

SB 362 -- Redline

Printer's No. 1800 to Printer's No. 0308 -- An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, in public assistance, further providing for false statements, investigations and penalty.

Deletions ~~struck~~ · Insertions underlined

~~PRIOR~~ PRINTER'S NO.

308 ~~PRINTER'S~~ THE NO-GENERAL ASSEMBLY OF PENNSYLVANIA SENATE BILL Session of No.

~~1800 THE GENERAL ASSEMBLY OF PENNSYLVANIA SENATE BILL Session of No.~~

WARD, STEFANO, STEFANO FARRY, SCHWANK AND PICOZZI, FARRY, FEBRUARY 28, 2025 ~~SENATOR~~ REFERRED BROOKS, TO HEALTH AND HUMAN SERVICES, AS FEBRUARY AMENDED, 28, JUNE 2025 9, 2026 AN ACT Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An act to consolidate, editorially revise, and codify the public welfare laws of the Commonwealth," in public assistance, ~~penalty providing further~~ providing for false statements, investigations and ~~The penalty. General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:~~

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

Section 481(c) and ~~(d), (d) (D) AND (F)~~ of the act of ~~June 13, 1967 (P.L.31, No.21),~~ known as the Human Services Code, are amended and the section is amended by adding subsections to read:

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

~~(A.1)* A* PERSON* COMMITS (b.1) AN~~ Any OFFENSE person IF violating THE subsection PERSON (a.1) ~~KNOWINGLY commits the AND grade WITH of INTENT crime TO determined DEFRAUD, from the following schedule:~~

~~(1) Amount POSSESSES, of USES Assistance OR or ATTEMPTS Food TO Stamps USE Degree A of SCANNING Crime DEVICE \$1,000 TO or ACCESS, more READ, Felony OBTAIN, of MEMORIZE the OR second STORE, degree TEMPORARILY \$999 OR and PERMANENTLY, under, A or RECIPIENT'S an ACCESS attempt DEVICE to INFORMATION. commit any act prohibited in subsection (a.1) Felony of the third degree (c) Any person committing a crime enumerated in subsection (a) or (a.1) shall be ordered to pay restitution of any moneys received by reason of any false statement, misrepresentation, impersonation, failure to disclose required information or fraudulent means.~~

~~(2) POSSESSES, USES OR ATTEMPTS TO USE A REENCODER TO REPLICATE A RECIPIENT'S ACCESS DEVICE INFORMATION ON ONE OR MORE ACCESS DEVICES OR ON ANY OTHER MEDIUM THAT ALLOWS THE USE OF A RECIPIENT'S ACCESS DEVICE INFORMATION.~~

~~(3) POSSESSES, USES OR ATTEMPTS TO USE ONE OR MORE ACCESS DEVICES OR INFORMATION FROM ONE OR MORE ACCESS DEVICES THAT REPLICATE A RECIPIENT'S ACCESS DEVICE INFORMATION.~~

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

~~Amount of Assistance or Food Stamps Degree of Crime \$1,000 or more Felony of the second degree \$999 and under, or an attempt to commit any act prohibited in subsection (a.1) Felony of the third degree (B.1)~~

~~(1) A FIRST OFFENSE UNDER SUBSECTION (A.1) CONSTITUTES A FELONY OF THE THIRD DEGREE.~~

~~(2) A SECOND OR SUBSEQUENT OFFENSE UNDER SUBSECTION (A.1) CONSTITUTES A FELONY OF THE SECOND DEGREE.~~

~~(B.2) FOR THE PURPOSES OF THIS SECTION, IN DETERMINING WHETHER AN OFFENSE IS A FIRST, SECOND OR SUBSEQUENT OFFENSE, THE COURT SHALL INCLUDE A CONVICTION, ACCEPTANCE OF ACCELERATED 20250SB0362PN1800 2 REHABILITATIVE DISPOSITION OR OTHER FORM OF PRELIMINARY DISPOSITION, OCCURRING BEFORE THE SENTENCING ON THE PRESENT VIOLATION, FOR AN OFFENSE UNDER THIS SECTION, AN OFFENSE SUBSTANTIALLY SIMILAR TO AN OFFENSE UNDER THIS SECTION OR UNDER THE PRIOR LAWS OF THIS COMMONWEALTH OR A SIMILAR OFFENSE UNDER THE STATUTES OF ANY OTHER STATE OR OF THE UNITED STATES.~~

~~(c) Any person committing a crime enumerated in subsection (a) or (a.1) shall be ordered to pay restitution of any moneys received by reason of any false statement, misrepresentation, impersonation, failure to disclose required information or fraudulent means.~~

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

* * * (f.1) An individual convicted of any offense under ~~subsection (a.1)~~ shall be ineligible to receive cash assistance 20250SB0362PN0308 - 2 permanently from the date of a conviction.

~~(F) AN APPLICANT FOR OR RECIPIENT OF [AID TO FAMILIES WITH DEPENDENT CHILDREN OR GENERAL ASSISTANCE] TEMPORARY ASSISTANCE 20250SB0362PN1800 3 FOR NEEDY FAMILIES CONVICTED OF ANY OFFENSE PURSUANT TO SUBSECTION (A) OR (A.1) SHALL BE INELIGIBLE TO RECEIVE CASH ASSISTANCE FOR A PERIOD OF SIX MONTHS FROM THE DATE OF A FIRST CONVICTION, FOR A PERIOD OF TWELVE MONTHS FROM THE DATE OF A SECOND CONVICTION AND PERMANENTLY FROM THE DATE OF A THIRD CONVICTION.~~

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