



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

**Agency:** Department of Social and Health Services, Economic Services Administration

- Preproposal Statement of Inquiry was filed as WSR: **16-08-060**; or
- Expedited Rule Making--Proposed notice was filed as WSR: **\_\_\_\_\_**; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR:
- Continuance of WSR:

**Title of rule and other identifying information:** (Describe Subject)

The department is proposing to amend WAC 388-422-0010, "How does being a fleeing felon impact my eligibility for benefits?".

**Hearing location(s):**

Office Building 2  
DSHS Headquarters  
1115 Washington  
Olympia, WA 98504

Public parking at 11<sup>th</sup> and Jefferson. A map is available at:  
<https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2>

Date: **August 9, 2016** Time: **10:00 a.m.**

**Submit written comments to:**

Name: DSHS Rules Coordinator  
Address: PO Box 45850  
Olympia, WA 98504  
e-mail: [DSHSRPAURulesCoordinator@dshs.wa.gov](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov)  
fax: (360) **664-6185**

**by: 5:00 p.m. August 9, 2016**

**Assistance for persons with disabilities:** Contact:  
Jeff Kildahl, DSHS Rules Consultant by July 26, 2016  
Phone: (360) 664-6092 or TTY: (360) 664-6178  
Email: [KildaJA@dshs.wa.gov](mailto:KildaJA@dshs.wa.gov)

**Date of intended adoption:** Not earlier than August 10, 2016  
(Note: This is **NOT** the **effective** date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

Changes proposed under this filing will amend WAC 388-422-0010 to conform to Federal Regulation changes regarding who is considered a fleeing felon. Federal regulations require the state to choose between two means of determining who is considered a fleeing felon and therefore ineligible for Supplemental Nutrition Assistance Program (SNAP) benefits. This WAC amendment defines how Washington Basic Food determines if someone is a fleeing felon.

**Reasons supporting proposal:**

The Department of Social and Health Services (DSHS) will amend WAC 388-442-0010 to comply with recent changes to the Code of Federal Regulations for SNAP.

**Statutory authority for adoption:**

RCW 74.04.005, RCW 74.04.050, RCW 74.04.055, RCW 74.04.057, RCW 74.08.090, RCW 74.08A.100, RCW 74.04.770, RCW 74.08.025, 7 CFR 273.11

**Statute being implemented:**

**Is rule necessary because of a:**

- Federal Law?  Yes  No
  - Federal Court Decision?  Yes  No
  - State Court Decision?  Yes  No
- If yes, CITATION:  
7 CFR 273.11

**DATE**  
June 28, 2016

**NAME** (type or print)  
Katherine Vasquez

**SIGNATURE**

**TITLE**  
DSHS Rules Coordinator

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: June 30, 2016**

**TIME: 1:34 PM**

**WSR 16-14-059**

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None

**Name of proponent:** (person or organization)

Department of Social and Health Services

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Ezra Paskus	712 Pear Street SE, Olympia, WA 98501	(360) 725-4611
Implementation:	Ezra Paskus	712 Pear Street SE, Olympia, WA 98501	(360) 725-4611
Enforcement:	Ezra Paskus	712 Pear Street SE, Olympia, WA 98501	(360) 725-4611

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

Phone: ( )

Fax: ( )

e-mail

No. Explain why no statement was prepared.

The proposed rule does not have an economic impact on small businesses. It only impacts DSHS clients.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

Phone: ( )

fax: ( )

e-mail:

No: Please Explain: These amendments are exempt as allowed under RCW 34.05.328(5)(b)(vii) which states in part, "this section does not apply to ...rules of the Department of Social and Health Services relating only to client medical or financial eligibility and rules concerning liability for care of dependents."

WAC 388-442-0010 ((How does being a fleeing felon impact my eligibility for benefits))**Am I eligible for benefits if I am fleeing from the law or breaking a condition for parole or probation?** (1) ((You are a fleeing felon if you are fleeing to avoid prosecution, custody, or confinement for a crime or an attempt to commit a crime that is considered a felony in the place from which you are fleeing.

(2)) If you are a fleeing felon((7)) or violating a condition of probation or parole ((as determined by an administrative body or court that has the authority to make this decision,)) you are not eligible for ((TANF/SFA)) temporary assistance for needy families (TANF), state family assistance (SFA), ((PWA)) pregnant women assistance (PWA), ((ABD)) aged, blind, or disabled (ABD) cash, referral to the ((HEN)) housing and essential needs (HEN) program, or basic food benefits.

(2) You are a fleeing felon if:

(a) A federal, state, or local law enforcement officer presents us with a felony arrest warrant that includes the national crime information center (NCIC) codes for escape (4901), flight to avoid (4902), or flight-escape (4999);

(b) The officer presenting the warrant is acting in an official capacity to obtain information on your location or other information; and

(c) You are the individual named in the warrant.

(3) You are violating a condition of parole or probation when:

(a) An administrative or judicial order has found you in violation of the terms of your parole or probation; and

(b) A law enforcement agency is actively seeking you to enforce the conditions of your parole or probation.

(4) "Actively seeking" as used in subsection (3)(b) of this section means a law enforcement agency intends to arrest you for a probation or parole violation within:

(a) Thirty days from the date we request information about the parole or probation violation; or

(b) Twenty days from the date the law enforcement agency requests information from us.