

1 **SENATE FLOOR VERSION**

2 February 25, 2013

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 456

By: Brecheen of the Senate

and

Hulbert of the House

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9 An Act relating to public assistance fraud; amending
10 56 O.S. 2011, Section 185, which relates to fraud in
11 obtaining public assistance; requiring county offices
12 of the Department of Human Services to provide
13 information on reporting fraudulent acquisition and
14 use of public assistance; providing standards for
15 signs posted in county offices; providing
16 confidentiality to persons reporting fraud; and
17 providing an effective date.

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

19 SECTION 1. AMENDATORY 56 O.S. 2011, Section 185, is
20 amended to read as follows:

21 Section 185. A. Any person who:

22 1. Obtains or attempts to obtain, or aids, abets or assists any
23 person to obtain, by means of a false statement or representation,
24 by false impersonation, by a fictitious transfer, conveyance or
encumbrance of property or income, by a knowing and willful failure
to report to the Department of Human Services income, personal

1 property, real property, household members, or other material
2 eligibility factors at the time of application or during the receipt
3 of assistance, or by 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; or

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

1 B. Every county Department of Human Services office in this
2 state shall conspicuously post a sign in an area clearly visible to
3 all visitors of the county office which shall provide information
4 about how to report individuals who have obtained public assistance
5 through fraudulent means or who have used public assistance in a
6 manner not consistent with its intended use. The sign shall make
7 reference to the Department of Human Services fraud hotline and
8 provide the current phone number for the hotline. The sign shall
9 also contain notification that all reports to the hotline may be
10 filed anonymously by persons suspecting fraudulent activity.

11 C. Notwithstanding any other provision of law, the identity of
12 any person making a report on another individual who may have
13 obtained public assistance through fraudulent means, or an
14 individual using public assistance in a manner not consistent with
15 its intended use, shall not be revealed without the permission of
16 the person making the report.

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

18 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
19 February 25, 2013 - DO PASS AS AMENDED
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