

1 **SENATE FLOOR VERSION**

2 February 20, 2013

3 **AS AMENDED**

4 SENATE BILL NO. 887

By: Holt of the Senate

and

Grau of the House

6  
7  
8 **[ poor persons - penalties for fraud - extending**  
9 **periods of incarceration for convictions - effective**  
10 **date ]**

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

13 SECTION 1. AMENDATORY 56 O.S. 2011, Section 243, is  
14 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  
12                   debit card or any other device authorizing  
13                   participation in the food stamp program, to  
14                   which such applicant for food stamps or  
15                   coupons, or any benefit or debit card or any  
16                   other device authorizing participation in  
17                   the food stamp program is not entitled, or  
18                   (2)   a greater amount of food stamps or coupons,  
19                   or a greater number of benefit or debit  
20                   cards or any other device authorizing  
21                   participation in the food stamp program than  
22                   that amount or number which such applicant  
23                   for food stamps or coupons, or any benefit  
24                   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 ~~Commission for~~ Department of Human Services; ~~or~~

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 ~~State Penitentiary~~ county  
7 jail for not more than three (3) months, or by both  
8 such fine and imprisonment, in the discretion of the  
9 court, or

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

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

23 3. Any person, firm or corporation who knowingly traffics in  
24 food stamps or coupons of an aggregate value of One Hundred Dollars

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

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

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

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

- 22 a. food stamps or coupons,
- 23 b. any benefit or debit card,

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- 1 c. any other device authorizing participation in the food  
2 stamp program, or  
3 d. any counterfeit or stolen:  
4 (1) food stamps or coupons,  
5 (2) benefit or debit card, or  
6 (3) other device purporting to authorize another, as  
7 consideration for anything of value; or

8 2. To make or obtain control of:

- 9 a. food stamps or coupons,  
10 b. any benefit or debit card, or  
11 c. any other device authorizing participation in the food  
12 stamp program, with intent to illegally transport,  
13 transfer, sell, barter, trade, purchase, receive,  
14 possess, or in any manner acquire, or otherwise  
15 dispose of or obtain control of such food stamps,  
16 coupons, benefit or debit card or other device  
17 authorizing participation in the food stamp program,  
18 in any manner or circumstance not specifically  
19 authorized under the Food Stamp Act of 1977 or the  
20 rules of the Department.

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

22 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
23 February 20, 2013 - DO PASS AS AMENDED  
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