



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB2033

by Rep. John M. Cabello

#### SYNOPSIS AS INTRODUCED:

305 ILCS 5/8A-4B new	
305 ILCS 5/8A-5A	from Ch. 23, par. 8A-5A
305 ILCS 5/8A-6	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.

LRB101 04888 KTG 49897 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 ~~food stamp~~  
3 ~~program~~ or the federal surplus food commodities program, or a  
4 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.