

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1935 Session of 2011

INTRODUCED BY HEFFLEY, METCALFE, TOOHIL, KNOWLES, BAKER, BARRAR, BENNINGHOFF, BOYD, R. BROWN, CLYMER, COX, CREIGHTON, CUTLER, DAY, EMRICK, FARRY, FLECK, GABLER, GEIST, GILLEN, GINGRICH, GRELL, GROVE, HACKETT, HAHN, HARHART, HESS, HICKERNELL, HUTCHINSON, KAUFFMAN, M. K. KELLER, KORTZ, LONGIETTI, MAJOR, MALONEY, MASSER, MILLARD, MILLER, MOUL, O'NEILL, PEIFER, PERRY, PICKETT, PYLE, QUINN, READSHAW, REICHLEY, ROCK, SACCONI, SAYLOR, SCAVELLO, CULVER, SIMMONS, STEPHENS, STERN, SWANGER, TALLMAN, TOBASH, TOEPEL, VULAKOVICH, WATSON AND MURT, OCTOBER 26, 2011

REFERRED TO COMMITTEE ON STATE GOVERNMENT, OCTOBER 26, 2011

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, providing for benefit transfer device  
3 fraud.

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

6 Section 1. Title 18 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 4121. Benefit transfer device fraud.

9 (a) Offense defined.--A person commits an offense if the  
10 person is an unauthorized alien and possesses, uses or attempts  
11 to use a benefit transfer device.

12 (b) Separate offenses.--Each time a person possesses or uses  
13 a benefit transfer device in violation of subsection (a)  
14 constitutes a separate offense under this section.

1 (c) Grading.--A person who violates subsection (a) commits a  
2 felony of the third degree.

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

6 "Benefit transfer device." The Pennsylvania ACCESS card or  
7 electronic benefit transfer card.

8 "Unauthorized alien." An alien who is not eligible for any  
9 State or local benefits under section 411(a) of the Personal  
10 Responsibility and Work Opportunity Reconciliation Act of 1996  
11 (Public Law 104-193, 8 U.S.C. § 1621(a)).

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