

Introduced: 1/25/77
Referred: Health, Education & Social
Services and Judiciary

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 77

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to penalties for fraud in public
7 assistance programs."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 11.20.360 is amended to read:

10 Sec. 11.20.360. OBTAINING MONEY OR PROPERTY BY FALSE PRETENSES.

11 A person who, by false pretenses or by a privy or false token, and
12 with intent to defraud, obtains, or attempts to obtain money or pro-
13 perty from another, or who obtains, or attempts to obtain, with intent
14 to defraud, the signature of a person to a writing, the false making
15 of which is a forgery, upon conviction, is punishable by imprisonment
16 [IN THE PENITENTIARY] for not less than one nor more than five years.
17 This section does not apply to offenses under AS 47.25.

18 * Sec. 2. AS 47.25.290 is amended to read:

19 Sec. 47.25.290. PENALTY FOR VIOLATION. (a) Except as provided
20 in (b) of this section, a [A] person who violates a provision of secs.
21 120 - 300 of this chapter is guilty of a misdemeanor, and upon convic-
22 tion is punishable by a fine of not more than \$1,000, or by imprison-
23 ment for not more than one year, or by both.

24 (b) A person who violates a provision of secs. 120 - 300 of this
25 chapter is guilty of a felony, and upon conviction is punishable by a
26 fine of not more than \$5,000 or by imprisonment for not more than five
27 years, if

28 (1) the total amount of money obtained by conduct described
29 in sec. 280 of this chapter is \$5,000 or more; and

1 (2) the money was obtained with intent to defraud.

2 * Sec. 3. AS 47.25.405 is amended to read:

3 Sec. 47.25.405. OBTAINING ASSISTANCE BY FRAUD; PENALTY. (a)

4 Except as provided in (b) of this section, a [A] person is guilty of
5 a misdemeanor and upon conviction is punishable by a fine of not more
6 than \$1,000, or by imprisonment for not more than one year, or by
7 both, if he

8 (1) by statement, representation or impersonation which he
9 knows is false, or by another fraudulent device, obtains or attempts
10 to obtain or aids or abets a person to obtain, under secs. 310 - 420
11 of this chapter,

12 (A) assistance to which he is not entitled;

13 (B) greater assistance than he is entitled to; or

14 (C) payment of a forfeited grant or allowance;

15 (2) aids or abets in buying or otherwise disposing of the
16 property of the recipient of assistance for the purpose of avoiding
17 liability for the assistance granted under secs. 310 - 420 of this
18 chapter; or

19 (3) gives false or incorrect information, knowing it to be
20 false or incorrect, as part of the procedure to obtain assistance
21 under secs. 310 - 420 of this chapter, even if he does not actually
22 obtain or use the assistance.

23 (b) A person who violates a provision of secs. 310 - 420 of this
24 chapter is guilty of a felony, and upon conviction is punishable by
25 a fine of not more than \$5,000 or by imprisonment for not more than
26 five years, if

27 (1) the total amount of money obtained by conduct described
28 in (a) of this section is \$5,000 or more; and

29 (2) the money was obtained with intent to defraud.

1 * Sec. 4. AS 47.25.610 is amended to read:

2 Sec. 47.25.610. PENALTY FOR VIOLATIONS. (a) Except as provided
3 in (b) of this section, a [A] person who violates a provision of secs.
4 430 - 610 of this chapter is guilty of a misdemeanor and [IF NO OTHER
5 PENALTY IS PROVIDED, THE PERSON], upon conviction[,] is punishable by
6 a fine of not more than \$1,000 [\$500], or by imprisonment [IN A JAIL]
7 for not more than one year [SIX MONTHS], or by both.

8 (b) A person who violates a provision of secs. 430 - 610 of this
9 chapter is guilty of a felony, and upon conviction is punishable by a
10 fine of not more than \$5,000 or by imprisonment for not more than five
11 years, if

12 (1) the total amount of money obtained by conduct described
13 in sec. 600 of this chapter is \$5,000 or more; and

14 (2) the money was obtained with intent to defraud.

15 * Sec. 5. AS 47.25.770 is amended to read:

16 Sec. 47.25.770. PENALTY FOR VIOLATION. (a) Except as provided
17 in (b) of this section, a [A] person who violates a provision of secs.
18 620 - 780 of this chapter is guilty of a misdemeanor, and upon convic-
19 tion is punishable by a fine of not more than \$1,000 [\$500] or by
20 imprisonment [IN A JAIL] for not more than one year [SIX MONTHS], or
21 by both.

22 (b) A person who violates a provision of secs. 620 - 780 of this
23 chapter is guilty of a felony, and upon conviction is punishable by a
24 fine of not more than \$5,000 or by imprisonment for not more than five
25 years, if

26 (1) the total amount of money obtained by conduct described
27 in sec. 760 of this chapter is \$5,000 or more; and

28 (2) the money was obtained with intent to defraud.

29 * Sec. 6. AS 47.25.950 is amended to read:

1 Sec. 47.25.950. OBTAINING ASSISTANCE BY FRAUD; CRIMINAL PENALTY.

2 (a) Except as provided in (b) of this section, a [A] person is guilty
3 of a misdemeanor, and upon conviction is punishable by a fine of not
4 more than \$1,000 [\$500], or by imprisonment [IN A JAIL] for not more
5 than one year [SIX MONTHS], or by both, if he

6 (1) by statement, representation or impersonation which he
7 knows is false, or by another fraudulent device, obtains or attempts
8 to obtain or aids or abets a person to obtain

9 (A) assistance to which he is not entitled;

10 (B) greater assistance than he is entitled to; or

11 (C) payment of a forfeited grant or allowance; or

12 (2) aids or abets in buying or otherwise disposing of the
13 property of the recipient of assistance for the purpose of avoiding
14 liability for the assistance granted.

15 (b) A person who violates a provision of secs. 790 - 970 of this
16 chapter is guilty of a felony, and upon conviction is punishable by a
17 fine of not more than \$5,000 or by imprisonment for not more than five
18 years, if

19 (1) the total amount of money obtained by conduct described
20 in (a) of this section is \$5,000 or more; and

21 (2) the money was obtained with intent to defraud.

22 * Sec. 7. AS 47.25.983 is amended to read:

23 Sec. 47.25.983. REPORTING CHANGE OF STATUS. A person receiving
24 assistance under secs. 975 - 990 of this chapter who wilfully fails to
25 report to the department a change in his status which affects his
26 eligibility or the amount of payment for which he is eligible, within
27 10 days of that change, is guilty of a misdemeanor and upon conviction
28 is subject to the penalties set out in sec. 985 [985(b)] of this
29 chapter.

1 * Sec. 8. AS 47.25.985 is amended to read:

2 Sec. 47.25.985. OBTAINING ASSISTANCE BY FRAUD; CRIMINAL PENALTIES.

3 (a) Except as provided in (b) of this section, a [A] person is guilty
4 of a misdemeanor, and upon conviction is punishable by a fine of not
5 more than \$1,000 or imprisonment for not more than one year, or by
6 both, if he:

7 (1) knowingly acquires, possesses, uses, alters or transfers
8 food coupons or authorization-to-purchase food coupons in violation of
9 secs. 975 - 980 of this chapter or the regulations adopted under sec.
10 980 of this chapter;

11 (2) presents food coupons or causes them to be presented
12 for payment or redemption knowing them to have been transferred,
13 received, altered or used in a manner violating secs. 975 - 980 of
14 this chapter or the regulations adopted under sec. 980 of this chapter;
15 or

16 (3) gives false or incorrect information, knowing it to be
17 false or incorrect, as part of the procedure to obtain a food coupon,
18 even if he does not actually obtain or use the food coupon.

19 (b) A person who violates a provision of secs. 975 - 980 of this
20 chapter is guilty of a felony, and upon conviction is punishable by a
21 fine of not more than \$5,000 or by imprisonment for not more than five
22 years, if

23 (1) the total value of food coupons obtained by conduct
24 described in (a) of this section is \$5,000 or more; and

25 (2) the food coupons were obtained with intent to defraud.

26 [UPON CONVICTION HE SHALL BE FINED NOT MORE THAN \$1,000 OR IMPRISONED
27 FOR NOT MORE THAN ONE YEAR, OR BOTH.]