

ENROLLED SENATE
BILL NO. 1135

By: Helton of the Senate

and

Askins, Glover, Kirby,
Deutschendorf, Roberts and
Smith (Bill) of the House

An Act relating to poor persons; amending 56 O.S. 1991, Section 243, as amended by Section 1, Chapter 156, O.S.L. 1993 (56 O.S. Supp. 1995, Section 243), which relates to food stamp fraud; clarifying certain language; modifying certain definition; and declaring an emergency.

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

SECTION 1. AMENDATORY 56 O.S. 1991, Section 243, as amended by Section 1, Chapter 156, O.S.L. 1993 (56 O.S. Supp. 1995, Section 243), is amended to read as follows:

Section 243. A. No person shall:

~~obtain or~~ 1. Obtain;

~~attempt~~ 2. Attempt to obtain, ~~or;~~

~~aid,~~ 3. Aid;

~~abet or~~ 4. Abet;

~~assist~~ 5. Assist any person to obtain, by means of:

a. a false statement or representation, ~~or by~~

b. false impersonation, ~~or by~~

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

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 ~~material~~ 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 ~~an~~ 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 ~~an~~ 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 ~~or~~ to;

~~acquire~~ 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, except as authorized by this act and the rules and regulations of the Oklahoma Public Welfare Commission, nor shall any person for Human Services;
or

~~acquire~~ 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, which. For purposes of this paragraph, the phrase "food or food products for human consumption" shall not be construed as including alcoholic beverages, tobacco, beer containing not more than three and two-tenths percent (3.2%) of alcohol by weight, or imported foods.

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 fined punishable by a fine of not more than Five Hundred Dollars (\$500.00), or be imprisoned by imprisonment in the State Penitentiary for not more than three (3) months, or by both fined such fine and imprisoned imprisonment, in the discretion of the court, or shall be guilty of a

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 fined punishable by a fine of not more than Five Thousand Dollars (\$5,000.00), or be imprisoned by imprisonment in the penitentiary State Penitentiary for a term 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.

~~B.~~ 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 a term of 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 ~~a term of~~ not more than two (2) years, or by both such fine and imprisonment, in the discretion of the court.

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

~~to~~ 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, ~~or~~
- b. any benefit or debit card ~~or~~,
- 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

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

- a. food stamps or coupons, ~~or~~
- 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 stamp stamps, coupon 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.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 21st day of February, 1996.

President of the Senate

Passed the House of Representatives the 4th day of April, 1996.

Speaker of the House of Representatives