

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 282 Session of  
1995

INTRODUCED BY HECKLER, TOMLINSON, SALVATORE, JUBELIRER, GERLACH,  
WENGER, PUNT, BRIGHTBILL, ULIANA, PORTERFIELD, BAKER, FISHER,  
HELFRICK, PETERSON, MADIGAN, RHOADES, HART, DAWIDA, DELP,  
STAPLETON, KASUNIC, ANDREZESKI AND O'PAKE, JANUARY 24, 1995

REFERRED TO PUBLIC HEALTH AND WELFARE, JANUARY 24, 1995

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for buying or  
3 exchanging Federal food order coupons, stamps or  
4 authorization cards and for fraudulent traffic in food  
5 orders.

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

8 Section 1. Sections 7313 and 7314 of Title 18 of the  
9 Pennsylvania Consolidated Statutes are amended to read:

10 § 7313. Buying or exchanging Federal food order coupons, stamps  
11 or authorization cards.

12 (a) Offense defined.--A person [is guilty of a misdemeanor  
13 of the third degree] commits the offense of buying or exchanging  
14 Federal food order coupons, stamps or authorization cards if he,  
15 not being authorized to do so by the United States Department of  
16 Agriculture, [shall buy or exchange] buys or exchanges Federal  
17 food order coupons, stamps or authorization cards for currency,  
18 or if he [shall accept or cause] accepts or causes to be

1 accepted Federal food order coupons, stamps or authorization  
2 cards in exchange for any merchandise or article except food, as  
3 defined by the United States Department of Agriculture, or  
4 Federal food order coupons, stamps or authorization cards in  
5 exchange for merchandise or articles, not defined by the United  
6 States Department of Agriculture to be surplus foods.

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

15 § 7314. Fraudulent traffic in food orders.

16 (a) Offense defined.--A person [is guilty of a summary  
17 offense] commits the offense of fraudulent traffic in food  
18 orders if he, whether acting for himself or for another,  
19 directly or indirectly, furnishes or delivers to any person  
20 money, merchandise, or anything other than food, on or in  
21 exchange for a food order, or furnishes or delivers food on or  
22 in exchange for a food order to any person, other than the  
23 original recipient of the order, or in quantities or for prices  
24 other than those itemized on the food order at the time the food  
25 is furnished or delivered.

26 (a.1) Grading.--A person who violates this section commits a  
27 felony of the third degree if the amount involved is \$1,000 or  
28 more. If the amount involved is less than \$1,000, the person  
29 commits a misdemeanor of the first degree. Amounts involved in  
30 fraudulent traffic in food orders committed pursuant to one

1 scheme or course of conduct, whether from the same person or  
2 several persons, shall be aggregated in determining the grade of  
3 the offense.

4 (b) Additional penalty.--In addition to the penalties  
5 otherwise prescribed, the defendant shall also be adjudged to  
6 pay to the agency which shall have issued such food order, the  
7 face amount thereof.

8 (c) Exception.--Subsection (a) of this section shall not  
9 apply to the negotiation of a food order after food to the full  
10 amount of the order shall have been furnished thereon to the  
11 original recipient of the order.

12 (d) Definition.--As used in this section, the term "food  
13 order" means any order issued by or under the authority of any  
14 public relief or assistance agency, authorizing the furnishing  
15 and delivery of food to any person therein named or described.

16 Section 2. This act shall take effect in 60 days.