THE DEPARTMENT AND THE DEPARTMENT OF STATE POLICE TO
11 DEVELOP AND IMPLEMENT AN AUTOMATED PROGRAM THAT ALLOWS THE
12 DEPARTMENT OF STATE POLICE TO ACCESS ADDRESS INFORMATION OF PUBLIC
13 ASSISTANCE APPLICANTS OR RECIPIENTS. THE DEPARTMENT OF TECHNOLOGY,
14 MANAGEMENT, AND BUDGET SHALL ENSURE THAT THE DEPARTMENT OF STATE
15 POLICE DOES NOT HAVE ACCESS TO BENEFIT INFORMATION, ONLY ADDRESS
16 INFORMATION.

17 (3) NOT LATER THAN JULY 1, 2013, THE AUTOMATED PROGRAM
18 DESCRIBED IN THIS SECTION SHALL BE IMPLEMENTED BY THE DEPARTMENT.
19 UPON IMPLEMENTATION, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE
20 CHAIRPERSONS OF THE SENATE AND HOUSE APPROPRIATIONS SUBCOMMITTEES
21 HANDLING THE DEPARTMENT BUDGET, AND THE SENATE AND HOUSE POLICY
22 OFFICES AND FISCAL AGENCIES, THAT THE AUTOMATED PROGRAM HAS BEEN
23 IMPLEMENTED.

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