

2018 Regular Session

HOUSE BILL NO. 88

BY REPRESENTATIVE MACK

CRIME: Creates the crime of government benefits fraud

1 AN ACT

2 To enact R.S. 14:70.9, relative to fraud; to create the crime of government benefits fraud;  
3 to provide for elements of the offense; to provide for penalties; to provide relative  
4 to venue; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:70.9 is hereby enacted to read as follows:

7 §70.9. Government benefits fraud

8 A. The crime of government benefits fraud is the act of any person who, with  
9 intent to defraud the state or any person or entity through any government benefits  
10 program administered by any state department, agency, or political subdivision, does  
11 any of the following:

12 (1) Presents for allowance or payment any false or fraudulent claim for  
13 furnishing services or merchandise.

14 (2) Knowingly submits false information for the purpose of obtaining greater  
15 compensation than that to which he is legally entitled for furnishing services or  
16 merchandise.

17 (3) Knowingly submits false information for the purpose of obtaining  
18 authorization for furnishing services or merchandise.

19 (4) Knowingly makes or causes to be made a false statement or  
20 representation of material fact on an application for assistance, goods, or services

1 when the false statement or representation is made for the purpose of determining the  
2 person's entitlement to receive benefits.

3 (5) Knowingly conceals or fails to disclose any material fact affecting the  
4 applicant's or recipient's initial or continued entitlement to receive benefits.

5 B. Whoever commits the crime of government benefits fraud shall be  
6 imprisoned, with or without hard labor, for not more than five years, may be fined  
7 not more than twenty thousand dollars, or both imprisoned and fined.

8 C. Whoever commits the crime of government benefits fraud involving any  
9 benefit authorized, transported, transmitted, transferred, disbursed, or paid in  
10 connection with any federal or state major disaster declaration or declared state of  
11 emergency shall be imprisoned for not more than seven years, may be fined not more  
12 than twenty-five thousand dollars, or both imprisoned and fined.

13 D. In addition to the venue established by Code of Criminal Procedure  
14 Articles 611 and 614, when the conduct involves a program administered by a state  
15 department or agency, venue shall also be proper in the Nineteenth Judicial District  
16 Court, parish of East Baton Rouge.

17 E. For the purpose of this Section, government benefits include any record,  
18 voucher, payment, money or thing of value, good, service, right, or privilege  
19 provided or administered by a state government entity.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 88 Original

2018 Regular Session

Mack

**Abstract:** Creates the crime of government benefits fraud, provides elements for the offense, provides for criminal penalties, and provides relative to venue.

Proposed law creates the crime of government benefits fraud and defines the crime as the act of any person who, with intent to defraud the state or any person or entity through any government benefits program administered by any state department, agency, or political subdivision, does any of the following:

- (1) Presents for allowance or payment any false or fraudulent claim for furnishing services or merchandise.

- (2) Knowingly submits false information for the purpose of obtaining greater compensation than that to which he is legally entitled for furnishing services or merchandise.
- (3) Knowingly submits false information for the purpose of obtaining authorization for furnishing services or merchandise.
- (4) Knowingly makes or causes to be made a false statement or representation of material fact on an application for assistance, goods, or services when the false statement or representation is made for the purpose of determining the person's entitlement to receive benefits.
- (5) Knowingly conceals or fails to disclose any material fact affecting the applicant's or recipient's initial or continued entitlement to receive benefits.

Proposed law provides that whoever commits the crime of government benefits fraud, shall be imprisoned for not more than five years, may be fined not more than \$20,000, or both imprisoned and fined. However, if the offense involves any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with any federal or state major disaster declaration or declared state of emergency, the offender shall be imprisoned for not more than seven years, may be fined not more than \$25,000, or both imprisoned and fined.

Proposed law provides that in addition to venue established by present law, venue is also proper in the 19<sup>th</sup> Judicial District Court, parish of East Baton Rouge.

Proposed law provides that government benefits include any record, voucher, payment, money or thing of value, good, service, right, or privilege provided or administered by a state government entity.

(Adds R.S. 14:70.9)