

House Bill 452

By: Representatives Sainz of the 180<sup>th</sup>, Kelley of the 16<sup>th</sup>, Harrell of the 106<sup>th</sup>, Corbett of the 174<sup>th</sup>, Burns of the 159<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 11 of Title 19 of the Official Code of Georgia Annotated, relating to  
2 enforcement of duty of support, so as to allow the Department of Revenue to access the Bank  
3 Match Registry for certain purposes; to provide for related matters; to repeal conflicting  
4 laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 11 of Title 19 of the Official Code of Georgia Annotated, relating to enforcement  
8 of duty of support, is amended by revising Code Section 19-11-30.1, relating to the Bank  
9 Match Registry, as follows:

10 "19-11-30.1.

11 (a) The department shall establish a computer based registry of account data obtained from  
12 financial institutions doing business in this state. Such registry shall be known as the  
13 Department of Human Services Bank Match Registry and shall include only:

14 (1) Identifying ~~identifying~~ information for obligors whom the child support enforcement  
15 agency believes owe child support and who are not under a child support order, and for  
16 obligors who are delinquent in an amount equal to or in excess of their support payment  
17 for one month. ~~Such registry shall be known as the Department of Human Services Bank~~  
18 ~~Match Registry. The child support enforcement agency shall be the sole agency with~~  
19 ~~access to this data. Access~~ agency's access to the Bank Match Registry shall be for the  
20 purpose of establishing and enforcing orders for support. ~~The department is authorized~~  
21 ~~to establish the procedures and the costs to be paid for performing the data searches and~~  
22 ~~for providing the data to the department's child support enforcement agency.~~

23 (2) Identifying information for delinquent taxpayers for whom the Department of  
24 Revenue has filed an execution in accordance with Chapter 3 of Title 48. The  
25 Department of Revenue's access to the Bank Match Registry shall be for the sole purpose

26 of identifying nonexempt assets of delinquent taxpayers and using such information for  
 27 the purposes of state tax administration under Title 48.

28 (b) The department is authorized to establish the procedures and the costs to be paid for  
 29 performing the data searches and for providing the data to the department's child support  
 30 enforcement agency and the Department of Revenue."

31 **SECTION 2.**

32 Said chapter is further amended by revising Code Section 19-11-30.2, relating to information  
 33 from financial institutions, as follows:

34 "19-11-30.2.

35 (a) As used in this Code section, the term 'for cause' means that the department has reason  
 36 to believe that an individual has opened an account at a financial institution.

37 (b) The department shall, pursuant to the provisions of subsection (f) of this Code section,  
 38 request from each financial institution, not more frequently than on a quarterly basis, the  
 39 name, record address, social security number, and other identifying data for each person  
 40 listed in such request who maintains an account at such financial institution. The data  
 41 provided shall be sent to the Department of Human Services Bank Match Registry. Such  
 42 registry shall include only identifying information ~~for obligors whom the child support~~  
 43 ~~enforcement agency believes owe child support and who are not under a child support~~  
 44 ~~order, and for obligors who are delinquent in an amount equal to or in excess of their~~  
 45 ~~support payment for one month as permitted by Code Section 19-11-30.1.~~ The department  
 46 shall update such listing every calendar quarter by removing the names of all persons who  
 47 have had no prior matches in the two immediately preceding quarters.

48 (c) The department may continue to request account matches on such removed names once  
 49 a year for the two calendar years immediately following the year in which the names are  
 50 removed or for cause.

51 (d) All requests made by the department pursuant to subsection (b) or (c) of this Code  
 52 section shall be in machine readable form unless a financial institution expressly requests  
 53 the department to submit the request in writing. The financial institution shall furnish all  
 54 such information in machine readable form, which meets criteria established by the  
 55 department, within 30 days of such request. Each financial institution shall furnish all such  
 56 information on those persons whose accounts bear a residential address within the state at  
 57 the time such request is processed by the financial institution.

58 (e) In no event shall a request for identifying information be made to a financial institution  
 59 on anyone other than:

60 (1) An an obligor whom the Department of Human Services has a good reason to believe  
 61 owes child support and who is not under a child support order, or an obligor who is

62 delinquent in an amount equal to or in excess of his or her support payment for one  
63 month; or

64 (2) A delinquent taxpayer for whom the Department of Revenue has filed an execution  
65 in accordance with Chapter 3 of Title 48.

66 (f) The Department of Human Services shall enter into agreements with financial  
67 institutions doing business in this state to develop and operate a data match system to the  
68 maximum extent feasible for the providing of the needed information to the department by  
69 the financial institution. At a minimum, the department shall identify the obligor or  
70 delinquent taxpayer by name and social security number or other taxpayer identification  
71 number. If the geographic region of an obligor or delinquent taxpayer is known by the  
72 Department of Human Services, and that department shall make an effort to determine the  
73 geographic region of an obligor or delinquent taxpayer, the department shall initially limit  
74 its request to the financial institution or institutions within that geographic region prior to  
75 making additional requests to other financial institutions in other geographic regions of the  
76 state. The department may pay a reasonable fee to the financial institution for conducting  
77 the searches required herein not to exceed the actual costs incurred by the financial  
78 institution."

79 **SECTION 3.**

80 Said chapter is further amended by revising Code Section 19-11-30.3, relating to  
81 responsibility of the Department of Human Services Bank Match Registry, as follows:

82 "19-11-30.3.

83 The Department of Human Services Bank Match Registry shall examine the data provided,  
84 make positive identification of cases submitted by the child support enforcement agency  
85 for child support enforcement purposes and cases submitted by the Department of Revenue  
86 for state tax enforcement purposes, and report the matched accounts in machine readable  
87 form to the child support enforcement agency or the Department of Revenue as applicable.

88 Upon the receipt of such information, the department, and where appropriate local  
89 contractors, shall seek to verify the accuracy of the information presented."

90 **SECTION 4.**

91 Said chapter is further amended by revising Code Section 19-11-30.4, relating to disclosure  
92 of information, as follows:

93 "19-11-30.4.

94 No employee or agent of the state shall divulge any information collected pursuant to Code  
95 Sections 19-11-30.1 through 19-11-30.3 or Code Section 19-11-30.6 to any public or  
96 private agency or individual except in the manner prescribed in this Code section.

97 Information may be disclosed and shared by and between any employee of an  
 98 administering agency and any subgrantee, local administering agency, or contractor  
 99 performing child support enforcement functions under the provisions of Title IV-D of the  
 100 federal Social Security Act or state tax law administration functions under Title 48.  
 101 Unauthorized disclosure shall be punished pursuant to Code Section 19-11-30."

#### 102 SECTION 5.

103 Said chapter is further amended by revising Code Section 19-11-30.10, relating to authority  
 104 to levy and seize deposits, as follows:

105 "19-11-30.10.

106 (a) The child support enforcement agency shall have the authority to levy and seize a  
 107 deposit or account in accordance with Code Section 19-11-32.

108 (b) The Department of Revenue shall have the authority to levy and seize a deposit or  
 109 account identified as a match under this article in accordance with Code Section 48-2-55."

#### 110 SECTION 6.

111 Said chapter is further amended by revising Code Section 19-11-30.11, relating to fees on  
 112 levied accounts, as follows:

113 "19-11-30.11.

114 A financial institution may charge an account levied on by the commissioner of human  
 115 services or the state revenue commissioner a fee, as determined by the respective  
 116 commissioner, of not less than \$20.00 nor more than \$50.00 which shall be deducted from  
 117 such account prior to remitting funds to the department. Neither the ~~The~~ commissioner of  
 118 human services nor the state revenue commissioner requesting bank or account information  
 119 under Code Section 19-11-30.2 shall ~~not~~ be liable for costs otherwise assessable pursuant  
 120 to Code Section 7-1-237."

#### 121 SECTION 7.

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