

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1499 Session of
2007

INTRODUCED BY REED, ADOLPH, ARGALL, BAKER, BARRAR, BEAR,
BELFANTI, BENNINGHOFF, BOBACK, BOYD, CALTAGIRONE, CAPPELLI,
CAUSER, CLYMER, COX, CREIGHTON, CUTLER, DALLY, DENLINGER,
ELLIS, J. EVANS, EVERETT, FAIRCHILD, FLECK, GABIG, GEIST,
GILLESPIE, GINGRICH, GODSHALL, GRELL, HARHART, HARRIS,
HERSHEY, HESS, HICKERNELL, HUTCHINSON, KAUFFMAN, M. KELLER,
KILLION, KIRKLAND, MAHONEY, MAJOR, MANTZ, MARKOSEK, MARSHALL,
MARSICO, McILHATTAN, MENSCH, METCALFE, MILLARD, R. MILLER,
MOUL, MURT, MUSTIO, NAILOR, O'NEILL, PAYNE, PEIFER, PERRY,
PHILLIPS, PICKETT, QUIGLEY, RAPP, REICHLEY, ROAE, ROCK,
ROHRER, RUBLEY, SAYLOR, SCAVELLO, S. H. SMITH, SONNEY,
STAIRS, STERN, R. STEVENSON, SWANGER, TRUE, TURZAI, VEREB,
VULAKOVICH AND WATSON, JUNE 28, 2007

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
JUNE 28, 2007

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," repealing Assistance
4 Recipient Identification Program provisions; providing for
5 fingerimaging system and for fraud detection system; and
6 making editorial changes.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 414 of the act of June 13, 1967 (P.L.31,
10 No.21), known as the Public Welfare Code, amended June 30, 1995
11 (P.L.129, No.20), is repealed:

12 [Section 414. Assistance Recipient Identification Program.--

13 (a) The department is authorized to create, in geographic areas
14 where the department determines it to be cost effective, a

1 program to be known as the Assistance Recipient Identification
2 Program.

3 (b) The purpose of the program is to eliminate duplication
4 of assistance to recipients, to deter fraud and to assist law
5 enforcement officials in their duties.

6 (d) A person currently receiving or applying for assistance
7 shall participate in the program. The person shall be identified
8 using available technological means that may include, but are
9 not limited to, two-digit fingerimaging.

10 (e) The department, wherever feasible, shall work with
11 neighboring states to execute agreements between each of those
12 states and the Commonwealth to implement compatible computer
13 cross-matching identification systems.

14 (f) It is a violation for a person in the program to acquire
15 or attempt to acquire duplication of assistance.

16 (g) Absent a court order, only the department, the
17 Pennsylvania State Police and the Pennsylvania Board of
18 Probation and Parole, the chief of a local municipal police
19 department or his designee within the department, including the
20 sheriff's office in counties of the second class, and the
21 designated officials of neighboring states with whom the
22 department executes agreements under subsection (e) shall have
23 access to records under this program.

24 (h) The department shall make a report to the General
25 Assembly no later than March 1, 1996, and every two years
26 thereafter. Each report shall include:

27 (1) Caseload data before implementation of this section as
28 well as after one year for comparison purposes to judge the
29 program's effectiveness at fraud deterrence.

30 (2) Attempts at and instances of multiple enrollment by

1 persons.

2 (3) Analysis of the cost-effectiveness of the project.

3 (4) Recommendations regarding whether the program should be
4 discontinued, expanded or otherwise modified.

5 (i) As used in this section, the term "program" means the
6 Assistance Recipient Identification Program.]

7 Section 2. The act is amended by adding sections to read:

8 Section 414.1. Fingerimaging System.--(a) The department
9 shall create and utilize a fingerimaging system to identify
10 applicants for and recipients of assistance in order to
11 eliminate duplication of assistance, to deter fraud and to
12 assist law enforcement officials in their duties. The system may
13 include other technological means of identification.

14 (b) The department may develop a competitive request for
15 proposals for a fingerimaging system and may contract with a
16 firm the department certifies as able to design and implement
17 such a system.

18 (c) An applicant and a recipient eighteen years of age or
19 older shall participate in the fingerimaging system as a
20 condition of applying for or receiving assistance. The
21 department shall notify an applicant or recipient who turns
22 eighteen years of age of the requirement of this subsection.

23 (d) The department shall work with neighboring states to
24 execute agreements to implement fingerimaging and other
25 identification systems and to share such information.

26 (e) An applicant shall be notified at the time of
27 application of the requirements of this section. An applicant
28 and a recipient shall be notified that it is unlawful for an
29 individual to acquire or attempt to acquire duplication of
30 assistance.

1 (f) Fingerimaging may not be used for any other purposes
2 than to determine eligibility for assistance and to identify
3 fraud and may not be admitted in any civil matter.

4 (g) An individual who knowingly or intentionally makes an
5 unauthorized disclosure or obtains information from an
6 unauthorized disclosure commits a misdemeanor of the third
7 degree.

8 (h) In the case of suspected fraud, manual verification of
9 an applicant's or recipient's fingerprints shall be conducted by
10 a person qualified to conduct such verification. Manual
11 verification and a hearing shall be required before a sanction
12 may be imposed.

13 (i) The department shall conduct periodic audits to ensure
14 records maintained as part of the fingerimaging system are
15 accurate and complete, that no unauthorized disclosures have
16 been made, that effective software and hardware designs have
17 been instituted, that security is maintained to prevent
18 unauthorized access and that procedures are in place to permit
19 the timely review of records by applicants, recipients and
20 entities set forth in subsection (j).

21 (j) Absent a court order, only the department, the
22 Pennsylvania State Police, the Pennsylvania Board of Probation
23 and Parole, the chief of a local municipal police department or
24 designee within the department, including the sheriff's office
25 in counties of the second class, and the designated officials of
26 neighboring states with whom the department executes agreements
27 under subsection (d) shall have access to records in the system.

28 (k) No later than one year after the effective date of this
29 section and every year thereafter, the department shall provide
30 a written report to the Governor, the General Assembly and the

Inspector General. Each report shall include:

(1) A comparison of caseload data before and after
implementation of the fingerimaging system.

(2) Attempts at and instances of multiple enrollment by
applicants and recipients.

(3) Analysis of the cost-effectiveness of the system,
including whether a competitive bid process was utilized.

(4) Recommendations to improve the system.

Section 422.1. Fraud Detection System.--Within one year of
the effective date of this section, a county board shall
establish procedures to identify, investigate and resolve
potential cases of fraud, misrepresentation or inadequate
documentation prior to determining an applicant's eligibility
for assistance. Each county board shall submit to the department
a plan describing its antifraud procedures. The plan must be
systematic and ensure that every case is reviewed. Further, the
review must include utilization of the fingerimaging system
established in section 414.1.

Section 3. Section 432(9) of the act, amended May 16, 1996
(P.L.175, No.35), is amended to read:

Section 432. Eligibility.--Except as hereinafter otherwise
provided, and subject to the rules, regulations, and standards
established by the department, both as to eligibility for
assistance and as to its nature and extent, needy persons of the
classes defined in clauses (1), (2), and (3) shall be eligible
for assistance:

* * *

(9) Assistance may not be granted to any person who has been
sentenced for a felony or misdemeanor offense and who has not
otherwise satisfied the penalty imposed on that person by law.

1 Notwithstanding any provisions in 18 Pa.C.S. Ch. 91 (relating to
2 criminal history record information), the cooperative agreements
3 provided for in this clause shall provide the department with
4 access to the central repository within the Pennsylvania State
5 Police in order to carry out the objectives of this section. The
6 Pennsylvania State Police and the Pennsylvania Board of
7 Probation and Parole shall have access to the records of the
8 [Assistance Recipient Identification Program] fingerimaging
9 system under section [414] 414.1 within the department in order
10 to carry out the objectives of section [414] 414.1. For cash
11 assistance applicants and recipients, the department shall enter
12 into cooperative agreements with the Pennsylvania State Police
13 and the Pennsylvania Board of Probation and Parole to ensure
14 that no cash assistance is granted to a person who has been
15 sentenced for a felony or misdemeanor offense. For this purpose,
16 the department may access and provide information available
17 pursuant to section [414] 414.1. As used in this clause,
18 "satisfied the penalty" means completed the period of
19 incarceration or extension thereof and paid all fines, costs and
20 restitution. Nothing in this clause shall be deemed to exclude
21 from cash assistance any person who has been paroled from a term
22 of imprisonment, or any person who is in compliance with all
23 terms of probation, and who has made either full payment of all
24 fines, costs and restitution or is in compliance with an
25 approved payment plan.

26 * * *

27 Section 4. This act shall take effect immediately.