

1 **SENATE FLOOR VERSION**

2 April 2, 2014

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 2587

6 By: Ownbey, Bennett and Pittman
7 of the House

8 and

9 Standridge of the Senate

10 **[food stamps - fraud - effective date]**

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

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

15 Section 243. A. No person shall:

16 1. Obtain;

17 2. Attempt to obtain;

18 3. Aid;

19 4. Abet;

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

21 a. a false statement or representation,

22 b. false impersonation,

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

1 d. knowing and willful failure to report to the
2 Department of Human Services:
3 (1) income,
4 (2) personal property,
5 (3) real property,
6 (4) household members, or
7 (5) other eligibility factors,
8 at the time of application or during a period of
9 receipt of assistance, or

10 e. any other fraudulent device:

11 (1) food stamps or coupons, or any benefit or debit
12 card or any other device authorizing
13 participation in the food stamp program, to which
14 such applicant for food stamps or coupons, or any
15 benefit or debit card or any other device
16 authorizing participation in the food stamp
17 program is not entitled, or

18 (2) a greater amount of food stamps or coupons, or a
19 greater number of benefit or debit cards or any
20 other device authorizing participation in the
21 food stamp program than that amount or number
22 which such applicant for food stamps or coupons,
23 or any benefit or debit card or any other device

1 authorizing participation in the food stamp
2 program is justly entitled to;

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

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

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

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

23 a. misdemeanor, if the aggregate amount of food stamps or
24 coupons, or the aggregate value of any benefit or

1 debit card or any other device authorizing
2 participation in the food stamp program obtained or
3 transferred is Five Hundred Dollars (\$500.00) or less,
4 and, upon conviction thereof, shall be punishable by a
5 fine of not more than Five Hundred Dollars (\$500.00),
6 or by imprisonment in the county jail for not more
7 than three (3) months, or by both such fine and
8 imprisonment, in the discretion of the court, or
9 b. felony, if the aggregate amount of food stamps or
10 coupons, or the aggregate value of any benefit card or
11 debit card or any other device authorizing
12 participation in the food stamp program obtained or
13 transferred is in excess of Five Hundred Dollars
14 (\$500.00), and, upon conviction thereof, shall be
15 punishable by a fine of not more than Five Thousand
16 Dollars (\$5,000.00), or by imprisonment in the State
17 Penitentiary for not more than two (2) years, or by
18 both such fine and imprisonment, in the discretion of
19 the court.

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

22 3. Any person, firm or corporation who knowingly traffics in
23 food stamps or coupons of an aggregate value of One Hundred Dollars
24 (\$100.00) or less, or any benefit or debit card or any other device

1 authorizing participation in the food stamp program with an
2 aggregate value of One Hundred Dollars (\$100.00) or less, shall,
3 upon conviction, be guilty of a misdemeanor, punishable by a fine of
4 not more than Five Hundred Dollars (\$500.00), by imprisonment in the
5 county jail for not more than three (3) months, or by both such fine
6 and imprisonment, in the discretion of the court.

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

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

21 C. As used in this section, "to traffic or trafficking in food
22 stamps" means:
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24

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

4 a. ~~food stamps or coupons,~~

5 b. ~~any benefit or debit card,~~

6 c. ~~any other device authorizing participation in the food~~
7 ~~stamp program, or~~

8 d. ~~any counterfeit or stolen:~~

9 ~~(1) food stamps or coupons,~~

10 ~~(2) benefit or debit card, or~~

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

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

14 a. ~~food stamps or coupons,~~

15 b. ~~any benefit or debit card, or~~

16 c. ~~any other device authorizing participation in the food~~
17 ~~stamp program, with intent to illegally transport,~~
18 ~~transfer, sell, barter, trade, purchase, receive,~~
19 ~~possess, or in any manner acquire, or otherwise~~
20 ~~dispose of or obtain control of such food stamps,~~
21 ~~coupons, benefit or debit card or other device~~
22 ~~authorizing participation in the food stamp program,~~
23 ~~in any manner or circumstance not specifically~~

1 ~~authorized under the Food Stamp Act of 1977 or the~~
2 ~~rules of the Department~~

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

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

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

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

20 5. Purchasing a product with food stamp benefits with the intent
21 of obtaining cash or consideration other than eligible food by
22 reselling the product, and subsequently intentionally reselling the
23 product purchased with food stamp benefits in exchange for cash or
24 consideration other than eligible food; or

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

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

5 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
6 April 2, 2014 - DO PASS AS AMENDED
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