

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1251 Session of
2011

INTRODUCED BY TOOHIL, ADOLPH, AUMENT, BAKER, BARRAR, BEAR, BENNINGHOFF, BOBACK, BOYD, CAUSER, CHRISTIANA, CLYMER, D. COSTA, COX, CREIGHTON, CUTLER, DALEY, DAY, DeLUCA, DENLINGER, EVANKOVICH, J. EVANS, EVERETT, GABLER, GEIST, GILLEN, GINGRICH, GOODMAN, GRELL, GROVE, HARHAI, HARHART, HARRIS, HEFFLEY, HESS, HICKERNELL, KAUFFMAN, M. K. KELLER, KNOWLES, KRIEGER, MAJOR, MARSHALL, MARSICO, MASSER, METCALFE, METZGAR, MICOZZIE, MILLARD, MILLER, MILNE, MOUL, MURT, MUSTIO, OBERLANDER, PERRY, PICKETT, PYLE, QUIGLEY, READSHAW, REED, REESE, REICHLEY, ROAE, ROCK, SACCONI, SAYLOR, SCAVELLO, SCHRODER, SIMMONS, SONNEY, STERN, STEVENSON, SWANGER, TALLMAN, VEREB, VULAKOVICH, WATSON, FARRY, DELOZIER, RAPP, MALONEY, KORTZ, BARBIN, CALTAGIRONE AND GILLESPIE,
MARCH 31, 2011

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
APRIL 12, 2011

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," adding definitions; and
4 further providing for false statements, investigations and
5 penalty and for reporting fraud.

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

8 Section 1. Section 402 of the act of June 13, 1967 (P.L.31,
9 No.21), known as the Public Welfare Code, is amended by adding
10 definitions to read:

11 Section 402. Definitions.--As used in this article, unless
12 the content clearly indicates otherwise:

13 "Access device." The Pennsylvania ACCESS Card or electronic

1 benefit transfer card.

2 * * *

3 "Authorization card." The paper authorization to participate
4 that an individual signs and then exchanges for a designated
5 amount of food stamps or benefits.

6 * * *

7 Section 2. Section 481 of the act, amended May 16, 1996
8 (P.L.175, No.35), is amended to read:

9 Section 481. False Statements; Investigations; Penalty.--(a)
10 Any person who, either prior to, or at the time of, or
11 subsequent to the application for assistance[, by means of a
12 wilfully false] or the filing of an authorization card,
13 knowingly makes a false or misleading statement or
14 misrepresentation, or by impersonation or by [wilfully]
15 knowingly failing to disclose a material fact regarding
16 eligibility or other fraudulent means, secures, or attempts to
17 secure, or aids or abets or attempts to aid or abet any person
18 in securing assistance, an access device or Federal food stamps,
19 ~~or violates 18 Pa.C.S. § 7313 (relating to buying or exchanging~~ ←
20 ~~Federal food order coupons, stamps, authorization cards or~~
21 ~~access devices)~~, commits a crime which shall be graded as
22 provided in subsection (b).

23 (b) Any person violating subsection (a) commits the grade of
24 crime determined from the following schedule:

25 Amount of Assistance	Degree of Crime
26 or Food Stamps	
27 [\$3,000 or more	Felony of the third degree
28 \$1,500 to \$2,999	Misdemeanor of the first degree
29 \$1,000 to \$1,499	Misdemeanor of the second degree
30 \$ 999 and under, or	

1 an attempt to commit
2 any act prohibited in
3 subsection (a) Misdemeanor of the third degree]
4 \$1,000 or more Felony of the third degree
5 \$999 and under, or an
6 attempt to commit any
7 act prohibited in
8 subsection (a) Misdemeanor of the first degree

9 [Pursuant to 42 Pa.C.S. § 1515(a)(7) (relating to jurisdiction
10 and venue), jurisdiction over cases graded a misdemeanor of the
11 third degree under this section shall be vested in district
12 justices.]

13 (c) Any person committing a crime enumerated in subsection
14 (a) shall be ordered to pay restitution of any moneys received
15 by reason of any false or misleading statement,
16 misrepresentation, impersonation, failure to disclose required
17 information or fraudulent means. Restitution ordered under this
18 subsection may be paid in a lump sum, by monthly installments or
19 according to such other schedule as is deemed just by the
20 sentencing court. Notwithstanding the provisions of 18 Pa.C.S. §
21 1106(c)(2) (relating to restitution for injuries to person or
22 property) to the contrary, the period of time during which the
23 offender is ordered to make restitution may exceed the maximum
24 term of imprisonment to which the offender could have been
25 sentenced for the crime of which that person was convicted, if
26 the sentencing court determines such period to be reasonable and
27 in the interests of justice.

28 (d) There shall be a four-year statute of limitations on all
29 crimes enumerated in subsection (a).

30 (e) The [Treasury Department] Inspector General's Office

1 shall have the power to investigate and prosecute any case
2 involving replacement of or duplicate receipt of or altered
3 assistance checks or access devices and shall have the power to
4 collect any funds as a result of such investigations and
5 prosecution. For purposes of this section those employes of the
6 [Treasury Department] Inspector General's Office as are
7 designated "investigators" are given the power and authority to
8 subpoena any document for review or audit and may question and
9 subpoena any person believed to have any knowledge in such
10 cases. The [Treasury Department] Inspector General's Office
11 shall make such rules and regulations as may be necessary to
12 carry out the provisions of this section.

13 (f) An applicant for or recipient of [aid to families with
14 dependent children] temporary assistance for needy families or
15 general assistance convicted of any offense pursuant to
16 subsection (a) shall be ineligible to receive cash assistance
17 for a period of six months from the date of a first conviction,
18 for a period of twelve months from the date of a second
19 conviction and permanently from the date of a third conviction.

20 Section 3. Section 1417(b) of the act, added December 17,
21 2009 (P.L.598, No.54), is amended to read:

22 Section 1417. Fraud Reporting to Inspector General.--* * *

23 (b) The county assistance employe making a report in good
24 faith shall [not be subject to any sanctions for making a fraud
25 report.] be provided:

26 (1) Whistleblower status as provided under the act of
27 December 12, 1986 (P.L.1559, No.169), known as the
28 "Whistleblower Law."

29 (2) Immunity from civil or criminal liability for the
30 reporting of suspected fraud.

1 Section 4. This act shall take effect in 60 days.