

The House Committee on Health and Human Services offers the following substitute to SB 389:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to public
2 assistance, so as to revise certain eligibility requirements and sanctions for misuse of public
3 assistance; to revise the duration of and provide for an exception to lifetime maximum
4 assistance for TANF recipients; to provide for rules and regulations relating to work activity
5 requirements for TANF recipients; to provide for a cash diversion program under TANF; to
6 revise sanctions relating to TANF; to provide for intervention for a recipient who fails to
7 comply with the work activity requirement under TANF; to provide for annual reports; to
8 require certain data matches concerning program participants; to provide certain procedures
9 relating to electronic benefit transfer replacement cards for SNAP; to provide sanctions for
10 SNAP program violations; to authorize contracting for eligibility data verification services;
11 to prohibit certain purchases with SNAP funds; to amend Article 1 of Chapter 27 of Title 50
12 of the Official Code of Georgia Annotated, relating to general provisions relative to lottery
13 for education, so as to provide for monthly reports to the Department of Human Services
14 regarding lottery winnings of public assistance recipients; to amend Article 4 of Chapter 9
15 of Title 16 and Article 1 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated,
16 relating to fraud and related offenses and general provisions relative to public assistance,
17 respectively, so as to redesignate Code Section 49-4-15, relating to fraud in obtaining public
18 assistance, food stamps, or Medicaid, penalties, and recovery of overpayments, as new Code
19 Section 16-9-63; to revise terminology in said Code Section 16-9-63; to provide for
20 definitions; to reserve the Code Section 49-4-15 designation; to revise Article 7 of Chapter
21 8 of Title 34 and Chapter 7A of Title 48 of the Official Code of Georgia Annotated, relating
22 to benefits relative to employment security and tax credits, respectively, so as to provide for
23 conformity; to revise other provisions of the Official Code of Georgia Annotated, so as to
24 correct cross-references; to provide for related matters; to provide for effective dates; to
25 repeal conflicting laws; and for other purposes.

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

S. B. 389 (SUB)

27 **PART I**

28 **SECTION 1-1.**

29 Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to public assistance,
30 is amended in Article 1, relating to general provisions, by adding a new Code section to read
31 as follows:

32 "49-4-22.

33 Within 120 days of the end of each state fiscal year, the department shall file an annual
34 report with the Governor, the President of the Senate, and the Speaker of the House of
35 Representatives. The report shall include the amount of funds expended on the temporary
36 assistance for needy families program and the supplemental nutrition assistance program
37 during the prior state fiscal year, the number of applicant and recipient households
38 determined ineligible for each program at the time of application or recertification and the
39 reasons for the determination of ineligibility by the department, the average amount of time
40 recipients are provided assistance, and the number of recipients who receive assistance
41 from either or both programs."

42 **SECTION 1-2.**

43 Said chapter is further amended by revising Code Section 49-4-182, relating to the creation
44 of the Temporary Assistance for Needy Families Program, as follows:

45 "49-4-182.

46 (a) There is created the Georgia Temporary Assistance for Needy Families Program,
47 which shall be known as the 'Georgia TANF Program.' The purpose of such program is to
48 provide necessary assistance to needy families with children on a temporary basis and to
49 provide parents, legal guardians, or other caretaker relatives of children with the necessary
50 support services to enable such parents, legal guardians, or caretaker relatives to become
51 self-sufficient and leave the program as soon as possible. After an initial assessment and
52 once the state determines an applicant is ready for work, applicants for assistance shall be
53 required to engage in a work activity in accordance with Part A of Title IV of the federal
54 Social Security Act, as amended, and the state plan as soon as possible after making
55 application for assistance, but in any event no later than 24 months after first receiving cash
56 assistance.

57 (b) Assistance shall be provided in accordance with the state plan and any future
58 amendments thereto. Cash assistance to a recipient who is not a minor child and who is a
59 head of a household or married to the head of a household shall be limited to a lifetime
60 maximum of ~~48~~ 36 months, whether or not consecutive, beginning January 1, 1997;
61 provided, however, that the lifetime maximum shall not apply to any family to which the

62 department has granted an exemption, provided that the average monthly number of
 63 families granted an exemption for hardship other than for domestic violence in a fiscal year
 64 shall not exceed 20 percent of the average monthly number of families to which TANF is
 65 provided during the current fiscal year or the immediately preceding fiscal year.

66 (c) Nothing in this article, the state plan, or any rules or regulations adopted pursuant to
 67 this article shall be interpreted to entitle any individual or any family to assistance under
 68 the Georgia TANF Program.

69 (d) The department shall be authorized to accept a recipient's voluntary repayment of cash
 70 assistance, including any cash diversion payment received pursuant to Code Section
 71 49-4-184.1."

72 **SECTION 1-3.**

73 Said chapter is further amended by revising subsection (b) of Code Section 49-4-183, relating
 74 to administration of article by department, promulgation of rules and regulations by board,
 75 and duties of the department, as follows:

76 "(b) The board shall ensure that such rules and regulations provide for:

77 (1) Methods of administration necessary for the proper and efficient operation of the
 78 state plan for implementation of this article;

79 (2) Reasonable standards for determining eligibility and the extent of assistance available
 80 for recipients;

81 (3) Consideration of the income and resources of an applicant for assistance in
 82 determining eligibility; provided, however, that in order to encourage the formation and
 83 maintenance of two-parent families, when a TANF recipient marries, the new spouse's
 84 income and assets shall be disregarded for six consecutive months. This disregard shall
 85 be a once-in-a-lifetime benefit for the recipient;

86 (4) Personal responsibility obligations and work activity requirements consistent with
 87 Part A of Title IV of the federal Social Security Act, as amended, and the state plan,
 88 provided that programs included in the personal responsibility obligations established by
 89 the board shall include counseling on abstinence until marriage;

90 (5) Criteria which make an applicant ineligible to receive benefits under the Georgia
 91 TANF Program, including but not limited to those specified in Code Section 49-4-184;

92 (6) Specific conduct which would authorize the reduction or termination of assistance
 93 to a recipient, including but not limited to that specified in Code Section 49-4-185;

94 (7) Standards whereby certain obligations, requirements, and criteria will be waived for
 95 specific applicants or recipients based on hardship;

- 96 (8) An administrative hearing process with hearings to be conducted by the Office of
 97 State Administrative Hearings in accordance with Chapter 13 of Title 50, the 'Georgia
 98 Administrative Procedure Act,' and subsection (b) of Code Section 49-4-13;
- 99 (9) Safeguards which restrict the use and disclosure of information concerning applicants
 100 for and recipients of assistance under this article and in accordance with Code Section
 101 49-4-14 and Part A of Title IV of the federal Social Security Act, as amended;
- 102 (10) Immunizations for specified diseases for preschool age children as a condition of
 103 assistance being provided for such children, and the schedule of and standards for
 104 administering such immunizations, including the presentation of a certificate of
 105 immunization, unless:
- 106 (A) There is appropriate evidence from the local health department or a physician that
 107 an immunization sequence has been started and can be completed within a period of up
 108 to 180 days, in which case a waiver of the immunization requirement for up to 180 days
 109 shall be granted;
- 110 (B) After examination by the local board of health or a physician, any preschool age
 111 child is found to have a physical disability which may make vaccination undesirable,
 112 in which case a certificate to that effect issued by the local board of health or the
 113 physician may be accepted in lieu of a certificate of immunization and shall exempt the
 114 child from obtaining a certificate of immunization until the disability is relieved;
- 115 (C) The parent or legal guardian furnishes an affidavit swearing or affirming that the
 116 immunization conflicts with the religious beliefs of the parent or legal guardian; or
- 117 (D) The implementation of such an immunization requirement violates any federal law
 118 or regulations or would result in the loss of any federal funds to this state; ~~and~~
- 119 (11) The establishment and maintenance of individual development accounts. The funds
 120 in such accounts may be used for postsecondary educational expenses, the purchase of
 121 a first home, or business capitalization. The funds in such accounts shall not be
 122 considered in determining eligibility for cash assistance pursuant to 42 U.S.C. Section
 123 604(h); and
- 124 (12) Procedures to determine whether a recipient has cooperated with a work activity
 125 requirement and procedures for notification of a caretaker relative, second parent, or
 126 payee receiving the financial assistance on behalf of the recipient's family unit."

127 **SECTION 1-4.**

128 Said chapter is further amended in Article 9, relating to Temporary Assistance for Needy
 129 Families, by adding a new Code section to read as follows:

130 "49-4-184.1.
 131 The department shall implement a cash diversion program that grants eligible TANF
 132 recipients lump sum cash amounts, as well as job referrals or referrals to career centers, in
 133 lieu of signing up for the long-term monthly cash assistance program upon a showing of
 134 good cause as determined by the department. Such lump sum amount shall be equal to 12
 135 months of cash assistance and paid only one time in a lifetime. Good cause may include
 136 loss of employment, excluding voluntarily quitting or being dismissed due to poor job
 137 performance or failure to meet a condition of employment; catastrophic illness or accident
 138 of a family member that requires an employed recipient to leave employment; a domestic
 139 violence incident; or any other situation or emergency that renders an employed family
 140 member unable to care for the basic needs of the family. The board shall promulgate rules
 141 and regulations determining the parameters for the cash diversion program, including good
 142 cause determinations. A recipient who receives a cash diversion payment pursuant to this
 143 Code section permanently forfeits eligibility for long-term monthly cash assistance."

144 **SECTION 1-5.**

145 Said chapter is further amended by revising Code Section 49-4-185, relating to sanctions
 146 against recipient for failure to comply, as follows:

147 "49-4-185.

148 (a) As used in this Code section, the term 'sanction' means a ~~25~~ 100 percent reduction of
 149 any cash assistance provided to a family for a time period established by the board for the
 150 first material violation and termination of any cash assistance provided to the family for
 151 any subsequent material violation within a time period established by the board; provided,
 152 however, that the department may determine that there is good cause not to apply such a
 153 sanction in specific circumstances.

154 (b) ~~A~~ Except as otherwise provided in Code Section 49-4-185.1, a recipient shall be
 155 subject to sanction for failing to comply with the state plan if the recipient:

156 (1) Fails to report that a child is absent from home for a period of 45 consecutive days
 157 or, in the case of a child who is a recipient, being absent from home for a period of 45
 158 consecutive days; provided, however, that a child who is a recipient shall not be
 159 sanctioned if the department determines there is good cause not to sanction the child
 160 under such circumstances;

161 ~~(2) Violates any personal responsibility or work participation requirement; provided,~~
 162 ~~however, that a single custodial parent with a child under 12 months of age may be~~
 163 ~~exempt from any work participation requirement until adequate child care is available;~~

164 or

165 ~~(3)~~(2) Except for violations of subsection (a) of Code Section 49-4-184 which result in
 166 the recipient no longer being eligible for assistance, violates any other term or condition
 167 specified in the federal Social Security Act, as amended, the state plan, or the rules and
 168 regulations of the board."

169 **SECTION 1-6.**

170 Said chapter is further amended in Article 9, relating to Temporary Assistance for Needy
 171 Families, by adding new Code sections to read as follows:

172 "49-4-185.1.

173 (a) If after an investigation the department determines that a recipient is not cooperating
 174 with a work activity requirement under the Georgia TANF Program, a representative of the
 175 department shall meet face-to-face with the recipient to explain the potential sanction and
 176 the requirements to cure the sanction. After the meeting, such recipient shall have one
 177 week to comply with the work activity requirement, during which time no sanction of
 178 benefits shall occur. If the recipient does not comply with the work activity requirement
 179 within that one-week period, the department shall immediately apply a sanction terminating
 180 25 percent of the amount of temporary assistance benefits to or for the recipient and the
 181 recipient's family for a maximum of 12 weeks. During such period of sanctions, the
 182 recipient shall remain on the caseload in sanction status and a representative of the
 183 department shall attempt to meet face-to-face with the recipient to explain the existing
 184 sanction and the requirements to cure the sanction. To cure a sanction, the recipient shall
 185 perform work activities for at least 30 hours per week, as described in 45 C.F.R. 261.31.
 186 If the recipient does not cure the sanction, the recipient shall be permanently terminated
 187 from assistance and the case shall be closed.

188 (b) To return to the Georgia TANF Program after having been sanctioned and removed
 189 from the caseload under subsection (a) of this Code section, an applicant shall complete
 190 work activities for at least 30 hours per week.

191 (c) The department shall not impose sanctions under this Code section where a recipient
 192 has good cause for any failure to comply with requirements."

193 "49-4-194.

194 The department shall provide verification of initial and ongoing eligibility data for
 195 assistance under the Georgia TANF Program. The department shall conduct data matches
 196 using the name, date of birth, address, social security number of each applicant and
 197 recipient, and additional data provided by the applicant or recipient relevant to eligibility
 198 against public records and other relevant data sources to verify eligibility data."

199 **SECTION 1-7.**

200 Said chapter is further amended by adding a new article to read as follows:

201 "ARTICLE 10202 49-4-200.203 As used in this article, the term:204 (1) 'Applicant' means a person who applies for assistance.205 (2) 'Assistance' means financial assistance pursuant to the supplemental nutrition
206 assistance program (SNAP).207 (3) 'Department' means the Department of Human Services.208 (4) 'Recipient' means a person who receives assistance.209 49-4-201.210 (a) As used in this Code section, the term 'sanction' means a 100 percent reduction of any
211 assistance provided to a program participant and his or her family members for three
212 months for the first material violation, six months for the second material violation, one
213 year for the third material violation, and termination of any assistance provided to the
214 program participant for a fourth material violation within a time period established by the
215 board; provided, however, that the department may determine that there is good cause not
216 to apply such a sanction in specific circumstances.217 (b) A program participant shall be subject to sanction for failing to comply with the state
218 plan if the program participant:219 (1) Violates any personal responsibility or work participation requirement; provided,
220 however, that a single custodial parent with a child under 12 months of age may be
221 exempt from any work participation requirement until adequate child care is available;222 (2) Wilfully fails to pay child support as required by Chapter 6 of Title 19; or223 (3) Except for violations of this chapter which result in the program participant no longer
224 being eligible for assistance, violates any other term or condition specified in the federal
225 Social Security Act, as amended, the state plan, or the rules and regulations of the board.226 49-4-202.227 (a) The department shall conduct data matches using the name, date of birth, address,
228 social security number of each applicant and program participant, and additional data
229 provided by the applicant or program participant relevant to eligibility against public
230 records and other relevant data sources to verify eligibility data.

231 (b) The report required in Code Section 49-4-24 shall include the mean, median, and mode
232 of the amount of time program participants are provided assistance and the number of
233 program participants who concurrently received multiple types of public assistance and the
234 types of public assistance.

235 49-4-203.

236 (a) Assistance provided to recipients by electronic benefit transfer cards or other means
237 shall not be used by recipients to purchase alcohol, liquor or imitation liquor, cigarettes,
238 tobacco products, bail, gambling activities, lottery tickets, tattoos, travel services provided
239 by a travel agent, money transmission to locations abroad, sexually oriented adult
240 materials, concert tickets, professional or collegiate sporting event tickets, or tickets for
241 other entertainment events intended for the general public.

242 (b) The use of assistance through electronic benefit transfer cards or other means shall be
243 prohibited at all retail liquor stores, casinos, gaming establishments, jewelry stores, tattoo
244 parlors, massage parlors, body piercing parlors, spas, nail salons, lingerie shops, tobacco
245 paraphernalia stores, vapor cigarette stores, psychic or fortunetelling businesses, bail bond
246 companies, video arcades, movie theaters, cruise ships, theme parks, dog or horse racing
247 facilities, pari-mutuel facilities, sexually oriented businesses, retail establishments which
248 provide adult-oriented entertainment in which performers disrobe or perform in an
249 unclothed state for entertainment, and businesses or retail establishments where minors
250 under age 18 are not permitted.

251 (c) Upon enrollment, the department shall offer new applicants an itemized list of
252 prohibited purchases, including those specified in subsection (a) of this Code section, and
253 make such a list available on the department's website.

254 (d) If a recipient is found to have violated subsection (a) of this Code section, the
255 department shall initiate an intentional program violation investigation, impose any
256 sanctions in accordance with federal law and regulations.

257 49-4-204.

258 (a) The department shall send all recipients who have requested four electronic benefit
259 transfer replacement cards within a 12 month period a letter informing them that another
260 request will require participation in an interview with a fraud investigator.

261 (b) If a third-party vendor is administering replacement cards directly to recipients, it shall
262 notify the department after the request for a fourth replacement card in a 12 month period
263 and of any subsequent request thereafter.

264 (c) Upon a recipient's request for a fifth replacement card within any 12 month period and
 265 any subsequent request thereafter, the department shall schedule the recipient for an
 266 interview with a fraud investigator before another replacement card is issued.

267 (d) If a recipient fails to appear at an interview scheduled pursuant to subsection (c) of this
 268 Code section, the department shall initiate an intentional program violation investigation
 269 within ten days."

270 **SECTION 1-8.**

271 Article 1 of Chapter 27 of Title 50 of the Official Code of Georgia Annotated, relating to
 272 general provisions relative to lottery for education, is amended by revising Code Section
 273 50-27-29, relating to agreements with agencies of other jurisdictions and restriction on
 274 release of records, documents, and information, as follows:

275 "50-27-29.

276 (a) The corporation may enter into intelligence sharing, reciprocal use, or restricted use
 277 agreements with the federal government, law enforcement agencies, lottery regulation
 278 agencies, and gaming enforcement agencies of other jurisdictions which provide for and
 279 regulate the use of information provided and received pursuant to the agreement.

280 (b) Records, documents, and information in the possession of the corporation received
 281 pursuant to an intelligence-sharing, reciprocal use, or restricted use agreement entered into
 282 by the corporation with a federal department or agency, any law enforcement agency, or
 283 the lottery regulation or gaming enforcement agency of any jurisdiction shall be considered
 284 investigative records of a law enforcement agency and are not subject to Article 4 of
 285 Chapter 18 of this title and shall not be released under any condition without the permission
 286 of the person or agency providing the record or information.

287 (c)(1) Notwithstanding subsection (b) of this Code section, the corporation shall provide
 288 to the Department of Human Services monthly electronic reports no later than the
 289 twentieth day of each month listing the names, addresses, social security numbers, and
 290 winning amounts of all individuals who during the prior calendar month claimed
 291 winnings in excess of \$2,000.00.

292 (2) The electronic reports provided to the Department of Human Services from the
 293 corporation in accordance with subsection (c) of this Code section shall retain their
 294 confidentiality and shall only be used in the administration of public benefits pursuant to
 295 Chapter 4 of Title 49. Any employee or prior employee of any state agency who
 296 unlawfully discloses any such information for any other purpose, except as otherwise
 297 specifically authorized by law, shall be subject to the same penalties specified by law for
 298 unauthorized disclosure of confidential information by an agent or employee of the
 299 corporation."

300

PART II

301

SECTION 2-1.

302 Article 4 of Chapter 9 of Title 16 and Article 1 of Chapter 4 of Title 49 of the Official Code
 303 of Georgia Annotated, relating to fraud and related offenses and general provisions relative
 304 to public assistance, respectively, are amended by redesignating Code Section 49-4-15,
 305 relating to fraud in obtaining public assistance, food stamps, or Medicaid, penalties, and
 306 recovery of overpayments, as new Code Section 16-9-63 and revising such new Code section
 307 as follows:

308 ~~"49-4-15. 16-9-63.~~

309 (a) As used in this Code section, the term:

310 (1) 'Food instrument' means a voucher, check, electronic benefits transfer card, coupon,
 311 or other document that is used to obtain public assistance.

312 (2) 'Public assistance' means payment in or by money, medical care, remedial care,
 313 goods, or services to or for the benefit of needy persons under any categories that may
 314 be established pursuant to Article 1 of Chapter 4 of Title 49.

315 (3) 'Recipient' means a person to whom, or on whose behalf, public assistance is granted.

316 ~~(a)(b)(1) Except as otherwise provided in paragraph (2) of this subsection, any person~~
 317 ~~who: Any person who by~~

318 (A) By means of a false statement, failure to disclose information, or impersonation,
 319 or by other fraudulent device, obtains or attempts to obtain, ~~or any person who~~
 320 ~~knowingly or intentionally aids or abets such person in the obtaining or attempting to~~
 321 obtain:

322 ~~(1)(i) Any grant or payment of public assistance, food stamps instruments, or medical~~
 323 ~~assistance (Medicaid) to which he or she is not entitled;~~

324 ~~(2)(ii) A larger amount of public assistance, food stamp instrument allotment, or~~
 325 ~~medical assistance (Medicaid) than that to which he or she is entitled; or~~

326 ~~(3)(iii) Payment of any forfeited grant of public assistance; ~~or any person who, with~~~~

327 (B) ~~Knowingly or intentionally aids or abets a person identified in subparagraph (A)~~
 328 ~~of this paragraph in the obtaining or attempting to obtain:~~

329 (i) ~~Any grant or payment of public assistance, food instruments, or medical assistance~~
 330 ~~(Medicaid) to which he or she is not entitled;~~

331 (ii) ~~A larger amount of public assistance, food instrument allotment, or medical~~
 332 ~~assistance (Medicaid) than that to which he or she is entitled; or~~

333 (iii) ~~Payment of any forfeited grant of public assistance; or~~

334 ~~(C)~~ With intent to defraud the ~~department~~ Department of Human Services, aids or abets
 335 in the buying or in any way disposing of the real property of a recipient of public
 336 assistance,

337 shall be guilty of a misdemeanor ~~unless~~.

338 (2) When the total amount of the value of public assistance, food ~~stamps~~ instruments,
 339 and medical assistance (Medicaid) ~~so~~ obtained in violation of paragraph (1) of this
 340 subsection exceeds \$1,500.00, ~~in which event~~ such person shall be guilty of a felony and,
 341 upon conviction thereof, shall be punished by imprisonment for not less than one nor
 342 more than five years.

343 (3) For the purposes of this Code section, in ~~In~~ determining the amount of value of public
 344 assistance, food ~~stamps~~ instruments, and medical assistance (Medicaid) obtained by false
 345 statement, failure to disclose information, or impersonation, or other fraudulent device,
 346 the total amount obtained during any uninterrupted period of time shall be treated as one
 347 continuing offense.

348 ~~(b)~~(c) It shall be a fraudulent device within the meaning of subsection ~~(a)~~ (b) of this Code
 349 section, and punishable as therein provided, for any person:

350 (1) Knowingly to use, alter, or transfer food ~~stamp coupons~~ instruments or authorizations
 351 to purchase food ~~stamp coupons~~ instruments in any manner not authorized by law;

352 (2) Knowingly to possess food ~~stamp coupons~~ instruments or authorizations to purchase
 353 food ~~stamp coupons~~ instruments when he or she is not authorized by law to possess them;

354 (3) Knowingly to possess or redeem food ~~stamp coupons~~ instruments or benefits when
 355 he or she is not authorized by law to possess or redeem them; or

356 (4) Knowingly to use or redeem food ~~stamp coupons~~ instruments or benefits in any
 357 manner or for purposes not authorized by law.

358 ~~(c)~~(d)(1) Any person who obtains any payment of public assistance to which he or she
 359 is not entitled or in excess of that to which he or she is entitled shall be liable to the state
 360 for the amount of such overpayment.

361 (2) Any person who intentionally, with knowledge of the fraud, aids or abets any
 362 recipient of public assistance in obtaining or attempting to obtain any payment of public
 363 assistance to which the recipient is not entitled or a payment in excess of that to which
 364 he or she is entitled shall also be liable to the state for the amount of such payment.

365 (3) Any person who receives any payment of public assistance to which he or she is not
 366 entitled or in excess of that to which he or she is entitled shall be liable to the state for the
 367 amount of such overpayment.

368 (4) Subject to the limitations provided in this paragraph, the amount of such
 369 overpayment may be recovered by civil action and, if the person receiving such
 370 overpayment continues on assistance, by proportionate reduction of future public

371 assistance grants, in accordance with lawful regulations of the ~~board which shall conform~~
 372 ~~to the federal Social Security Act and federal regulations promulgated pursuant thereto~~
 373 Board of Human Services, until the excess amount has been paid. In any case in which,
 374 under this subsection, a person is liable to repay any sum, such sum may be collected
 375 without interest by civil action brought in the name of the ~~department~~ Department of
 376 Human Services. Any repayment required by this subsection may be waived by the
 377 ~~department~~ Department of Human Services, and the method of repayment, if any,
 378 including recoupments from current assistance grants, shall be determined by the
 379 ~~department~~ Department of Human Services. Recoupment may be initiated without regard
 380 to whether the ~~department~~ Department of Human Services has obtained a judgment in a
 381 civil action but shall not be initiated prior to notice and an opportunity for a hearing in
 382 accordance with ~~this article~~ Article 1 of Chapter 4 of Title 49. The ~~department~~
 383 Department of Human Services shall make such waivers and determinations of
 384 repayment and the manner of repayment in accordance with lawful regulations of the
 385 ~~board which shall conform to the federal Social Security Act and the federal regulations~~
 386 ~~promulgated pursuant thereto~~ Board of Human Services.

387 ~~(d)~~(e) Any felony offense under this Code section may be prosecuted by accusation as
 388 provided in Code Section 17-7-70.1.

389 ~~(e)~~(f)(1) Prior to the filing of an accusation or the return of an indictment, a prosecuting
 390 attorney may defer further prosecution of such accusation or indictment and shall have
 391 the authority to enter into a consent agreement with the individual in which such
 392 individual admits to any overpayment, consents to disqualification for such period of time
 393 as ~~is or may hereafter be provided by law~~ agreed upon, and agrees to repay, as restitution,
 394 such overpayment. Such agreement may provide for a lump sum repayment, installment
 395 payments, formula reduction of benefits, or any combination thereof. Such agreement
 396 shall toll the running of the statute of limitations for such offense for the period of the
 397 agreement. A consent agreement entered into in accordance with this subsection shall not
 398 constitute a criminal charge.

399 (2) Any such agreement shall be filed in the criminal docket of the court having
 400 jurisdiction over the violation of this Code section without the necessity of the state filing
 401 an accusation or an indictment being returned by a grand jury. The clerk shall enter upon
 402 the docket 'CONSENT AGREEMENT NOT A CRIMINAL CHARGE.'

403 (3) Upon successful completion of the terms and conditions of the consent agreement,
 404 criminal prosecution of the individual for such offense shall be barred; provided,
 405 however, that nothing in this paragraph shall prohibit the state from introducing evidence
 406 of such offense as a similar transaction in any subsequent prosecution or for the purpose

407 of impeachment. The successful completion of the terms and conditions of the agreement
 408 shall not be considered a criminal conviction.
 409 (4) If the individual fails to comply with the terms of such consent agreement, the state
 410 may proceed with a criminal prosecution."

411 **SECTION 2-2.**

412 Article 7 of Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to
 413 benefits relative to employment security, is amended by revising paragraph (4) of subsection
 414 (f) of Code Section 34-8-195, relating to determination of eligibility for unemployment
 415 benefits generally, eligibility while in training, and deductions and withholdings from
 416 compensation, as follows:

417 "(4) Amounts shall be deducted and withheld under this Code section only after amounts
 418 have been deducted and withheld for any overpayments of unemployment compensation,
 419 child support obligations, ~~food stamp~~ overissuances of a food instrument, as such term
 420 is defined in Code Section 16-9-63, or other purposes as required under this chapter."

421 **SECTION 2-3.**

422 Said article is further amended by revising subsection (b) of Code Section 34-8-199, relating
 423 to definitions, disclosure, and withholding uncollected overissuance, as follows:

424 "(b) An individual filing a new claim for unemployment compensation shall, at the time
 425 of filing such claim, disclose whether or not he or she owes an uncollected overissuance
 426 of ~~food stamp coupons~~ instruments, as such term is defined in Code Section 16-9-63. The
 427 Commissioner shall notify the Department of Human Services or the successor state food
 428 stamp agency enforcing such obligation of any individual who discloses that he or she
 429 owes such uncollected overissuance and who is determined to be eligible for
 430 unemployment compensation."

431 **SECTION 2-4.**

432 Chapter 7A of Title 48 of the Official Code of Georgia Annotated, relating to tax credits, is
 433 amended by revising subsection (e) of Code Section 48-7A-3, relating to persons entitled to
 434 claim tax credit, tax credits schedule, tax credit claimed against tax liability, period for filing
 435 claims for credit, applicability to food stamp recipients, and authority of commissioner, as
 436 follows:

437 "(e) Any individual who receives a ~~food stamp allotment~~ an allotment of a food instrument,
 438 as such term is defined in Code Section 16-9-63, for all or any part of a taxable year shall
 439 not be entitled to claim a credit under this Code section for that taxable year."

440 **SECTION 2-5.**

441 Article 1 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to
 442 general provisions relative to public assistance, is amended by reserving the former Code
 443 Section 49-4-15 designation.

444 **SECTION 2-6.**

445 Said article is further amended by revising subsection (a) of Code Section 49-4-21, relating
 446 to photo requirement on electronic benefits transfer cards for food stamps, as follows:

447 "(a) The department shall require that all electronic benefits transfer cards which include
 448 ~~food stamp~~ benefits for food instruments, as such term is defined in Code Section 16-9-63,
 449 contain a photograph of one or more members of a household who are authorized to use
 450 such food ~~stamp instrument~~ benefits. The department ~~is~~ shall be authorized to promulgate
 451 regulations necessary to implement the provisions of this Code section."

452 **SECTION 2-7.**

453 The Official Code of Georgia Annotated is amended by replacing "Code Section 49-4-15"
 454 with "Code Section 16-9-63" wherever the former occurs in:

- 455 (1) Code Section 16-10-51, relating to bail jumping; and
 456 (2) Code Section 48-7-161, relating to defined terms for setoff debt collection for income
 457 taxes.

458 **PART III**

459 **SECTION 3-1.**

460 (a) Part I of this Act shall become effective on July 1, 2017; provided, however, that for
 461 purposes of establishing rules and regulations to implement the provisions of this Act, this
 462 Act shall become effective on July 1, 2016.

463 (b) This part and Part II of this Act shall become effective on July 1, 2016.

464 **SECTION 3-2.**

465 All laws and parts of laws in conflict with this Act are repealed.