



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3732

by Rep. John M. Cabello

SYNOPSIS AS INTRODUCED:

305 ILCS 5/8A-4B new

305 ILCS 5/8A-5A

305 ILCS 5/8A-6

from Ch. 23, par. 8A-5A

from Ch. 23, par. 8A-6

Amends the Illinois Public Aid Code. Provides that any person who possesses for an unlawful purpose another person's Electronic Benefit Transfer card (EBT) or LINK card in order to use or transfer in any manner not authorized by law or the rules and regulations of the Department of Human Services the cash assistance benefits held on that EBT or LINK card is guilty of a violation and shall be subject to certain penalties established under the Code. Effective immediately.

LRB099 07381 KTG 27497 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning public aid.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Aid Code is amended by
5 changing Sections 8A-5A and 8A-6 and by adding Section 8A-4B as
6 follows:

7 (305 ILCS 5/8A-4B new)

8 Sec. 8A-4B. Penalty for unauthorized possession and use of
9 cash benefits. Notwithstanding any provision of law to the
10 contrary, any person who possesses for an unlawful purpose
11 another person's Electronic Benefit Transfer card (EBT) or LINK
12 card in order to use or transfer in any manner not authorized
13 by law or the rules and regulations of the Department of Human
14 Services the cash assistance benefits held on that EBT or LINK
15 card is guilty of a violation of this Article and shall be
16 subject to the penalties established under Section 8A-6.

17 (305 ILCS 5/8A-5A) (from Ch. 23, par. 8A-5A)

18 Sec. 8A-5A. Unauthorized possession of identification
19 document. Any person who possesses for an unlawful purpose
20 another person's identification document issued by the
21 Illinois Department shall be guilty of a Class 4 felony. For
22 purposes of this Section, "identification document" includes

1 but is not limited to an authorization to participate in the
2 federal Supplemental Nutrition Assistance Program (SNAP) ~~food~~
3 ~~stamp program~~ or the federal surplus food commodities program,
4 or a card or other document which identifies a person as being
5 entitled to public aid, including cash assistance, under this
6 Code.

7 (Source: P.A. 86-1012.)

8 (305 ILCS 5/8A-6) (from Ch. 23, par. 8A-6)

9 Sec. 8A-6. Classification of violations.

10 (a) Any person, firm, corporation, association, agency,
11 institution or other legal entity that has been found by a
12 court to have engaged in an act, practice or course of conduct
13 declared unlawful under Sections 8A-2 through 8A-5 or Section
14 8A-13 or 8A-14 where:

15 (1) the total amount of money involved in the
16 violation, including the monetary value of cash assistance
17 benefits or federal Supplemental Nutrition Assistance
18 Program (SNAP) benefits ~~food stamps~~ and the value of
19 commodities, is less than \$150, shall be guilty of a Class
20 A misdemeanor;

21 (2) the total amount of money involved in the
22 violation, including the monetary value of cash assistance
23 benefits or federal SNAP benefits ~~food stamps~~ and the value
24 of commodities, is \$150 or more but less than \$1,000, shall
25 be guilty of a Class 4 felony;

1 (3) the total amount of money involved in the
2 violation, including the monetary value of cash assistance
3 benefits or federal SNAP benefits ~~food stamps~~ and the value
4 of commodities, is \$1,000 or more but less than \$5,000,
5 shall be guilty of a Class 3 felony;

6 (4) the total amount of money involved in the
7 violation, including the monetary value of cash assistance
8 benefits or federal SNAP benefits ~~food stamps~~ and the value
9 of commodities, is \$5,000 or more but less than \$10,000,
10 shall be guilty of a Class 2 felony; or

11 (5) the total amount of money involved in the
12 violation, including the monetary value of cash assistance
13 benefits or federal SNAP benefits ~~food stamps~~ and the value
14 of commodities, is \$10,000 or more, shall be guilty of a
15 Class 1 felony and, notwithstanding the provisions of
16 Section 8A-8 except for Subsection (c) of Section 8A-8,
17 shall be ineligible for financial aid under this Article
18 for a period of two years following conviction or until the
19 total amount of money, including the value of federal food
20 stamps, is repaid, whichever first occurs.

21 (b) Any person, firm, corporation, association, agency,
22 institution or other legal entity that commits a subsequent
23 violation of any of the provisions of Sections 8A-2 through
24 8A-5 and:

25 (1) the total amount of money involved in the
26 subsequent violation, including the monetary value of cash

1 assistance benefits or federal SNAP benefits ~~food stamps~~
2 and the value of commodities, is less than \$150, shall be
3 guilty of a Class 4 felony;

4 (2) the total amount of money involved in the
5 subsequent violation, including the monetary value of cash
6 assistance benefits or federal SNAP benefits ~~food stamps~~
7 and the value of commodities, is \$150 or more but less than
8 \$1,000, shall be guilty of a Class 3 felony;

9 (3) the total amount of money involved in the
10 subsequent violation, including the monetary value of cash
11 assistance benefits or federal SNAP benefits ~~food stamps~~
12 and the value of commodities, is \$1,000 or more but less
13 than \$5,000, shall be guilty of a Class 2 felony;

14 (4) the total amount of money involved in the
15 subsequent violation, including the monetary value of cash
16 assistance benefits or federal SNAP benefits ~~food stamps~~
17 and the value of commodities, is \$5,000 or more but less
18 than \$10,000, shall be guilty of a Class 1 felony.

19 (c) For purposes of determining the classification of
20 offense under this Section, all of the money received as a
21 result of the unlawful act, practice or course of conduct can
22 be accumulated.

23 (Source: P.A. 90-538, eff. 12-1-97.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.