Effective Dates: 05/28/2015 - Present (Go to History)

SENSITIVE - NOT TO BE SHARED WITH THE PUBLIC

TN 9 (01-19)

TC 36001.050 Prisoners and Other Inmates

A. Policy

1. Title II

The law requires the Social Security Administration (SSA) to suspend benefits to prisoners and other inmates. Beginning 04/01/00, SSA must suspend benefits for Title II beneficiaries:

- who are confined to a penal institution for more than 30 continuous days due to the conviction for a criminal
 offense, or
- after a court of competent jurisdiction issues a verdict, finding or a ruling that declares the beneficiary:
 - guilty but insane with respect to a criminal offense, or
 - not guilty of such criminal offense by reason of insanity (NGRI), or
 - incompetent to stand trial under an allegation of a criminal offense, or
 - determined to have a similar verdict or finding with respect to a criminal offense based on similar factors (e.g., such as mental disease),
 and
 - the institution officially confines the beneficiary at public expense for more than 30 continuous days, or
 - immediately after a beneficiary serves his or her criminal sentence in a correctional institution (the beneficiary was confined for committing a crime involving inappropriate sexual activity), the institution confines the beneficiary at public expense for more than 30 continuous days because the court found the beneficiary was medically and legally a sexually dangerous person, a sexual predator, or had a similar finding.

For additional information about the suspension provisions for prisoners and other inmates, including the law for periods prior to 04/01/00, see <u>GN 02607.001C.</u>

2. Title XVI

A resident of a correctional institution is a resident of a public institution for purposes of Supplemental Security Income (SSI) payments. When an SSI recipient is in a correctional institution throughout a month, he or she is ineligible for SSI.

NOTE: We consider a private facility that is acting as an agent of Federal, State, or local penal authorities, a public institution for SSI purposes (see <u>SI 00520.001C.2.a</u>).

You can find additional information about issues such as an SSI recipient's authorized or unauthorized absence from a correctional institution, in GN 02607.050.

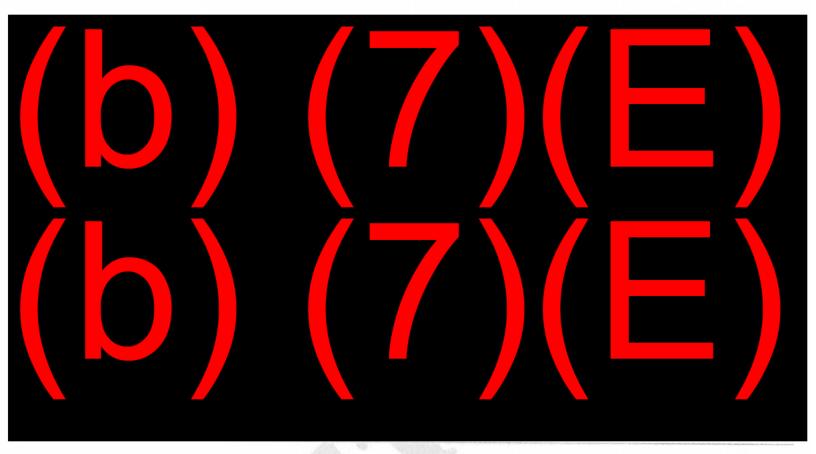
(b) (2)(b) (2)(b) (2)

3. PL 111-115 the No Social Security Benefits for Prisoners Act effective December 15, 2009

On December 15, 2009, the No Social Security Benefits for Prisoners Act of 2009 (Public Law 111-115) was enacted. This law prohibits payment of retroactive (i.e., underpayments) Title II or Title XVI benefits to beneficiaries, recipients or their representative payees, while the beneficiaries or recipients are prisoners, fugitive felons or probation or parole violators.

(b)	(7)(E),	(b)	(2)
(b)	(7)(E),	(b)	(2)
(b)	(7)(E),	(b)	(2)
(b)	(7)(E),	(b)	(2)
(b)	(7)(E),	(b)	(2)
(b)	(7)(E),	(b)	(2)
(b)	(7)(E), (7)(E), (7)(E),	(b)	(2)
(b)	(7)(E),	(b)	(2)

7 2600 2



Section History

Go To Transmittal

Go To Transmittal

Minor Change Explanation

Effective Date Title

5/29/2015 Prisoners and Other Inmates 9/17/2014 Prisoners and Other Inmates

8/29/2012 Prisoners and Other Inmates

Prior Versions of Section

Effective Date Title

5/28/2015 - 05/27/2015 Prisoners and Other Inmates

9/16/2014 - 05/27/2015 Prisoners and Other Inmates

8/28/2012 - 09/15/2014 Prisoners and Other Inmates

8/03/2012 - 08/27/2012 Prisoners and Other Inmates

5/18/2012 - 08/02/2012 Prisoners and Other Inmates

(b) (2)

TC 36001.050 - Prisoners and Other Inmate Batch run: 02/23/201

Rev:05-28-20