

SENATE BILL NO. 633

BY SENATORS JOHNS AND NEVERS

1 AN ACT

2 To amend and reenact R.S. 14:68.2 and to enact R.S. 14:68.2.1, relative to crimes involving
3 the supplemental nutrition assistance program; to amend the crime of unauthorized
4 use of food stamp coupons, authorization cards, or access devices; to change all
5 references to "supplemental nutrition assistance program benefits"; to amend
6 criminal penalties; to create the crime of failure to report the unauthorized use of
7 supplemental nutrition assistance program benefits; to provide for definitions; to
8 provide for penalties; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 14:68.2 is hereby amended and reenacted and R.S. 14:68.2.1 is
11 hereby enacted to read as follows:

12 §68.2. Unauthorized use of ~~food stamp coupons~~ **supplemental nutrition assistance**
13 **program benefits**, ~~food stamp authorization cards~~, or ~~food stamp~~
14 **supplemental nutrition assistance program benefit** access devices

15 A. As used in this Section **and in R.S. 14:68.2.1**, the following terms have
16 the following meanings:

17 (1) "~~Food stamp coupon~~" "**SNAP benefits**" means any ~~coupon, stamp, or~~
18 ~~type of certificate~~ **supplemental nutrition assistance program benefits** issued
19 pursuant to the provisions of the Federal Food Stamp Act, 7 USC §2011 et seq.

20 (2) "~~Food stamp authorization card~~" means the document issued by the
21 Department of Children and Family Services to an eligible household which shows
22 the allotment of ~~food stamp coupons~~ the household is entitled to be issued.

23 (3) "~~Food stamp access device~~" "**SNAP benefit access device**" means any
24 card, plate, code account access number, or other means of access that can be used,

1 alone or in conjunction with another access device, to obtain payment, allotments,
 2 benefits, money, goods, or other things of value or that can be used to initiate a
 3 transfer of funds pursuant to the provisions of the Federal Food Stamp Act.

4 B. The unauthorized use of ~~food stamp coupons, food stamp authorization~~
 5 ~~cards, or food stamp access devices~~ **SNAP benefits or a SNAP benefit access**
 6 **device** is:

7 (1) To knowingly use, transfer, acquire, alter, or possess ~~food stamp coupons,~~
 8 ~~food stamp authorization cards, or food stamp access devices~~ **SNAP benefits or a**
 9 **SNAP benefit access device** contrary to the provisions of the Federal Food Stamp
 10 Act or the federal or state regulations issued pursuant thereto.

11 (2) To knowingly counterfeit, alter, transfer, acquire, or possess **a**
 12 ~~counterfeited or altered food stamp coupons, food stamp authorization cards, or food~~
 13 ~~stamp access devices~~ **SNAP benefit access device.**

14 (3) To present or cause to be presented ~~food stamp coupons~~ **a SNAP benefit**
 15 **access device** for payment or redemption, knowing ~~the same~~ **it** to have been
 16 counterfeited, altered, received, transferred, or used in any manner contrary to the
 17 provisions of the Federal Food Stamp Act or the federal or state regulations issued
 18 pursuant thereto.

19 (4) To knowingly appropriate ~~food stamp coupons, food stamp authorization~~
 20 ~~cards, or food stamp access devices~~ **SNAP benefits or a SNAP benefit access**
 21 **device** with which a person has been entrusted or of which a person has gained
 22 possession by virtue of his position as a public employee.

23 C.(†) Whoever commits the crime of unauthorized use of ~~food stamp~~
 24 ~~coupons, food stamp authorization cards, or food stamp access devices~~ **SNAP**
 25 **benefits or a SNAP benefit access device** when the coupons, authorization cards,
 26 or access devices amount to a value of one thousand five hundred dollars or more
 27 shall be imprisoned, with or without hard labor, for not more than ten years, or may
 28 be fined not more than three thousand dollars, or both **shall be fined not less than**
 29 **five thousand dollars nor more than one million dollars or imprisoned, with or**
 30 **without hard labor, for not less than six months nor more than ten years, or**

1 both.

2 ~~(2) When the coupons, authorization cards, or access devices amount to a~~
 3 ~~value of five hundred dollars or more, but less than one thousand five hundred~~
 4 ~~dollars, the offender shall be imprisoned, with or without hard labor, for not more~~
 5 ~~than five years or may be fined not more than two thousand dollars, or both.~~

6 ~~(3) When the coupons, authorization cards, or access devices amount to less~~
 7 ~~than a value of five hundred dollars, the offender shall be imprisoned for not more~~
 8 ~~than six months or may be fined not more than five hundred dollars, or both.~~

9 ~~D. If the offender in such cases has been convicted under this Section two or~~
 10 ~~more times previously, upon any subsequent conviction he shall be imprisoned, with~~
 11 ~~or without hard labor, for not more than two years, or may be fined not more than~~
 12 ~~one thousand dollars, or both.~~

13 E. D. In addition to the foregoing penalties, a person convicted under this
 14 Section shall be ordered to make restitution in the total amount found to be the value
 15 of the coupons which SNAP benefits that form the basis for the conviction. If a
 16 person ordered to make restitution pursuant to this Section is found to be indigent
 17 and therefore unable to make restitution in full at the time of conviction, the court
 18 shall order a periodic payment plan consistent with the person's financial ability.

19 §68.2.1. Failure to report unauthorized use of supplemental nutrition assistance
 20 program benefits; penalties

21 A. Employees of the Department of Children and Family Services,
 22 owners, employees and operators of retailers that accept SNAP benefit access
 23 device transactions, and adult household members of SNAP recipients shall
 24 report each instance of known fraud or abuse of SNAP benefits, or any known
 25 unauthorized use of SNAP benefits or a SNAP benefit access device as defined
 26 in R.S. 14:68.2, to the fraud detection section, office of children and family
 27 services of the Department of Children and Family Services via the Public
 28 Assistance Fraud Hot-Line as provided for by R.S. 46:114.1.

29 B. Whoever violates the provisions of Subsection A of this Section shall
 30 be fined not less than two hundred fifty dollars nor more than five thousand

1 dollars.

2 Section 2. This Act shall become effective January 1, 2013.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____