

1 STATE OF OKLAHOMA

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

3 SENATE BILL 887

By: Holt

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5
6 AS INTRODUCED

7 An Act relating to poor persons; amending 56 O.S.
8 2011, Section 243, which relates to penalties for
9 certain types of fraud; prohibiting transfer of food
10 stamp benefits to certain persons; correcting
11 location of imprisonment; extending the periods of
12 incarceration for convictions; and providing an
13 effective date.

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

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

17 Section 243. A. No person shall:

18 1. Obtain;

19 2. Attempt to obtain;

20 3. Aid;

21 4. Abet;

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

23 a. a false statement or representation,

24 b. false impersonation,

c. a fictitious transfer, conveyance or encumbrance of
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,

24

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

2. To make or obtain control of:

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

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

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