
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1131 Session of
2015

INTRODUCED BY WARD, BROWNE, TEPLITZ, SCAVELLO, FOLMER,
EICHELBERGER, WHITE, VULAKOVICH, SCHWANK, McILHINNEY,
RAFFERTY, HAYWOOD, STEFANO, YUDICHAK, RESCHENTHALER, WAGNER,
MENSCH, WOZNIAK, VOGEL AND SCARNATI, MARCH 4, 2016

REFERRED TO JUDICIARY, MARCH 4, 2016

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in trade and commerce, further
3 providing for the offense of buying or exchanging Federal
4 food order coupons, stamps, authorization cards or access
5 devices and providing for the offense of unauthorized
6 possession of electronic benefits transfer cards.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 7313 of Title 18 of the Pennsylvania
10 Consolidated Statutes is amended to read:

11 § 7313. Buying or exchanging [Federal food order coupons,
12 stamps, authorization cards or access devices]
13 electronic benefits transfer cards.

14 (a) Offense defined.--A person commits the offense of buying
15 or exchanging [Federal food order coupons, stamps, authorization
16 cards or access devices] electronic benefits transfer cards if
17 he, not being authorized to do so by the United States
18 Department of Agriculture, buys or exchanges [Federal food order
19 coupons, stamps, authorization cards or access devices]

1 electronic benefits transfer cards for currency, or if he
2 accepts or causes to be accepted [Federal food order coupons,
3 stamps, authorization cards or access devices] electronic
4 benefits transfer cards in exchange for any merchandise or
5 article except food, as defined by the United States Department
6 of Agriculture, or [Federal food order coupons, stamps,
7 authorization cards or access devices] electronic benefits
8 transfer cards in exchange for merchandise or articles, not
9 defined by the United States Department of Agriculture to be
10 surplus foods.

11 (b) Grading.--A person who violates this section commits a
12 felony of the third degree if the amount involved is \$1,000 or
13 more. If the amount involved is less than \$1,000, the person
14 commits a misdemeanor of the first degree. Amounts involved in
15 buying or exchanging [Federal food order coupons, stamps,
16 authorization cards or access devices] electronic benefits
17 transfer cards committed pursuant to one scheme or course of
18 conduct, whether from the same person or several persons, shall
19 be aggregated in determining the grade of the offense.

20 (c) Definitions.--As used in this section, the following
21 words and phrases shall have the meanings given to them in this
22 subsection:

23 ["Access device." The Pennsylvania ACCESS card or electronic
24 benefit transfer card.

25 "Authorization card." The paper authorization to participate
26 that a person signs and then exchanges for the designated amount
27 of food coupons at a bank.]

28 "Electronic benefits transfer card." The card issued to an
29 individual in order to grant access to public assistance cash or
30 Supplemental Nutrition Assistance Program benefits through an

1 electronic delivery system.

2 Section 2. Title 18 is amended by adding a section to read:

3 § 7313.1. Unauthorized possession of electronic benefits
4 transfer cards.

5 (a) Offense defined.--A person commits the offense of
6 unauthorized possession of electronic benefits transfer cards if
7 he, not being authorized to do so by the United States
8 Department of Agriculture, has in his possession three or more
9 electronic benefits transfer cards issued to other persons or
10 the numbers of three or more electronic benefits transfer cards
11 issued to other persons.

12 (b) Grading.--

13 (1) A person who violates this section commits a felony
14 of the third degree if in possession of between 3 and 24
15 electronic benefits transfer cards, inclusive, regardless of
16 to whom the electronic benefits transfer cards have been
17 issued.

18 (2) If in possession of 25 or more electronic benefits
19 transfer cards, regardless of to whom the electronic benefits
20 transfer cards have been issued, the person commits a felony
21 of the second degree.

22 (c) Reporting required.--The Office of Inspector General
23 shall report any violation of this section by a Supplemental
24 Nutrition Assistance Program licensed retailer to the United
25 States Department of Agriculture, Office of Inspector General.

26 (d) Definition.--As used in this section, the term
27 "electronic benefits transfer card" means a card issued to an
28 individual in order to grant access to public assistance cash or
29 Supplemental Nutrition Assistance Program benefits through an
30 electronic delivery system.

1 Section 3. This act shall take effect in 60 days.