

SHORT TITLE: Poor persons; requiring criminal arrest checks on applicants for assistance; effective date.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 1104

By: Hooper of the Senate

and

Maddox of the House

AS INTRODUCED

An Act relating to poor persons; requiring the Department of Human Services to require certain criminal arrest checks; requiring certain notice; authorizing Department to obtain criminal arrest records; requiring Department to provide relevant information to Bureau; providing for certain fee; authorizing temporary participation; requiring information be provided to Bureau within certain time period; limiting reports to certain crime; providing for production of certain information within certain time period; prohibiting participation of certain persons; providing for termination of certain persons; providing exceptions to provisions of paragraph of law; requiring confidentiality of certain records; making unauthorized release of confidential information unlawful; providing for penalty; providing for destruction of records in certain circumstances; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 167.2 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. 1. The Department of Human Services shall provide for a criminal arrest check to be made on any applicant for assistance pursuant to the provisions of this section. The Department shall inform each applicant for assistance that the Department is required to obtain a criminal arrest record before granting assistance to an applicant.

2. The Department is authorized to obtain the criminal arrest record of an applicant for assistance from the Oklahoma State Bureau of Investigation. The Department shall request the Bureau to conduct a criminal arrest check on an applicant for assistance and shall provide to the Bureau any relevant information required by the Bureau to conduct the check. The Department shall pay a fee of Ten Dollars (\$10.00) to the Bureau for each criminal arrest check that is conducted pursuant to such request.

3. At the request of the Department, the Bureau shall conduct a criminal arrest check on any applicant for assistance at any time during the period of participation of such applicant.

B. The Department may make a temporary determination of eligibility for an applicant pending the results of the criminal arrest check on the applicant. The Department, in such instance, shall provide to the Bureau the name and relevant information relating to the applicant for assistance within seventy-two (72) hours of the date the applicant is determined to be eligible for participation. The Department shall not permanently place an applicant until the results of the criminal arrest check are received.

C. 1. The Bureau shall only provide to the Department the criminal arrest record of an applicant for assistance if the criminal arrest record relates to welfare fraud.

2. Within five (5) days of receiving a request to conduct a criminal arrest check, the Bureau shall complete the criminal arrest check and report the results of the check to the Department.

3. If the results of a criminal arrest check reveal that an applicant, who has been placed on a temporary basis pursuant to subsection C of this section, has been convicted of welfare fraud, the Department shall immediately terminate the person from the program.

4. The provisions of this section shall not apply to an applicant who has been continuously receiving assistance prior to July 1, 1994.

D. 1. All criminal arrest records received by the Department are confidential and are for the exclusive use of the Department of Human Services. Except on court order or with the written consent of the person being investigated, the records shall not be released or otherwise disclosed to any other person or agency. Criminal arrest records shall be destroyed after one (1) year from the end of participation of the person to whom such records relate.

2. Any person releasing or disclosing any information received pursuant to this section without the authorization prescribed by this section shall be guilty of a misdemeanor.

SECTION 2. This act shall become effective September 1, 1994.

44-2-1570

CJ