

Fiscal Estimate Narratives

DOJ 3/3/2008

LRB Number	07-3911/1	Introduction Number	AB-0771	Estimate Type	Original
Description Use of a social security number as personal identifier in the administration of a state or local governmental program					

Assumptions Used in Arriving at Fiscal Estimate

Assembly Bill 771 creates s. 19.72 to read, "Unless otherwise required by state or federal law or federal regulation or by the federal government as a condition to receipt of aids by an authority and except as otherwise specifically authorized by state law, no authority may use a social security number as an identifier for an individual in the administration of a program that is administered by the authority."

Under Chapter 949, the Department of Justice (DOJ) is directed to administer the Crime Victim Compensation Program (CVCP). The CVCP reimburses certain victims of crime for the costs of certain losses due to the crime, but the program pays only those out-of-pocket expenses that are not paid by insurance, public funds, or any other source. As part of DOJ's efforts to determine whether an applicant's expenses are eligible for compensation, DOJ contacts the Department of Health and Family Services (DHFS) to check applicants' Medical Assistance status. To ensure positive identification, DHFS asks DOJ to identify applicants by social security number. As a result, DOJ asks for the social security number on the CVCP application.

Since DOJ is not required by state or federal law to use the social security number, AB 771 would prohibit DOJ from using the number as an identifier in the administration of the crime victim compensation program. If AB 771 should pass, DOJ and DHFS will have to positively identify crime victim compensation program applicants through other means. If applicants are not positively identified, limited program funds may be approved for claimants who are Medical Assistance recipients. DOJ has no way to accurately estimate the amount of program funds that may be expended on compensation payments that otherwise would have been denied because the claimant was positively identified through the use of a social security number as a Medical Assistance recipient.

The Department of Justice also maintains several databases that hold social security numbers. In some instances, it is difficult to determine with certainty whether these databases are required, or even specifically authorized, by state or federal law.

For example, DOJ's Crime Information Bureau has forty years of social security number data on criminals that complies with the FBI's rules for data collection. This data is used for legitimate purposes such as assisting the Social Security Administration discontinue benefits to criminals, providing criminal background checks to employers, helping law enforcement positively identify criminal suspects, investigating instances of identity theft, etc. While these databases are crucial to law enforcement functions, it is not certain that the use of the social security numbers in the databases to identify individuals is expressly required by state or federal law.

Under AB 771, it is possible that these databases would become illegal and, to continue providing the law enforcement services listed above, would have to be re-engineered. It is difficult to accurately estimate the total cost of making modifications to multiple existing information technology systems. For comparison purposes, DOJ has submitted fiscal estimates this session on other bills that proposed modifications to existing databases that ranged from \$40,000 to \$80,000. However, at this point in time DOJ is unsure if any changes to existing databases that may be necessary under AB 771 would be comparable to the changes estimated to cost between \$40,000-\$80,000.

Long-Range Fiscal Implications