
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Present law provides for the crime of unauthorized use of food stamp coupons, food stamp authorization cards, or food stamp access devices.

Present law provides the following definitions:

1. "Food stamp coupon" means any coupon, stamp, or type of certificate issued pursuant to the provisions of the Federal Food Stamp Act.
2. "Food stamp authorization card" means the document issued by the Dept. of Children and Family Services to an eligible household, which shows the allotment of food stamp coupons the household is entitled to be issued.
3. "Food stamp access device" means any card, plate, code account access number, or other means of access that can be used, alone or in conjunction with another access device, to obtain payment, allotments, benefits, money, goods, or other things of value or that can be used to initiate a transfer of funds pursuant to the provisions of the Federal Food Stamp Act.

Present law provides that the crime of unauthorized use of food stamp coupons, food stamp authorization cards, or food stamp access devices is any of the following:

1. To knowingly use, transfer, acquire, alter, or possess food stamp coupons, food stamp authorization cards, or food stamp access devices contrary to the provisions of the Federal Food Stamp Act or the federal or state regulations issued pursuant thereto.
2. To knowingly counterfeit, alter, transfer, acquire, or possess counterfeited or altered food stamp coupons, food stamp authorization cards, or food stamp access devices.
3. To present or cause to be presented food stamp coupons for payment or redemption, knowing the same to have been counterfeited, altered, received, transferred, or used in any manner contrary to the provisions of the Federal Food Stamp Act or the federal or state regulations issued pursuant thereto.
4. To knowingly appropriate food stamp coupons, food stamp authorization cards, or food stamp access devices with which a person has been entrusted or of which a person has gained possession by virtue of his position as a public employee.

Proposed law changes the crime of "unauthorized use of food stamp coupons, food stamp authorization cards, or food stamp access devices" to "unauthorized use of supplemental nutrition

assistance program benefits or supplemental nutrition assistance program benefit devices."

Proposed law changes the applicability of and definitions relative to present law from "food stamp coupons," "food stamp authorization cards," and "food stamp access devices" to "supplemental nutrition assistance program benefits" and "supplemental nutrition assistance program benefit access devices."

Proposed law otherwise retains present law.

Present law provides that whoever commits the crime of unauthorized use of food stamp coupons, food stamp authorization cards, or food stamp access devices when the coupons, authorization cards, or access devices amount to a value of \$1,500 or more is to be imprisoned, with or without hard labor, for not more than 10 years, or fined not more than \$3,000, or both.

Present law provides that when the coupons, authorization cards, or access devices amount to a value of \$500 or more but less than \$1,500, the offender is to be imprisoned, with or without hard labor, for not more than five years, or fined not more than \$2,000, or both.

Present law provides that when the coupons, authorization cards, or access devices amount to less than a value of \$500, the offender is to be imprisoned for not more than six months, or fined not more than \$500, or both.

Present law provides that if the offender has been convicted under present law two or more times previously, upon any subsequent conviction he is to be imprisoned, with or without hard labor, for not more than two years, or fined not more than \$1,000, or both.

Proposed law deletes these present law penalties, and further provides that whoever commits the crime of unauthorized use of SNAP benefits or a SNAP benefit access device is to be fined not less than \$5,000 nor more than \$1,000,000, or imprisoned, with or without hard labor, for not less than six months nor more than 10 years, or both.

Present law provides that in addition to these present law penalties, a person convicted under present law is to make restitution in the total amount found to be the value of the coupons that form the basis for the conviction. Present law further provides that if a person ordered to make restitution is found to be indigent and therefore unable to make restitution in full at the time of conviction, the court is to order a periodic payment plan consistent with the person's financial ability.

Proposed law changes the reference in present law from "coupons" to "SNAP benefits."

Proposed law otherwise retains present law.

Proposed law creates the crime of failure to report unauthorized use of supplemental nutrition assistance program benefits.

Proposed law provides that employees of the Dept. of Children and Family Services, owners, employees and operators of retailers that accept SNAP benefit access device transactions, and adult household members of SNAP recipients must report any instances of known fraud or abuse of SNAP benefits to the fraud and recovery section of the Dept. of Children and Family Services via the Public Assistance Fraud Hot-Line as provided for by present law.

Proposed law provides that whoever violates the provisions of proposed law is to be fined not less than \$250 nor more than \$5,000, and in addition, the person is subject to prosecution under present law for failure to report unauthorized use of SNAP program benefits.

Effective January 1, 2013.

(Amends R.S. 14:68.2; adds R.S. 14:68.2.1)