

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 887

By: Holt and Standridge of the
Senate

6 and

7 Grau of the House

8
9
10 COMMITTEE SUBSTITUTE

11 [poor persons - penalties for fraud - extending
12 periods of incarceration for convictions -
13 effective date]

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

17 SECTION 1. AMENDATORY 56 O.S. 2011, Section 243, is
18 amended to read as follows:

19 Section 243. A. No person shall:

20 1. Obtain;

21 2. Attempt to obtain;

22 3. Aid;

23 4. Abet;

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

- 1 a. a false statement or representation,
2 b. false impersonation,
3 c. a fictitious transfer, conveyance or encumbrance of
4 property or income,
5 d. knowing and willful failure to report to the
6 Department of Human Services:

- 7 (1) income,
8 (2) personal property,
9 (3) real property,
10 (4) household members, or
11 (5) other eligibility factors,

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

- 14 e. any other fraudulent device:

- 15 (1) food stamps or coupons, or any benefit or debit
16 card or any other device authorizing
17 participation in the food stamp program, to which
18 such applicant for food stamps or coupons, or any
19 benefit or debit card or any other device
20 authorizing participation in the food stamp
21 program is not entitled, or
22 (2) a greater amount of food stamps or coupons, or a
23 greater number of benefit or debit cards or any
24 other device authorizing participation in the

1 food stamp program than that amount or number
2 which such applicant for food stamps or coupons,
3 or any benefit or debit card or any other device
4 authorizing participation in the food stamp
5 program is justly entitled to;

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

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

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

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

3 a. misdemeanor, if the aggregate amount of food stamps or
4 coupons, or the aggregate value of any benefit or
5 debit card or any other device authorizing
6 participation in the food stamp program obtained or
7 transferred is Five Hundred Dollars (\$500.00) or less,
8 and, upon conviction thereof, shall be punishable by a
9 fine of not more than Five Hundred Dollars (\$500.00),
10 or by imprisonment in the ~~State Penitentiary~~ county
11 jail for not more than three (3) months, or by both
12 such fine and imprisonment, in the discretion of the
13 court, or

14 b. felony, if the aggregate amount of food stamps or
15 coupons, or the aggregate value of any benefit card or
16 debit card or any other device authorizing
17 participation in the food stamp program obtained or
18 transferred is in excess of Five Hundred Dollars
19 (\$500.00), and, upon conviction thereof, shall be
20 punishable by a fine of not more than Five Thousand
21 Dollars (\$5,000.00), or by imprisonment in the State
22 Penitentiary for not more than two (2) years, or by
23 both such fine and imprisonment, in the discretion of
24 the court.

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

3 3. Any person, firm or corporation who knowingly traffics in
4 food stamps or coupons of an aggregate value of One Hundred Dollars
5 (\$100.00) or less, or any benefit or debit card or any other device
6 authorizing participation in the food stamp program with an
7 aggregate value of One Hundred Dollars (\$100.00) or less, shall,
8 upon conviction, be guilty of a misdemeanor, punishable by a fine of
9 not more than Five Hundred Dollars (\$500.00), by imprisonment in the
10 county jail for not more than three (3) months, or by both such fine
11 and imprisonment, in the discretion of the court.

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

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

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

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

8 a. food stamps or coupons,

9 b. any benefit or debit card,

10 c. any other device authorizing participation in the food
11 stamp program, or

12 d. any counterfeit or stolen:

13 (1) food stamps or coupons,

14 (2) benefit or debit card, or

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

17 2. To make or obtain control of:

18 a. food stamps or coupons,

19 b. any benefit or debit card, or

20 c. any other device authorizing participation in the food
21 stamp program, with intent to illegally transport,
22 transfer, sell, barter, trade, purchase, receive,
23 possess, or in any manner acquire, or otherwise
24 dispose of or obtain control of such food stamps,

1 coupons, benefit or debit card or other device
2 authorizing participation in the food stamp program,
3 in any manner or circumstance not specifically
4 authorized under the Food Stamp Act of 1977 or the
5 rules of the Department.

6 SECTION 2. This act shall become effective November 1, 2013.

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8 54-1-7713 EK 04/01/13
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