

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 373

By: Brecheen

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6 AS INTRODUCED

7 An Act relating to public assistance fraud; amending
8 56 O.S. 2001, Sections 26.18 and 185, which relate to
9 penalties for public assistance fraud; modifying
penalties related to penalties for public assistance
fraud; and providing an effective date.

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

13 SECTION 1. AMENDATORY 56 O.S. 2001, Section 26.18, is
14 amended to read as follows:

15 Section 26.18 A. Every applicant for emergency relief or
16 general assistance shall make a written application, containing a
17 written certification, under penalty of perjury, alleging that all
18 facts set out in such application are true and correct. And said
19 application shall be forthwith acted upon, with dispatch and without
20 delay.

21 B. Any person, whose duty it is to pass upon the eligibility of
22 persons to participate in any benefits provided in this act, who
23 shall knowingly, willfully or intentionally allow, or cause to be
24 allowed, any claim to any person known to be ineligible for such

1 relief, or, who aids, or abets, or persuades any person to sign an
2 application to obtain by means of a willfully false statement or
3 representation or other fraudulent device, assistance to which an
4 applicant is not entitled or assistance greater than that to which
5 an applicant is justly entitled shall be guilty of a felony, and
6 upon conviction thereof shall be imprisoned not less than one (1)
7 year or more than five (5) years or be fined not less than ~~One~~
8 ~~Hundred Dollars (\$100.00)~~ Five Hundred Dollars (\$500.00) or more
9 than ~~One Thousand Dollars (\$1,000.00)~~ Five Thousand Dollars
10 (\$5,000.00), or be both so fined and imprisoned ~~in~~ at the discretion
11 of the court.

12 SECTION 2. AMENDATORY 56 O.S. 2001, Section 185, is
13 amended to read as follows:

14 Section 185. Any person who:

15 1. Obtains or attempts to obtain, or aids, abets or assists any
16 person to obtain, by means of a false statement or representation,
17 by false impersonation, by a fictitious transfer, conveyance or
18 encumbrance of property or income, by a knowing and willful failure
19 to report to the Department of Human Services income, personal
20 property, real property, household members, or other material
21 eligibility factors at the time of application or during the receipt
22 of assistance, or by other fraudulent device, assistance to which an
23 applicant is not entitled or assistance greater than that to which
24 an applicant is justly entitled; or

1 2. By sale, barter, purchase, theft, acquisition, possession or
2 use of any electronic benefits or debit card or any other device
3 authorizing participation in the Temporary Assistance for Needy
4 Families or other program of the Department, knowingly obtains,
5 aids, abets or assists any person to obtain or attempt to obtain
6 assistance to which a person is not entitled, shall be guilty of a
7 ~~misdemeanor~~ felony, if the aggregate amount of assistance received
8 as a result thereof is Five Hundred Dollars (\$500.00) or less. Upon
9 conviction thereof, such person shall be fined not more than ~~Five~~
10 ~~Hundred Dollars (\$500.00)~~ One Thousand Dollars (\$1,000.00) or be
11 imprisoned for not more than three (3) months or be both so fined
12 and imprisoned ~~in~~ at the discretion of the court; provided, however,
13 if the aggregate amount of assistance received as a result thereof
14 is in excess of Five Hundred Dollars (\$500.00), such person shall be
15 guilty of a felony and, upon conviction thereof, shall be fined not
16 more than ~~Five Thousand Dollars (\$5,000.00)~~ Ten Thousand Dollars
17 (\$10,000.00) or be imprisoned in the State Penitentiary for a term
18 of not more than two (2) years, or be subject to both such fine and
19 imprisonment ~~in~~ at the discretion of the court.

20 SECTION 3. This act shall become effective November 1, 2011.

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