

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:

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, except as authorized by this act and the rules of the Commission for Human Services; or

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.

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 State Penitentiary 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.

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.

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.