



HOUSE BILL 392: Share Arrest Warrant Status/Pub. Assistance

2013-2014 General Assembly

Committee:	Senate Re-ref to Judiciary I. If fav, re-ref to Health Care	Date:	June 6, 2013
Introduced by:	Reps. Arp, Horn, Starnes, Burr	Prepared by:	Susan Sitze*
Analysis of:	Third Edition		Committee Counsel

SUMMARY: *House Bill 392 would require a county department of social services (DSS) to verify whether an applicant for, or recipient of, Temporary Assistance to Needy Family (TANF) or Food and Nutrition Services (FNS) benefits is a fleeing felon or a probation or parole violator. The act would further deny TANF or FNS benefits to an applicant or recipient subject to an outstanding arrest warrant for a felony or for a probation or parole violation, but would not affect the eligibility of a member of the individual's household for those benefits.*

[As introduced, this bill was identical to S401, as introduced by Sen. Tucker, which is currently in Senate Ref to Judiciary II. If fav, re-ref to Health Care.]

BILL ANALYSIS: Section 1 of the PCS would do the following:

- Create a new G.S. 108A-26.1, requiring a county DSS to notify an applicant for, or recipient of, TANF or FNS benefits that confidential information from the individual's record may be released if a felony, misdemeanor, or felony probation or parole violation arrest warrant is issued against the individual. The notification must be given at the time the application is made or, for current public assistance recipients, at the time of application renewal.
- Require DSS to verify whether an applicant is fleeing to avoid prosecution, custody, or confinement after conviction for a felony or violating a condition of probation or parole, by ensuring that the criminal history of an applicant, or of a recipient at the time of benefits renewal, is checked.
- Direct the Social Services Commission to adopt rules relating to the sharing of information between county departments of social services and local law enforcement agencies, the accuracy of shared information, and any other rules the Commission deems necessary.
- Direct the DHHS to promote cooperation among State and local agencies to perform these functions and collaborate with the Office of the State Controller, the Administrative Office of the Courts, and the Department of Public Safety to develop protocols to implement this statute.
- The PCS requires that, annually, each county DSS report to DHHS, and that DHHS in turn report to the General Assembly, on the number of individuals denied services under these provisions.

Section 2 of the PCS would create in the chapter on social services a new section, G.S. 108A-26.2, to provide that:

- County departments of social services will not grant public assistance under Parts 2 or 5 of Article 2 of G.S. 108A (TANF and FNS benefits) if they receive information that the applicant/recipient is subject to arrest on an outstanding warrant for a parole or probation violation or for a felony charge.



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- The benefits eligibility of members of the individual's household will not be affected.
- If all other eligibility criteria are met, an applicant/recipient would become eligible for program assistance when the individual is no longer subject to arrest under the outstanding warrant.

Section 3 would create a new G.S. 114-19.33, "Criminal record checks of applicants for or recipients of program assistance," authorizing the Department of Justice (DOJ) to provide to a county DSS, from the State and National Repositories of Criminal Histories, the criminal history of anyone applying for TANF or FNS assistance. In addition to a request for information, the county DSS must provide to the DOJ a form signed by the applicant/recipient acknowledging receipt of notification required by new G.S. 108A-26.1(a), any identifying information required by the State and National Repositories, and any other information required by the DOJ. Except as provided by G.S. 108A-26.1, DSS must keep all information obtained under this section confidential.

EFFECTIVE DATE: This act becomes effective July 1, 2013.

BACKGROUND: As stated in the prefatory section (the "whereas" clauses), in order to receive federal funds for certain public assistance benefits, the federal government, under 42 U.S. Code 608 et seq., specifies certain conditions under which a state must exchange information with law enforcement agencies. Federal law gives states some further discretion to determine eligibility for TANF and FNS benefits, and therefore a state may develop additional requirements if it establishes safeguards against the use or disclosure of information about applicants for or recipients of TANF or FNS assistance.

**Janice Paul, Staff Attorney, contributed substantially to this summary.*