

An Act

ENROLLED HOUSE
BILL NO. 2587

By: Ownbey, Bennett and Pittman
of the House

and

Standridge of the Senate

An Act relating to food stamps; amending 56 O.S. 2011, Section 243, as amended by Section 1, Chapter 223, O.S.L. 2013 (56 O.S. Supp. 2013, Section 243), which relates to food stamp fraud; modifying definition; and providing an effective date.

SUBJECT: Food stamp fraud

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 56 O.S. 2011, Section 243, as amended by Section 1, Chapter 223, O.S.L. 2013 (56 O.S. Supp. 2013, Section 243), is amended to read as follows:

Section 243. A. No person shall:

1. Obtain;
2. Attempt to obtain;
3. Aid;
4. Abet;
5. Assist any person to obtain, by means of:
 - a. a false statement or representation,
 - b. false impersonation,

c. a fictitious transfer, conveyance or encumbrance of property or income,

d. knowing and willful failure to report to the Department of Human Services:

- (1) income,
- (2) personal property,
- (3) real property,
- (4) household members, or
- (5) other eligibility factors,

at the time of application or during a period of receipt of assistance, or

e. any other fraudulent device:

- (1) food stamps or coupons, or any benefit or debit card or any other device authorizing participation in the food stamp program, to which such applicant for food stamps or coupons, or any benefit or debit card or any other device authorizing participation in the food stamp program is not entitled, or
- (2) a greater amount of food stamps or coupons, or a greater number of benefit or debit cards or any other device authorizing participation in the food stamp program than that amount or number which such applicant for food stamps or coupons, or any benefit or debit card or any other device authorizing participation in the food stamp program is justly entitled to;

6. Acquire, possess, use or transfer food stamps or coupons, or any benefit or debit card or any other device authorizing participation in the food stamp program that has been issued to another person, except as authorized by this act and the rules of the Department of Human Services;

7. Acquire or transfer food stamps or coupons, or any benefit or debit card or any other device authorizing participation in the food stamp program, except in exchange for food or food products for human consumption. For purposes of this paragraph, the phrase "food or food products for human consumption" shall not be construed as including alcoholic beverages, tobacco, beer, or imported foods; or

8. Transfer any food stamps or coupons, or any benefit or debit card or any other device authorizing participation in the food stamp program, to a person who is not authorized by this act and rules of the Department of Human Services to acquire, possess, or use the transferred food stamps or coupons, or any benefit or debit card or any other device authorizing participation in the food stamp program.

B. 1. Any person, firm or corporation who violates any of the provisions of this section shall be guilty of a:

- a. misdemeanor, if the aggregate amount of food stamps or coupons, or the aggregate value of any benefit or debit card or any other device authorizing participation in the food stamp program obtained or transferred is Five Hundred Dollars (\$500.00) or less, and, upon conviction thereof, shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not more than three (3) months, or by both such fine and imprisonment, in the discretion of the court, or
- b. felony, if the aggregate amount of food stamps or coupons, or the aggregate value of any benefit card or debit card or any other device authorizing participation in the food stamp program obtained or transferred is in excess of Five Hundred Dollars (\$500.00), and, upon conviction thereof, shall be punishable by a fine of not more than Five Thousand Dollars (\$5,000.00), or by imprisonment in the State Penitentiary for not more than two (2) years, or by both such fine and imprisonment, in the discretion of the court.

2. Any store which allows purchases of prohibited items shall not be allowed to participate in the program.

3. Any person, firm or corporation who knowingly traffics in food stamps or coupons of an aggregate value of One Hundred Dollars (\$100.00) or less, or any benefit or debit card or any other device authorizing participation in the food stamp program with an aggregate value of One Hundred Dollars (\$100.00) or less, shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500.00), by imprisonment in the county jail for not more than three (3) months, or by both such fine and imprisonment, in the discretion of the court.

4. Any person, firm or corporation who knowingly traffics in food stamps or coupons of an aggregate value exceeding One Hundred Dollars (\$100.00), or any benefit or debit card or any other device authorizing participation in the food stamp program with an aggregate value exceeding One Hundred Dollars (\$100.00), shall, upon conviction, be guilty of a felony, punishable by a fine of not more than Five Thousand Dollars (\$5,000.00), by imprisonment in the State Penitentiary for not more than two (2) years, or by both such fine and imprisonment, in the discretion of the court.

5. Any district attorney who enters into a deferred adjudication or who negotiates for a deferred sentence with a defendant charged with a violation of the provisions of this section shall present the defendant with a disqualification consent agreement as part of the deferred adjudication or sentence.

C. As used in this section, "to traffic or trafficking in food stamps" means:

1. ~~To illegally transport, transfer, sell, barter, trade, purchase, receive, possess, or in any manner acquire, or otherwise dispose of or obtain control of:~~

- a. ~~food stamps or coupons,~~
- b. ~~any benefit or debit card,~~
- c. ~~any other device authorizing participation in the food stamp program, or~~
- d. ~~any counterfeit or stolen:~~
 - (1) ~~food stamps or coupons,~~
 - (2) ~~benefit or debit card, or~~

~~(3) other device purporting to authorize another, as consideration for anything of value; or~~

~~2. To make or obtain control of:~~

- ~~a. food stamps or coupons,~~
- ~~b. any benefit or debit card, or~~
- ~~c. any other device authorizing participation in the food stamp program, with intent to illegally transport, transfer, sell, barter, trade, purchase, receive, possess, or in any manner acquire, or otherwise dispose of or obtain control of such food stamps, coupons, benefit or debit card or other device authorizing participation in the food stamp program, in any manner or circumstance not specifically authorized under the Food Stamp Act of 1977 or the rules of the Department~~

The buying, selling, stealing, or otherwise effecting an exchange of food stamp benefits issued and accessed via electronic benefit transfer cards, benefit or debit cards, card numbers and personal identification numbers, or by manual voucher and signature, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone;

2. The exchange of firearms, ammunition, explosives, or controlled substances, as defined in Section 802 of Title 21 of the United States Code, for food stamp benefits or food stamp electronic benefit transfer cards, benefit or debit cards;

3. The possession of stolen food stamp electronic benefit transfer cards, benefit or debit cards;

4. Purchasing a product with food stamp benefits that has a container requiring a return deposit with the intent of obtaining cash by discarding the product and returning the container for the deposit amount, intentionally discarding the product, and intentionally returning the container for the deposit amount;

5. Purchasing a product with food stamp benefits with the intent of obtaining cash or consideration other than eligible food by reselling the product, and subsequently intentionally reselling the

product purchased with food stamp benefits in exchange for cash or consideration other than eligible food; or

6. Intentionally purchasing products originally purchased with food stamp benefits in exchange for cash or consideration other than eligible food.

SECTION 2. This act shall become effective November 1, 2014.

Passed the House of Representatives the 17th day of February, 2014.

Joe R. Donaghy
Presiding Officer of the House
of Representatives

Passed the Senate the 21st day of April, 2014.

Anthony G. Lee
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 22nd
day of April, 20 14, at 1:53 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 28th
day of April, 20 14, at 3:39 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 28th
day of April, 20 14, at 5:28 o'clock P M.

By: Chris Benz