

By: Representative Mims

To: Public Health and Human Services

HOUSE BILL NO. 912

1 AN ACT TO AMEND SECTION 97-7-42, MISSISSIPPI CODE OF 1972, TO
2 REVISE AND UPDATE THE PROVISIONS ESTABLISHING CRIMINAL OFFENSES
3 AND PENALTIES FOR FRAUDULENT ACTIONS INVOLVING BENEFITS UNDER THE
4 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM; TO AMEND SECTION
5 97-19-71, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING
6 PROVISIONS; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** Section 97-7-42, Mississippi Code of 1972, is
9 amended as follows:

10 97-7-42. * * *

11 (1) Any person who knowingly:

12 (a) Fails, by false statement, misrepresentation,
13 impersonation or other fraudulent means, to disclose a material
14 fact used in making a determination as to the person's
15 qualification to receive aid or benefits or services under the
16 Supplemental Nutrition Assistance Program; or

17 (b) Fails to disclose a change in circumstances in
18 order to obtain or continue to receive under that program aid or
19 benefits or services to which the person is not entitled or in an
20 amount larger than that to which the person is entitled, or who



21 knowingly aids and abets another person in the commission of any
22 such act, is guilty of fraud.

23 (2) Any person who knowingly:

24 (a) Uses, transfers, acquires, traffics, alters, forges
25 or possesses;

26 (b) Attempts to use, transfer, acquire, traffic, alter,
27 forge or possess; or

28 (c) Aids and abets another person in the use, transfer,
29 acquisition, trafficking, alteration, forgery or possession of a
30 food stamp, a food stamp identification card, an electronic
31 benefits transfer card or the benefits accessed by the card, or an
32 authorization of the purchase of food stamps, is guilty of fraud.

33 (3) Any person who knowingly exchanges or attempts to
34 exchange food purchased or obtained with benefits, or an
35 electronic benefits transfer card, under the federal Food and
36 Nutrition Program for cash or anything of value other than food,
37 is guilty of fraud.

38 (4) Any person having duties in the administration of the
39 Supplemental Nutrition Assistance Program who fraudulently
40 misappropriates, attempts to misappropriate, or aids and abets in
41 the misappropriation of, a food stamp, an authorization for food
42 stamps, a food stamp identification card, an electronic benefits
43 transfer card, the benefits accessible by the card with which the
44 person has been entrusted or of which the person has gained
45 possession by virtue of the person's position, or who knowingly



46 fails to disclose any such fraudulent activity, is guilty of
47 fraud.

48 (5) Any person who knowingly signs, or aids and abets any
49 person to sign, a false application for the replacement of
50 benefits or aid to which that person is entitled claiming that
51 person's benefits or aid was not received, is guilty of fraud.

52 (6) Any person convicted of the crime of fraud under this
53 section shall be:

54 (a) Punished by commitment to the Department of
55 Corrections for a term not exceeding three (3) years, and fined
56 not less than One Thousand Dollars (\$1,000.00) nor more than Ten
57 Thousand Dollars (\$10,000.00), for fraud in the amount of One
58 Hundred Dollars (\$100.00) or more; or

59 (b) Punished by imprisonment in the county jail for a
60 term not exceeding one (1) year, and fined not less than One
61 Hundred Dollars (\$100.00) nor more than One Thousand Dollars
62 (\$1,000.00), for fraud in the amount of less than One Hundred
63 Dollars (\$100.00); and

64 (c) Ordered to make full restitution of the benefits or
65 the value of the benefits, to be paid directly to the Mississippi
66 Department of Human Services after the fees and fines have been
67 paid to the county; and

68 (d) Disqualified from participation in the Supplemental
69 Nutrition Assistance Program for not less than twelve (12) months



70 for the first offense, not less than twenty-four (24) months for
71 the second offense, and permanently for the third offense.

72 (7) Any person eligible for nonadjudication of guilt under
73 Section 99-15-26 shall be disqualified from participation in the
74 Supplemental Nutrition Assistance Program for twelve (12) months
75 for the first offense, twenty-four (24) months for the second
76 offense, and permanently for the third offense upon signing a
77 disqualification consent agreement.

78 **SECTION 2.** Section 97-19-71, Mississippi Code of 1972, is
79 amended as follows:

80 97-19-71. (1) Any person who knowingly:

81 (a) Fails, by false statement, misrepresentation,
82 impersonation, or other fraudulent means, to disclose a material
83 fact used in making a determination as to such person's
84 qualification to receive aid or benefits or services under any
85 state or federally funded assistance program; or

86 (b) Fails to disclose a change in circumstances in
87 order to obtain or continue to receive under any such program aid
88 or benefits or services to which he is not entitled or in an
89 amount larger than that to which he is entitled, or who knowingly
90 aids and abets another person in the commission of any such act,
91 is guilty of fraud.

92 (2) Any person who knowingly:

93 (a) Uses, transfers, acquires, traffics, alters, forges
94 or possesses;



95 (b) Attempts to use, transfer, acquire, traffic, alter,
96 forge or possess; or

97 (c) Aids and abets another person in the use, transfer,
98 acquisition, trafficking, alteration, forgery or possession
99 of * * * an electronic benefits transfer card or the benefits
100 accessed by such card, * * * a certificate of eligibility for
101 medical services, or a Medicaid identification card, for profit or
102 in any manner not authorized by law or regulations issued by the
103 agency responsible for the administration of the state or
104 federally funded program, is guilty of fraud.

105 (3) Any person who knowingly * * * exchanges * * * or
106 * * * attempts to exchange food purchased or obtained with
107 benefits or an electronic benefits transfer card under the federal
108 Food and Nutrition Program for cash or anything of value other
109 than food, is guilty of fraud.

110 (4) Any person having duties in the administration of a
111 state or federally funded assistance program who fraudulently
112 misappropriates, attempts to misappropriate, or aids and abets in
113 the misappropriation of, * * * an electronic benefits transfer
114 card, the benefits accessible by such card, a certificate of
115 eligibility for prescribed medicine, a Medicaid identification
116 card, or assistance from any other state or federally funded
117 program with which he has been entrusted or of which he has gained
118 possession by virtue of his position, or who knowingly fails to
119 disclose any such fraudulent activity, is guilty of fraud.



120 (5) Any person who:

121 (a) Knowingly files, attempts to file, or aids and
122 abets in the filing of, a claim for services to a recipient of
123 benefits under any state or federally funded assistance program
124 for services which were not rendered; knowingly files a false
125 claim for nonauthorized items or services under such a program; or
126 knowingly bills the recipient of benefits under such a program, or
127 his family, for an amount in excess of that provided for by law or
128 regulations; or

129 (b) In any way knowingly receives, attempts to receive,
130 or aids and abets in the receipt of unauthorized payment as
131 provided herein, is guilty of fraud.

132 (6) Any person who knowingly signs, or aids and abets any
133 person to sign, a false application for the replacement of
134 benefits or aid to which that person is entitled claiming that
135 person's benefits or aid was not received, is guilty of fraud.

136 (7) Any person convicted of the crime of fraud under this
137 section shall be:

138 (a) Punished by * * * commitment to the Department of
139 Corrections for a term not exceeding three (3) years, and fined
140 not less than One Thousand Dollars (\$1,000.00) nor more than Ten
141 Thousand Dollars (\$10,000.00); or

142 (b) Punished by imprisonment in the county jail for a
143 term not exceeding one (1) year, and fined not less than One



144 Hundred Dollars (\$100.00) nor more than One Thousand Dollars
145 (\$1,000.00); and

146 (c) Ordered to make full restitution of the money or
147 services or the value of those services unlawfully received; and

148 (d) Where the legislation creating a program allows,
149 suspended from participation in the program for the length of time
150 allowed by the legislation creating the program.

151 (8) This section shall not prohibit prosecution under any
152 other criminal statute of this state or the United States.

153 **SECTION 3.** This act shall take effect and be in force from
154 and after July 1, 2018.

