

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4178

BY DELEGATES MOYE, PERRY ROHRBACH, FRICH, DUKE,

LYNCH AND RODIGHIERO

[Introduced January 20, 2016; Referred
to the Committee on the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §9-3-6, relating to sanctions for recipients of benefits from the Temporary
 3 Assistance for Needy Families Program through temporary suspensions of benefits when
 4 they are convicted of misdemeanor theft offenses of shoplifting and petit larceny; providing
 5 definitions; establishing administrative review of decisions to deny benefits; providing a
 6 mechanism for dependent children to receive benefits if a parent is deemed ineligible;
 7 authorizing rulemaking; providing criminal penalties; and allowing for exceptions.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 section, designated §9-3-6, to read as follows:

ARTICLE 3. APPLICATION FOR AND GRANTING OF ASSISTANCE.

§9-3-6. Sanctions for recipients of benefits as result of misdemeanor criminal offenses.

1 (a) As used in this section:

2 (1) "Department" means the Department of Health and Human Resources;

3 (2) "Secretary" means the secretary of the department or his or her designee.

4 (3) "Temporary Assistance for Needy Families Program" means assistance provided
 5 through ongoing cash benefits pursuant to 42 U.S.C. §601, et seq.

6 (b) The Secretary of the Department of Health and Human Resources shall implement
 7 and administer a procedure, subject to federal approval, providing sanctions for recipients of
 8 benefits from the Temporary Assistance for Needy Families Program through temporary
 9 suspensions of benefits when they are convicted of misdemeanor theft offenses of shoplifting or
 10 petit larceny.

11 (c) Other adult members of a household that includes a person who has been declared
 12 ineligible for the Temporary Assistance for Needy Families Program shall, if otherwise eligible,
 13 continue to receive temporary assistance for needy families benefits.

14 (d) (1) No dependent child's eligibility for benefits under the Temporary Assistance for

15 Needy Families Program may be affected by a parent's suspension of benefits as a result of a
16 misdemeanor conviction of a parent.

17 (2) If a parent is deemed ineligible for the Temporary Assistance for Needy Families
18 Program under this section, the dependent child eligible for public assistance benefits is not
19 affected and an appropriate protective payee shall be designated to receive benefits on behalf of
20 the child.

21 (3) The parent may choose to designate another person to receive benefits for the minor
22 child. The designated person shall be an immediate family member or, if an immediate family
23 member is not available or the family member declines the option, another person, may be
24 designated.

25 (4) The designated person shall be approved by the secretary.

26 (e) An applicant for the Temporary Assistance for Needy Families Program, who is
27 determined ineligible to receive benefits by the secretary under this section is ineligible to receive,
28 and prohibited from reapplying for, benefits for a period of six months from the date that secretary
29 determined the applicant to be ineligible; and

30 (f) An applicant who is denied admittance to the Temporary Assistance for Needy Families
31 Program under this section may request a review of the denial by the Board of Review. The
32 transcript of a misdemeanor conviction or final order of the conviction are admissible without
33 further authentication or qualification in the review of denial by the Board of Review and in any
34 appeal.

35 (g) The secretary shall propose rules for legislative approval according to article three,
36 chapter twenty-nine-a of this code to prescribe the standards for the implementation of this
37 section.

38 (h) A person who intentionally misrepresents any material fact in an application filed under
39 the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be

- 40 punished by a fine of not less than \$100 or more than \$1,000 or by imprisonment in jail not
41 exceeding six months or by both fine and imprisonment.

NOTE: The purpose of this bill is to provide sanctions for recipients of benefits from the temporary assistance for needy families program through temporary suspensions of benefits when they are convicted of misdemeanor theft offenses of shoplifting or petit larceny. The bill provides definitions. It establishes administrative review of decisions to deny benefits. The bill also provides a mechanism for dependent children to receive benefits if a parent is deemed ineligible. It authorizes rulemaking, providing penalties and allows for exceptions to providing sanctions.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.