



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

### HB5548

Introduced 1/31/2022, by Rep. Lamont J. Robinson, Jr.

#### SYNOPSIS AS INTRODUCED:

305 ILCS 5/9A-13

305 ILCS 5/9A-16

305 ILCS 5/12-4.4

750 ILCS 16/15

from Ch. 23, par. 12-4.4

Amends the Illinois Public Aid Code. In provisions concerning education, training, and employment programs for recipients of public aid, removes all references and provisions concerning the Earnfare component of the SNAP Employment and Training (SNAP E&T) program. Provides that if a court of competent jurisdiction orders an individual to participate in the SNAP E&T program (rather than the Earnfare program), hours engaged in employment assigned activities shall first be applied for a \$50 payment made to the custodial parent as a support obligation. Amends the Non-Support Punishment Act. In provisions concerning the offense of failure to support, provides that a person convicted of a first offense who is eligible for the SNAP E&T program (rather than the Earnfare program) shall, in lieu of a sentence, be referred to the SNAP E&T program (rather than the Earnfare program). Provides that upon certification of completion of the SNAP E&T program (rather than the Earnfare program), the conviction shall be expunged.

LRB102 22972 KTG 32126 b

1 AN ACT concerning public aid.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Aid Code is amended by  
5 changing Sections 9A-13, 9A-16, and 12-4.4 as follows:

6 (305 ILCS 5/9A-13)

7 Sec. 9A-13. Work activity; anti-displacement provisions.

8 (a) As used in this Section "work activity" means any  
9 workfare, ~~earnfare,~~ pay-after-performance,  
10 work-off-the-grant, work experience, or other activity under  
11 Section 9A-9 or any other Section of this Code in which a  
12 recipient of public assistance performs work for any employer  
13 as a condition of receiving the public assistance, and the  
14 employer does not pay wages for the work; or as any grant  
15 diversion, wage supplementation, or similar program in which  
16 the public assistance grant is provided to the employer as a  
17 subsidy for the wages of any recipient in its workforce.

18 (b) An employer may not utilize a work activity  
19 participant if such utilization would result in:

20 (1) the displacement or partial displacement of  
21 current employees, including but not limited to a  
22 reduction in hours of non-overtime or overtime work,  
23 wages, or employment benefits; or

1           (2) the filling of a position that would otherwise be  
2 a promotional opportunity for current employees; or

3           (3) the filling of a position created by or causing  
4 termination, layoff, a hiring freeze, or a reduction in  
5 the workforce; or

6           (4) the placement of a participant in any established  
7 unfilled vacancy; or

8           (5) the performance of work by a participant if there  
9 is a strike, lockout, or other labor dispute in which the  
10 employer is engaged.

11          (c) An employer who wishes to utilize work activity  
12 participants shall, at least 15 days prior to utilizing such  
13 participants, notify the labor organization of the name, work  
14 location, and the duties to be performed by the participant.

15          (d) The Department of Human Services shall establish a  
16 grievance procedure for employees and labor organizations to  
17 utilize in the event of any alleged violation of this Section.  
18 Notwithstanding the above, a labor organization may utilize  
19 the established grievance or arbitration procedure in its  
20 collective bargaining agreement to contest violations of this  
21 Section.

22          (Source: P.A. 92-111, eff. 1-1-02.)

23           (305 ILCS 5/9A-16)

24           Sec. 9A-16. Work activity; applicable minimum wage. The  
25 State or federal minimum wage, whichever is higher, shall be

1 used to calculate the required number of hours of  
2 participation in any ~~earnfare~~ or pay-after-performance  
3 activity under Section 9A-9 or any other Section of this Code  
4 in which a recipient of public assistance performs work as a  
5 condition of receiving the public assistance and the recipient  
6 is not paid wages for the work.

7 (Source: P.A. 94-533, eff. 8-10-05; 95-331, eff. 8-21-07.)

8 (305 ILCS 5/12-4.4) (from Ch. 23, par. 12-4.4)

9 Sec. 12-4.4. Administration of federally-aided programs.  
10 Direct County Departments of Public Aid in the administration  
11 of the federally funded Supplemental Nutrition Assistance  
12 (SNAP) Program, programs to aid refugees and Articles III, IV,  
13 and V of this Code.

14 The Illinois Department of Human Services shall operate a  
15 SNAP Employment and Training (SNAP E&T) program in compliance  
16 with federal law. The SNAP E&T program may only be mandatory in  
17 counties where the Department can show that there are  
18 sufficient program slots for at least the majority of the  
19 county's current non-exempt work registrants as described in  
20 Section 11-20 of this Code. Nothing in this Section shall  
21 prevent the Department from operating a fully voluntary SNAP  
22 E&T program. ~~The SNAP E&T program will have an Earnfare~~  
23 ~~component. The Earnfare component shall be available in~~  
24 ~~selected geographic areas based on criteria established by the~~  
25 ~~Illinois Department of Human Services by rule. Participants in~~

1 ~~Earnfare will, to the extent resources allow, earn their~~  
2 ~~assistance. Participation in the Earnfare program is~~  
3 ~~voluntary, except when ordered by a court of competent~~  
4 ~~jurisdiction. Eligibility for Earnfare may be limited to only~~  
5 ~~6 months out of any 12 consecutive month period. Clients are~~  
6 ~~not entitled to be placed in an Earnfare slot. Earnfare slots~~  
7 ~~shall be made available only as resources permit. Earnfare~~  
8 ~~shall be available to persons receiving SNAP benefits who meet~~  
9 ~~eligibility criteria established by the Illinois Department of~~  
10 ~~Human Services by rule. The Illinois Department may, by rule,~~  
11 ~~extend the Earnfare Program to clients who do not receive SNAP~~  
12 ~~benefits. Receipt of SNAP benefits is not an eligibility~~  
13 ~~requirement of Earnfare when a court of competent jurisdiction~~  
14 ~~orders an individual to participate in the Earnfare Program.~~  
15 ~~To the extent resources permit, the Earnfare program will~~  
16 ~~allow participants to engage in work related activities to~~  
17 ~~earn monthly financial assistance payments and to improve~~  
18 ~~participants' employability in order for them to succeed in~~  
19 ~~obtaining employment. The Illinois Department of Human~~  
20 ~~Services may enter into contracts with other public agencies~~  
21 ~~including State agencies, with local governmental units, and~~  
22 ~~with not for profit community based organizations to carry out~~  
23 ~~the elements of the Program that the Department of Human~~  
24 ~~Services deems appropriate.~~

25 ~~The Earnfare Program shall contain the following elements:~~

26 ~~(1) To the extent resources allow and slots exist, the~~

1 ~~Illinois Department of Human Services shall refer~~  
2 ~~recipients of SNAP benefits who meet eligibility criteria,~~  
3 ~~as established by rule. Receipt of SNAP benefits is not an~~  
4 ~~eligibility requirement of Earnfare when a court of~~  
5 ~~competent jurisdiction orders an individual to participate~~  
6 ~~in the Earnfare Program.~~

7 ~~(2) Persons participating in Earnfare shall engage in~~  
8 ~~employment assigned activities equal to the amount of the~~  
9 ~~SNAP benefits divided by the State or federal minimum~~  
10 ~~wage, whichever is higher, and subsequently shall earn~~  
11 ~~minimum wage assistance for each additional hour of~~  
12 ~~performance in Earnfare activity. Earnfare participants~~  
13 ~~shall be offered the opportunity to earn up to \$154. The~~  
14 ~~Department of Human Services may establish a higher amount~~  
15 ~~by rule provided resources permit. If a court of competent~~  
16 ~~jurisdiction orders an individual to participate in the~~  
17 ~~SNAP E&T Earnfare program, hours engaged in employment~~  
18 ~~assigned activities shall first be applied for a \$50~~  
19 ~~payment made to the custodial parent as a support~~  
20 ~~obligation. If the individual receives SNAP benefits, the~~  
21 ~~individual shall engage in employment assigned activities~~  
22 ~~equal to the amount of the SNAP benefits divided by the~~  
23 ~~State or federal minimum wage, whichever is higher, and~~  
24 ~~subsequently shall earn State or federal minimum wage~~  
25 ~~assistance, whichever is higher, for each additional hour~~  
26 ~~of performance in Earnfare activity.~~

1           ~~(3) To the extent appropriate slots are available, the~~  
2           ~~Illinois Department of Human Services shall assign~~  
3           ~~Earnfare participants to Earnfare activities based on an~~  
4           ~~assessment of the person's age, literacy, education,~~  
5           ~~educational achievement, job training, work experience,~~  
6           ~~and recent institutionalization, whenever these factors~~  
7           ~~are known to the Department of Human Services or to the~~  
8           ~~contractor and are relevant to the individual's success in~~  
9           ~~carrying out the assigned activities and in ultimately~~  
10          ~~obtaining employment.~~

11          ~~(4) The Department of Human Services shall consider~~  
12          ~~the participant's preferences and personal employment~~  
13          ~~goals in making assignments to the extent administratively~~  
14          ~~possible and to the extent that resources allow.~~

15          ~~(5) The Department of Human Services may enter into~~  
16          ~~cooperative agreements with local governmental units~~  
17          ~~(which may, in turn, enter into agreements with~~  
18          ~~not for profit community based organizations): with other~~  
19          ~~public, including State, agencies; directly with~~  
20          ~~not for profit community based organizations, and with~~  
21          ~~private employers to create Earnfare activities for~~  
22          ~~program participants.~~

23          ~~(6) To the extent resources permit, the Department of~~  
24          ~~Human Services shall provide the Earnfare participants~~  
25          ~~with the costs of transportation in looking for work and~~  
26          ~~in getting to and from the assigned Earnfare job site and~~

1 ~~initial expenses of employment.~~

2 ~~(7) All income and asset limitations of the Federal~~  
3 ~~SNAP Program will govern continued Earnfare participation,~~  
4 ~~except that court ordered participants shall participate~~  
5 ~~for 6 months unless the court orders otherwise.~~

6 ~~(8) Earnfare participants shall not displace or~~  
7 ~~substitute for regular, full time or part time employees,~~  
8 ~~regardless of whether or not the employee is currently~~  
9 ~~working, on a leave of absence or in a position or similar~~  
10 ~~position where a layoff has taken place or the employer~~  
11 ~~has terminated the employment of any regular employee or~~  
12 ~~otherwise reduced its workforce with the effect of filling~~  
13 ~~the vacancy so created with a participant subsidized under~~  
14 ~~this program, or is or has been involved in a labor dispute~~  
15 ~~between a labor organization and the sponsor.~~

16 ~~(9) Persons who fail to cooperate with the SNAP E&T~~  
17 ~~program in counties where available program slots exist~~  
18 ~~for at least the majority of that county's current work~~  
19 ~~registrants shall become ineligible for SNAP benefits~~  
20 ~~according to SNAP regulations, and for Earnfare~~  
21 ~~participation. Failure to participate in Earnfare for all~~  
22 ~~of the hours assigned is not a failure to cooperate unless~~  
23 ~~so established by the employer pursuant to Department of~~  
24 ~~Human Services rules. If a person who is ordered by a court~~  
25 ~~of competent jurisdiction to participate in the Earnfare~~  
26 ~~Program fails to cooperate with the Program, the person~~



1 ~~shall be referred to the court for failure to comply with~~  
2 ~~the court order.~~

3 (Source: P.A. 101-566, eff. 8-23-19.)

4 Section 10. The Non-Support Punishment Act is amended by  
5 changing Section 15 as follows:

6 (750 ILCS 16/15)

7 Sec. 15. Failure to support.

8 (a) A person commits the offense of failure to support  
9 when he or she:

10 (1) willfully, without any lawful excuse, refuses to  
11 provide for the support or maintenance of his or her  
12 spouse, with the knowledge that the spouse is in need of  
13 such support or maintenance, or, without lawful excuse,  
14 deserts or willfully refuses to provide for the support or  
15 maintenance of his or her child or children in need of  
16 support or maintenance and the person has the ability to  
17 provide the support; or

18 (2) willfully fails to pay a support obligation  
19 required under a court or administrative order for  
20 support, if the obligation has remained unpaid for a  
21 period longer than 6 months, or is in arrears in an amount  
22 greater than \$5,000, and the person has the ability to  
23 provide the support; or

24 (3) leaves the State with the intent to evade a

1 support obligation required under a court or  
2 administrative order for support, if the obligation,  
3 regardless of when it accrued, has remained unpaid for a  
4 period longer than 6 months, or is in arrears in an amount  
5 greater than \$10,000; or

6 (4) willfully fails to pay a support obligation  
7 required under a court or administrative order for  
8 support, if the obligation has remained unpaid for a  
9 period longer than one year, or is in arrears in an amount  
10 greater than \$20,000, and the person has the ability to  
11 provide the support.

12 (a-5) Presumption of ability to pay support. The existence  
13 of a court or administrative order of support that was not  
14 based on a default judgment and was in effect for the time  
15 period charged in the indictment or information creates a  
16 rebuttable presumption that the obligor has the ability to pay  
17 the support obligation for that time period.

18 (b) Sentence. A person convicted of a first offense under  
19 subdivision (a)(1) or (a)(2) is guilty of a Class A  
20 misdemeanor. A person convicted of an offense under  
21 subdivision (a)(3) or (a)(4) or a second or subsequent offense  
22 under subdivision (a)(1) or (a)(2) is guilty of a Class 4  
23 felony.

24 (c) Expungement. A person convicted of a first offense  
25 under subdivision (a)(1) or (a)(2) who is eligible for the  
26 SNAP E&T program ~~Earnfare program~~, shall, in lieu of the

1 sentence prescribed in subsection (b), be referred to the SNAP  
2 E&T program ~~Earnfare program~~. Upon certification of completion  
3 of the SNAP E&T program ~~Earnfare program~~, the conviction shall  
4 be expunged. If the person fails to successfully complete the  
5 SNAP E&T program ~~Earnfare program~~, he or she shall be  
6 sentenced in accordance with subsection (b).

7 (d) Fine. Sentences of imprisonment and fines for offenses  
8 committed under this Act shall be as provided under Articles 8  
9 and 9 of Chapter V of the Unified Code of Corrections, except  
10 that the court shall order restitution of all unpaid support  
11 payments and may impose the following fines, alone, or in  
12 addition to a sentence of imprisonment under the following  
13 circumstances:

14 (1) from \$1,000 to \$5,000 if the support obligation  
15 has remained unpaid for a period longer than 2 years, or is  
16 in arrears in an amount greater than \$1,000 and not  
17 exceeding \$10,000;

18 (2) from \$5,000 to \$10,000 if the support obligation  
19 has remained unpaid for a period longer than 5 years, or is  
20 in arrears in an amount greater than \$10,000 and not  
21 exceeding \$20,000; or

22 (3) from \$10,000 to \$25,000 if the support obligation  
23 has remained unpaid for a period longer than 8 years, or is  
24 in arrears in an amount greater than \$20,000.

25 (e) Restitution shall be ordered in an amount equal to the  
26 total unpaid support obligation as it existed at the time of

1 sentencing. Any amounts paid by the obligor shall be allocated  
2 first to current support and then to restitution ordered and  
3 then to fines imposed under this Section.

4 (f) For purposes of this Act, the term "child" shall have  
5 the meaning ascribed to it in Section 505 of the Illinois  
6 Marriage and Dissolution of Marriage Act.

7 (Source: P.A. 91-613, eff. 10-1-99; 92-876, eff. 6-1-03.)