

IN THE SENATE

SENATE BILL NO. 1032

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO PUBLIC ASSISTANCE; AMENDING SECTION 56-227, IDAHO CODE, TO RE-
2 MOVE ARCHAIC VERBIAGE, TO REMOVE UNNECESSARY VERBIAGE, TO CLARIFY VER-
3 BIAGE, TO PROVIDE THAT CONDUCT RELATING TO CERTAIN FRAUDULENT ACTS AND
4 PENALTIES SHALL NOT BE CONSTRUED TO BE MORE RESTRICTIVE THAN FEDERAL OR
5 STATE PROVISIONS REGARDING THE TRANSFER OF PROPERTY FOR PUBLIC ASSIS-
6 TANCE AND TO PROVIDE THAT CONDUCT RELATING TO SPECIFIED FRAUDULENT ACTS
7 AND PENALTIES SHALL NOT APPLY TO ANY PERSON WHO COMMUNICATES INFORMA-
8 TION OR RENDERS ADVICE TO ANOTHER REGARDING FEDERAL OR STATE PROVISIONS
9 REGARDING THE TRANSFER OF PROPERTY FOR PUBLIC ASSISTANCE.
10

11 Be It Enacted by the Legislature of the State of Idaho:

12 SECTION 1. That Section 56-227, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 56-227. FRAUDULENT ACTS -- PENALTY. (1) Whoever knowingly obtains, or
15 attempts to obtain, or aids or abets any person in obtaining, by means of a
16 willfully false statement or representation, material omission, or fraudu-
17 lent devices, public assistance, ~~relief or federal-aid assistance~~ to which
18 he is not entitled, or in an amount greater than that to which he is justly
19 entitled, shall be punished in the same manner and to the same extent as for
20 larceny or theft of the money or value of the public assistance so obtained or
21 attempted to be so obtained.

22 (2) Whoever sells, conveys, mortgages or otherwise disposes of his
23 property, real or personal, or conceals his income or resources, for
24 the purpose of rendering him eligible for ~~any form of~~ public assistance,
25 theretofore or thereafter applied for, to which he would not otherwise be
26 entitled, shall be punished in the same manner and to the same extent as for
27 larceny or theft of the money or value of the public assistance so obtained or
28 so attempted to be obtained. Provided however, this provision shall not be
29 construed to be more restrictive than federal or state provisions regarding
30 the transfer of property for public assistance.

31 (3) Every person who knowingly aids or abets any person in selling, con-
32 veying, mortgaging or otherwise disposing of his property, real or personal,
33 or in concealing his income or resources for the purpose of rendering him el-
34 igible for ~~any form of~~ public assistance ~~or relief~~, theretofore or there-
35 after applied for and received, to which he would not otherwise be entitled,
36 shall be punished in the same manner and to the same extent as for larceny or
37 theft of the money or value of the public assistance ~~or relief~~ so obtained or
38 attempted to be obtained. Provided however, this provision shall not apply
39 to any person who communicates information or renders advice to another re-
40 garding federal or state provisions regarding the transfer of property for
41 public assistance.

1 (4) For the purpose of this section public assistance shall include the
2 specific categories of assistance for which provision is made in any fed-
3 eral or state law existing or hereafter enacted by the congress of the United
4 States or the state of Idaho by which payments are made from the federal gov-
5 ernment to the state in aid or in respect to payment by the state for welfare
6 purposes to any category of needy person and any other program of assistance
7 for which provision for federal or state funds for aid may from time to time
8 be made.

9 (5) The state department of health and welfare shall establish and op-
10 erate a fraud control program to investigate suspected fraud relating to ap-
11 plications for public assistance benefits, and public assistance benefits
12 received by individuals or entities. Such activities shall be those which do
13 not fall under the authority of the medicaid fraud control unit as provided
14 in section 56-226, Idaho Code. The department shall establish a procedure
15 to coordinate information with prosecuting attorneys to prosecute offenders
16 who commit fraudulent acts pursuant to this chapter.