

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 54th Legislature (2013)

4 COMMITTEE SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 887

By: Holt and Standridge of the  
Senate

and

Grau of the House

11                                   COMMITTEE SUBSTITUTE

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

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

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

20                   Section 243. A. No person shall:

- 21                   1. Obtain;
- 22                   2. Attempt to obtain;
- 23                   3. Aid;
- 24                   4. Abet;

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

2 a. a false statement or representation,

3 b. false impersonation,

4 c. a fictitious transfer, conveyance or encumbrance of  
5 property or income,

6 d. knowing and willful failure to report to the

7 Department of Human Services:

8 (1) income,

9 (2) personal property,

10 (3) real property,

11 (4) household members, or

12 (5) other eligibility factors,

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

15 e. any other fraudulent device:

16 (1) food stamps or coupons, or any benefit or debit  
17 card or any other device authorizing

18 participation in the food stamp program, to which  
19 such applicant for food stamps or coupons, or any  
20 benefit or debit card or any other device  
21 authorizing participation in the food stamp  
22 program is not entitled, or

23 (2) a greater amount of food stamps or coupons, or a  
24 greater number of benefit or debit cards or any

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

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

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

18 8. Transfer any food stamps or coupons, or any benefit or debit  
19 card or any other device authorizing participation in the food stamp  
20 program, to a person who is not authorized by this act and rules of  
21 the Department of Human Services to acquire, possess, or use the  
22 transferred food stamps or coupons, or any benefit or debit card or  
23 any other device authorizing participation in the food stamp  
24 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 COMMITTEE REPORT BY: COMMITTEE ON HUMAN SERVICES, dated 04/02/2013 -  
9 DO PASS, As Amended.  
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