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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 980 Session of 2023

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INTRODUCED BY BOSCOLA, FARRY, PHILLIPS-HILL, LAUGHLIN, COSTA AND DUSH, NOVEMBER 9, 2023

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REFERRED TO HEALTH AND HUMAN SERVICES, NOVEMBER 9, 2023

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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," in public assistance,  
4 further providing for false statements, investigations and  
5 penalty.

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

8 Section 1. Section 481(c) and (d) of the act of June 13,  
9 1967 (P.L.31, No.21), known as the Human Services Code, are  
10 amended and the section is amended by adding subsections to  
11 read:

12 Section 481. False Statements; Investigations; Penalty.--\* \*

13 \*

14 (a.1) Any person who knowingly and with intent to defraud  
15 produces, uses or traffics in, has control or custody of or  
16 possesses one or more counterfeit access devices that replicates  
17 the payment card information of a person receiving assistance,  
18 commits a crime which shall be graded as provided in subsection  
19 (b.1).

1 \* \* \*

2 (b.1) Any person violating subsection (a.1) commits the  
3 grade of crime determined from the following schedule:

4 Amount of Assistance

5 or Food Stamps

Degree of Crime

6 \$1,000 or more

Felony of the second degree

7 \$999 and under, or an

8 attempt to commit any

9 act prohibited in

10 subsection (a.1)

Felony of the third degree

11 (c) Any person committing a crime enumerated in subsection  
12 (a) or (a.1) shall be ordered to pay restitution of any moneys  
13 received by reason of any false statement, misrepresentation,  
14 impersonation, failure to disclose required information or  
15 fraudulent means. Restitution ordered under this subsection may  
16 be paid in a lump sum, by monthly installments or according to  
17 such other schedule as is deemed just by the sentencing court.  
18 Notwithstanding the provisions of 18 Pa.C.S. § 1106(c) (2)  
19 (relating to restitution for injuries to person or property) to  
20 the contrary, the period of time during which the offender is  
21 ordered to make restitution may exceed the maximum term of  
22 imprisonment to which the offender could have been sentenced for  
23 the crime of which that person was convicted, if the sentencing  
24 court determines such period to be reasonable and in the  
25 interests of justice.

26 (d) There shall be a four-year statute of limitations on all  
27 crimes enumerated in [subsection] subsections (a) and (a.1).

28 \* \* \*

29 (f.1) An individual convicted of any offense under  
30 subsection (a.1) shall be ineligible to receive cash assistance

1 permanently from the date of a conviction.

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