

**CRIMES CODE (18 PA.C.S.) AND PROCUREMENT (62 PA.C.S.) - OMNIBUS
AMENDMENTS**

Act of Oct. 24, 2018, P.L. 1159, No. 160

Cl. 18

Session of 2018
No. 2018-160

SB 1127

AN ACT

Amending Titles 18 (Crimes and Offenses) and 62 (Procurement) of the Pennsylvania Consolidated Statutes, in wiretapping and electronic surveillance, further providing for order authorizing interception of wire, electronic or oral communications; in trade and commerce, further providing for buying or exchanging Federal food order coupons, stamps, authorization cards or access devices and for fraudulent traffic in food orders; and, in source selection and contract formation, further providing for debarment or suspension.

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

Section 1. Sections 5708(2), 7313 and 7314 of Title 18 of the Pennsylvania Consolidated Statutes are amended to read:
§ 5708. Order authorizing interception of wire, electronic or oral communications.

The Attorney General, or, during the absence or incapacity of the Attorney General, a deputy attorney general designated in writing by the Attorney General, or the district attorney or, during the absence or incapacity of the district attorney, an assistant district attorney designated in writing by the district attorney of the county wherein the suspected criminal activity has been, is or is about to occur, may make written application to any Superior Court judge for an order authorizing the interception of a wire, electronic or oral communication by the investigative or law enforcement officers or agency having responsibility for an investigation involving suspected criminal activities when such interception may provide evidence of the commission of any of the following offenses, or may provide evidence aiding in the apprehension of the perpetrator or perpetrators of any of the following offenses:

* * *

(2) Under this title, where such offense is dangerous to life, limb or property and punishable by imprisonment for more than one year:

Section 910 (relating to manufacture, distribution or possession of devices for theft of telecommunications services)

Section 2709(a)(4), (5), (6) or (7) (relating to harassment)

Section 3925 (relating to receiving stolen property)

Section 3926 (relating to theft of services)

Section 3927 (relating to theft by failure to make required disposition of funds received)

Section 3933 (relating to unlawful use of computer)

Section 4108 (relating to commercial bribery and breach of duty to act disinterestedly)

Section 4109 (relating to rigging publicly exhibited contest)

Section 4117 (relating to insurance fraud)

Section 4305 (relating to dealing in infant children)
Section 4902 (relating to perjury)
Section 4909 (relating to witness or informant taking
bribe)
Section 4911 (relating to tampering with public
records or information)
Section 4952 (relating to intimidation of witnesses
or victims)
Section 4953 (relating to retaliation against witness
or victim)
Section 5101 (relating to obstructing administration
of law or other governmental function)
Section 5111 (relating to dealing in proceeds of
unlawful activities)
Section 5121 (relating to escape)
Section 5902 (relating to prostitution and related
offenses)
Section 5903 (relating to obscene and other sexual
materials and performances)
Section 7313 (relating to buying or exchanging
Federal [food order] **Supplemental Nutrition Assistance
Program (SNAP) benefit** coupons, stamps, authorization
cards or access devices)
* * *

§ 7313. Buying or exchanging Federal [food order] **Supplemental
Nutrition Assistance Program (SNAP) benefit** coupons,
stamps, authorization cards or access devices.

(a) Offense defined.--A person commits the offense of buying
or exchanging Federal [food order] **SNAP benefit** coupons, stamps,
authorization cards or access devices if he, not being
authorized to do so by the United States Department of
Agriculture, buys or exchanges Federal [food order] **SNAP benefit**
coupons, stamps, authorization cards or access devices for
currency, or if he accepts or causes to be accepted Federal
[food order] **SNAP benefit** coupons, stamps, authorization cards
or access devices in exchange for any merchandise or article
except food, as defined by the United States Department of
Agriculture, or Federal [food order] **SNAP benefit** coupons,
stamps, authorization cards or access devices in exchange for
merchandise or articles, not defined by the United States
Department of Agriculture to be surplus foods.

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

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

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

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

"SNAP benefit." The value of supplemental nutrition
assistance provided to a household for the purchase of eligible
foods as defined in 7 CFR 271.2 (relating to definitions).

§ 7314. Fraudulent traffic in [food orders] **Supplemental Nutrition Assistance Program (SNAP) benefits.**

(a) Offense defined.--A person commits the offense of fraudulent traffic in [food orders] **SNAP benefits** if he, whether acting for himself or for another, directly or indirectly, furnishes or delivers to any person money, merchandise, or anything other than food, on or in exchange for a [food order] **SNAP benefit**, or furnishes or delivers food on or in exchange for a [food order] **SNAP benefit** to any person, other than the original recipient of the [order] **SNAP benefit**, or in quantities or for prices other than those itemized on the [food order] **SNAP benefit** at the time the food is furnished or delivered.

(a.1) Grading.--[A person who violates this section commits a felony of the third degree if the amount involved is \$1,000 or more. If the amount involved is less than \$1,000, the person commits a misdemeanor of the first degree. Amounts involved in fraudulent traffic in food orders committed pursuant to one scheme or course of conduct, whether from the same person or several persons, shall be aggregated in determining the grade of the offense.]

(1) A person who violates this section commits:

(i) A felony of the second degree if the amount involved is \$2,500 or more.

(ii) A felony of the third degree if the amount involved is \$1,000 or more, but less than \$2,500.

(iii) A misdemeanor of the first degree if the amount involved is less than \$1,000.

(2) Amounts involved in fraudulent traffic in SNAP benefits committed pursuant to one scheme or course of conduct, whether from the same person or several persons, shall be aggregated in determining the grade of the offense.

(b) Additional penalty.--In addition to the penalties otherwise prescribed and any restitution ordered, the defendant shall also be ordered to pay to the agency which shall have issued such [food order,] **SNAP benefit**, not less than two times, but not more than three times the [face amount thereof.] amount of restitution ordered.

(b.1) Referral.--If the defendant is commercially licensed by the Commonwealth or one of its political subdivisions, the Office of State Inspector General may refer a violation of this section to the licensing entity for action by the licensing entity as provided under law.

(c) Exception.--Subsection (a) of this section shall not apply to the negotiation of a [food order] **SNAP benefit** after food to the full amount of the [order] **SNAP benefit** shall have been furnished thereon to the original recipient of the [order] **SNAP benefit**.

(d) Definition.--As used in this section, the term ["food order"] **"SNAP benefit"** means [any order issued by or under the authority of any public relief or assistance agency, authorizing the furnishing and delivery of food to any person therein named or described.] **the value of supplemental nutrition assistance provided to a household for the purchase of eligible food as defined in 7 CFR 271.2 (relating to definitions).**

Section 2. Section 531(b) of Title 62 is amended by adding a paragraph to read:

§ 531. Debarment or suspension.

* * *

(b) Causes for debarment or suspension.--The causes for debarment or suspension include:

* * *

(7.1) Violation of 18 Pa.C.S. § 7314 (relating to fraudulent traffic in Supplemental Nutrition Assistance Program (SNAP) benefits).

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

APPROVED--The 24th day of October, A.D. 2018.

TOM WOLF