

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 fingerprinting 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11 (P.L.129, No.20), is repealed: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

1 Inspector General. Each report shall include:

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

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

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

8 (4) Recommendations to improve the system.

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

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

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

27 \* \* \*

28 (9) Assistance may not be granted to any person who has been  
29 sentenced for a felony or misdemeanor offense and who has not  
30 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.