An Act

ENROLLED SENATE
BILL NO. 887

By: Holt and Standridge of the Senate

and

Grau, Biggs, Bennett and Billy of the House

An Act relating to poor persons; amending 56 O.S. 2011, Section 243, which relates to penalties for certain types of fraud; prohibiting transfer of food stamp benefits to certain persons; correcting location of imprisonment; requiring disqualification consent agreements in certain circumstances; and providing an effective date.

SUBJECT: Prohibiting fraudulent transfer of food stamp benefits

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

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

Section 243. A. No person shall:

1. Obtain;

2. Attempt to obtain;

3. Aid;

4. Abet;

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

a. a false statement or representation,

b. false impersonation,

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

d. knowing and willful failure to report to the Department of Human Services:

(1) income,

(2) personal property,

(3) real property,

(4) household members, or

(5) other eligibility factors,

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

e. any other fraudulent device:

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

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

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

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

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

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

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

a. misdemeanor, if the aggregate amount of food stamps or coupons, or the aggregate value of any benefit or debit card or any other device authorizing participation in the food stamp program obtained or transferred is Five Hundred Dollars ($500.00) or less, and, upon conviction thereof, shall be punishable by a fine of not more than Five Hundred Dollars ($500.00), or by imprisonment in the ~~State Penitentiary~~ county jail for not more than three (3) months, or by both such fine and imprisonment, in the discretion of the court, or

b. felony, if the aggregate amount of food stamps or coupons, or the aggregate value of any benefit card or debit card or any other device authorizing

participation in the food stamp program obtained or transferred is in excess of Five Hundred Dollars ($500.00), and, upon conviction thereof, shall be punishable by a fine of not more than Five Thousand Dollars ($5,000.00), or by imprisonment in the State Penitentiary for not more than two (2) years, or by both such fine and imprisonment, in the discretion of the court.

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

3. Any person, firm or corporation who knowingly traffics in food stamps or coupons of an aggregate value of One Hundred Dollars ($100.00) or less, or any benefit or debit card or any other device authorizing participation in the food stamp program with an aggregate value of One Hundred Dollars ($100.00) or less, shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars ($500.00), by imprisonment in the county jail for not more than three (3) months, or by both such fine and imprisonment, in the discretion of the court.

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

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

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

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

a. food stamps or coupons,

b. any benefit or debit card,

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.

Passed the Senate the 30th day of April, 2013.

Presiding Officer of the Senate

Passed the House of Representatives the 18th day of April, 2013.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 1st

day of May, 20 13, at 3:32 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 7th

day of May, 20 13, at 2:37 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 7th

day of May, 20 13, at 2:58 o'clock P. M.

By: Chris Dennis