

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013**

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**HOUSE BILL 392  
Committee Substitute Favorable 4/3/13  
Third Edition Engrossed 4/11/13**

Short Title: Share Arrest Warrant Status/Pub. Assistance.

(Public)

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Sponsors:

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Referred to:

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March 21, 2013

A BILL TO BE ENTITLED

1 AN ACT REQUIRING A COUNTY DEPARTMENT OF SOCIAL SERVICES (DSS) TO  
2 VERIFY WHETHER AN APPLICANT FOR OR RECIPIENT OF TEMPORARY  
3 ASSISTANCE TO NEEDY FAMILY (TANF) BENEFITS OR FOOD AND NUTRITION  
4 SERVICES (FNS) BENEFITS IS A FLEEING FELON OR A PROBATION OR PAROLE  
5 VIOLATOR, TO DIRECT INTERAGENCY COOPERATION AND INFORMATION  
6 SHARING IN ORDER TO VERIFY THE ELIGIBILITY STATUS OF AN APPLICANT  
7 OR RECIPIENT, AND TO DENY TANF OR FNS BENEFITS TO AN APPLICANT OR  
8 RECIPIENT WHO IS A FLEEING FELON OR A PROBATION OR PAROLE  
9 VIOLATOR.  
10

11 Whereas, federal law, specifically, 42 U.S.C. § 601, et seq., requires that states  
12 receiving funds under certain federal grant programs shall not use any part of the grant to  
13 provide assistance to any individual who is (i) fleeing to avoid prosecution, custody, or  
14 confinement after conviction, under the laws of the place from which the individual flees, for a  
15 crime, or an attempt to commit a crime, which is a felony under the laws of the place from  
16 which the individual flees or (ii) violating a condition of probation or parole imposed under  
17 federal or State law; and

18 Whereas, states receiving these federal grant funds are authorized under federal law  
19 to establish safeguards against the use or disclosure of information about applicants or  
20 recipients for assistance under the state program funded under federal law; and

21 Whereas, federal law expressly authorizes the State agency administering the  
22 program to furnish a federal, State, or local law enforcement officer, upon the request of the  
23 officer, with the current address of any recipient if the officer furnishes the agency with the  
24 name of the applicant or recipient under specified circumstances; and

25 Whereas, conducting a criminal background check on applicants for or recipients of  
26 public assistance benefits is necessary in order to ensure compliance with federal laws  
27 prohibiting a fleeing felon or probation or parole violator from receiving public assistance  
28 benefits; and

29 Whereas, the apprehension of individuals by law enforcement may be necessary to  
30 protect and safeguard the public; and

31 Whereas, State agencies administering the program may have or receive information  
32 that is necessary for a law enforcement agency to conduct the official duties of the agency, and  
33 the location or apprehension of the applicant or recipient is within a law enforcement agency's  
34 official duties; Now, therefore,

35 The General Assembly of North Carolina enacts:



1           SECTION 1. Part 1 of Article 2 of Chapter 108A of the General Statutes is  
2 amended by adding the following new section to read:

3 **"§ 108A-26.1. Information sharing of outstanding arrest warrant of applicant for or**  
4 **recipient of program assistance.**

5       (a) A county department of social services shall notify an applicant for program  
6 assistance under Part 2 or Part 5 of this Article that release of confidential information from the  
7 applicant's records may not be protected if a warrant for arrest is issued against the applicant. A  
8 county department of social services shall notify all recipients under a program of public  
9 assistance under Part 2 or Part 5 of this Article at the time of renewal of the recipient's  
10 application for such program assistance that release of confidential information from the  
11 recipient's records may not be protected if a felony or misdemeanor arrest warrant is issued  
12 against the recipient.

13       (b) Notwithstanding G.S. 108A-80, and to the extent otherwise allowed by federal and  
14 State law, a county department of social services shall verify whether an applicant for or  
15 recipient of program assistance under Part 2 or Part 5 of this Article is (i) fleeing to avoid  
16 prosecution, custody, or confinement after conviction, under the laws of the place from which  
17 the individual flees, for a crime, or an attempt to commit a crime, which is a felony under the  
18 laws of the place from which the individual flees or (ii) violating a condition of probation or  
19 parole imposed under federal or State law, by ensuring that the criminal history of an applicant,  
20 or of a recipient at the time of benefits renewal, is checked. A county department of social  
21 services shall conduct the criminal history check necessary to verify whether an applicant is a  
22 fleeing felon or a probation or parole violator utilizing all currently accessible databases to the  
23 extent permitted by allocated county and state resources. Counties are not required to allocate  
24 funds for this program but are authorized to do so on a voluntary basis.

25       (c) Nothing in this section shall be construed to authorize the disclosure of any  
26 information otherwise protected by State or federal law or regulation.

27       (d) This section applies to applicants for or recipients of program assistance under Part  
28 2 or Part 5 of this Article only.

29       (e) The Social Services Commission shall adopt rules regarding (i) the sharing of  
30 information between county departments of social services and local law enforcement agencies,  
31 (ii) the accuracy of information shared pursuant to this section, and (iii) any other rules the  
32 Commission deems necessary to implement this section. The Secretary of the Department of  
33 Health and Human Services shall oversee implementation of these rules.

34       (f) The Secretary of the Department of Health and Human Services shall promote  
35 cooperation among State and local agencies to perform the functions described in this section.  
36 The Department of Health and Human Services shall cooperate and collaborate with the Office  
37 of the State Controller, the Administrative Office of the Courts, and the Department of Public  
38 Safety to develop protocols to implement this section.

39       (g) Annually, on April 1, each county department of social services shall report to the  
40 Department of Health and Human Services on the number of individuals who are denied  
41 benefits under this section during the preceding calendar year.

42       (h) Annually, on May 1, the Department of Health and Human Services shall report to  
43 the Joint Legislative Oversight Committee on Health and Human Services of the General  
44 Assembly on the number of individuals who are denied assistance under this section. The  
45 report shall include a breakdown by county."

46           SECTION 2. Part 1 of Article 2 of Chapter 108A of the General Statutes is  
47 amended by adding the following new section to read:

48 **"§ 108A-26.2. Fleeing felon, or parole or probation violator; eligibility for program**  
49 **assistance; federal approval; review by department.**

50       (a) Subject to subsection (b) of this section, a department of social services shall not  
51 grant public assistance under Part 2 or Part 5 of Article 2 of Chapter 108A of the General

1 Statutes if the department receives information described in G.S. 108A-26.1 that the applicant  
2 for or recipient of program assistance is subject to arrest under an outstanding warrant arising  
3 from a charge of violating conditions of parole or probation or from a felony charge against that  
4 applicant or recipient in any jurisdiction. This section does not affect the eligibility for  
5 assistance of other members of the applicant's or recipient's household. An applicant or  
6 recipient described in this section is eligible for program assistance, if all other eligibility  
7 criteria of the law are met, when the applicant or recipient is no longer subject to arrest under  
8 an outstanding warrant as described in this section.

9 (b) If federal approval is required in order to prevent the loss of federal reimbursement  
10 as a result of the application of this section to an applicant for or recipient of program  
11 assistance, the Department of Health and Human Services shall promptly take any action  
12 necessary to obtain federal approval."

13 **SECTION 3.** Part 2 of Article 4 of Chapter 114 of the General Statutes is amended  
14 by adding the following new section to read:

15 **"§ 114-19.33. Criminal record checks of applicants for or recipients of program**  
16 **assistance.**

17 The Department of Justice may provide to a county department of social services from the  
18 State and National Repositories of Criminal Histories the criminal history of any person who  
19 applies for program assistance under Part 2 or Part 5 of Article 2 of Chapter 108A of the  
20 General Statutes. The county department of social services shall provide to the Department of  
21 Justice, along with the request, a form signed by the applicant or recipient acknowledging  
22 receipt of the notification required by G.S. 108A-26.1(a) and any identifying information  
23 required by the State and National Repositories and any additional information required by the  
24 Department of Justice. Except as provided under G.S. 108A-26.1, the county department of  
25 social services shall keep all information obtained pursuant to this section confidential."

26 **SECTION 4.** This act becomes effective July 1, 2013.