

---

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 789 Session of  
2019

---

INTRODUCED BY HEFFLEY, PICKETT, RYAN, BARRAR, BERNSTINE, IRVIN,  
MILLARD, SAYLOR, KEEFER, BENNINGHOFF, COX AND MASSER,  
MARCH 12, 2019

---

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 12, 2019

---

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in forgery and fraudulent practices,  
3 providing for the offense of benefit transfer device 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 § 4122. 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.

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

17 (d) Definitions.--As used in this section, the following  
18 words and phrases shall have the meanings given to them in this

1 subsection unless the context clearly indicates otherwise:

2 "Benefit transfer device." The Pennsylvania ACCESS card or  
3 electronic benefit transfer card.

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

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