

## AMENDMENTS TO SENATE BILL NO. 1127

Sponsor: SENATOR AUMENT

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1 Amend Bill, page 1, lines 1 through 5, by striking out all of  
2 said lines and inserting

3 Amending Titles 18 (Crimes and Offenses) and 62 (Procurement) of  
4 the Pennsylvania Consolidated Statutes, in wiretapping and  
5 electronic surveillance, further providing for order  
6 authorizing interception of wire, electronic or oral  
7 communications; in trade and commerce, further providing for  
8 buying or exchanging Federal food order coupons, stamps,  
9 authorization cards or access devices and for fraudulent  
10 traffic in food orders; and, in source selection and contract  
11 formation, further providing for debarment or suspension.

12 Amend Bill, page 1, lines 8 through 19; page 2, lines 1  
13 through 30; page 3, lines 1 through 19; by striking out all of  
14 said lines on said pages and inserting

15 Section 1. Sections 5708(2), 7313 and 7314 of Title 18 of  
16 the Pennsylvania Consolidated Statutes are amended to read:  
17 § 5708. Order authorizing interception of wire, electronic or  
18 oral communications.

19 The Attorney General, or, during the absence or incapacity of  
20 the Attorney General, a deputy attorney general designated in  
21 writing by the Attorney General, or the district attorney or,  
22 during the absence or incapacity of the district attorney, an  
23 assistant district attorney designated in writing by the  
24 district attorney of the county wherein the suspected criminal  
25 activity has been, is or is about to occur, may make written  
26 application to any Superior Court judge for an order authorizing  
27 the interception of a wire, electronic or oral communication by  
28 the investigative or law enforcement officers or agency having  
29 responsibility for an investigation involving suspected criminal  
30 activities when such interception may provide evidence of the  
31 commission of any of the following offenses, or may provide  
32 evidence aiding in the apprehension of the perpetrator or  
33 perpetrators of any of the following offenses:

34 \* \* \*

35 (2) Under this title, where such offense is dangerous to

1 life, limb or property and punishable by imprisonment for  
2 more than one year:

3 Section 910 (relating to manufacture, distribution or  
4 possession of devices for theft of telecommunications  
5 services)

6 Section 2709(a)(4), (5), (6) or (7) (relating to  
7 harassment)

8 Section 3925 (relating to receiving stolen property)

9 Section 3926 (relating to theft of services)

10 Section 3927 (relating to theft by failure to make  
11 required disposition of funds received)

12 Section 3933 (relating to unlawful use of computer)

13 Section 4108 (relating to commercial bribery and  
14 breach of duty to act disinterestedly)

15 Section 4109 (relating to rigging publicly exhibited  
16 contest)

17 Section 4117 (relating to insurance fraud)

18 Section 4305 (relating to dealing in infant children)

19 Section 4902 (relating to perjury)

20 Section 4909 (relating to witness or informant taking  
21 bribe)

22 Section 4911 (relating to tampering with public  
23 records or information)

24 Section 4952 (relating to intimidation of witnesses  
25 or victims)

26 Section 4953 (relating to retaliation against witness  
27 or victim)

28 Section 5101 (relating to obstructing administration  
29 of law or other governmental function)

30 Section 5111 (relating to dealing in proceeds of  
31 unlawful activities)

32 Section 5121 (relating to escape)

33 Section 5902 (relating to prostitution and related  
34 offenses)

35 Section 5903 (relating to obscene and other sexual  
36 materials and performances)

37 Section 7313 (relating to buying or exchanging  
38 Federal [food order] Supplemental Nutrition Assistance  
39 Program (SNAP) benefit coupons, stamps, authorization  
40 cards or access devices)

41 \* \* \*

42 § 7313. Buying or exchanging Federal [food order] Supplemental  
43 Nutrition Assistance Program (SNAP) benefit coupons,  
44 stamps, authorization cards or access devices.

45 (a) Offense defined.--A person commits the offense of buying  
46 or exchanging Federal [food order] SNAP benefit coupons, stamps,  
47 authorization cards or access devices if he, not being  
48 authorized to do so by the United States Department of  
49 Agriculture, buys or exchanges Federal [food order] SNAP benefit  
50 coupons, stamps, authorization cards or access devices for  
51 currency, or if he accepts or causes to be accepted Federal

1 [food order] SNAP benefit coupons, stamps, authorization cards  
2 or access devices in exchange for any merchandise or article  
3 except food, as defined by the United States Department of  
4 Agriculture, or Federal [food order] SNAP benefit coupons,  
5 stamps, authorization cards or access devices in exchange for  
6 merchandise or articles, not defined by the United States  
7 Department of Agriculture to be surplus foods.

8 (b) Grading.--A person who violates this section commits a  
9 felony of the third degree if the amount involved is \$1,000 or  
10 more. If the amount involved is less than \$1,000, the person  
11 commits a misdemeanor of the first degree. Amounts involved in  
12 buying or exchanging Federal [food order] SNAP benefit coupons,  
13 stamps, authorization cards or access devices committed pursuant  
14 to one scheme or course of conduct, whether from the same person  
15 or several persons, shall be aggregated in determining the grade  
16 of the offense.

17 (c) Definitions.--As used in this section, the following  
18 words and phrases shall have the meanings given to them in this  
19 subsection:

20 "Access device." The Pennsylvania ACCESS card or electronic  
21 benefit transfer card.

22 "Authorization card." The paper authorization to participate  
23 that a person signs and then exchanges for the designated amount  
24 of food coupons at a bank.

25 "SNAP benefit." The value of supplemental nutrition  
26 assistance provided to a household for the purchase of eligible  
27 foods as defined in 7 CFR 271.2 (relating to definitions).  
28 \$ 7314. Fraudulent traffic in [food orders] Supplemental  
29 Nutrition Assistance Program (SNAP) benefits.

30 (a) Offense defined.--A person commits the offense of  
31 fraudulent traffic in [food orders] SNAP benefits if he, whether  
32 acting for himself or for another, directly or indirectly,  
33 furnishes or delivers to any person money, merchandise, or  
34 anything other than food, on or in exchange for a [food order]  
35 SNAP benefit, or furnishes or delivers food on or in exchange  
36 for a [food order] SNAP benefit to any person, other than the  
37 original recipient of the [order] SNAP benefit, or in quantities  
38 or for prices other than those itemized on the [food order] SNAP  
39 benefit at the time the food is furnished or delivered.

40 (a.1) Grading.--[A person who violates this section commits  
41 a felony of the third degree if the amount involved is \$1,000 or  
42 more. If the amount involved is less than \$1,000, the person  
43 commits a misdemeanor of the first degree. Amounts involved in  
44 fraudulent traffic in food orders committed pursuant to one  
45 scheme or course of conduct, whether from the same person or  
46 several persons, shall be aggregated in determining the grade of  
47 the offense.]

48 (1) A person who violates this section commits:

49 (i) A felony of the second degree if the amount  
50 involved is \$2,500 or more.

51 (ii) A felony of the third degree if the amount

involved is \$1,000 or more, but less than \$2,500.

(iii) A misdemeanor of the first degree if the amount involved is less than \$1,000.

(2) Amounts involved in fraudulent traffic in SNAP benefits committed pursuant to one scheme or course of conduct, whether from the same person or several persons, shall be aggregated in determining the grade of the offense.

(b) Additional penalty.--In addition to the penalties otherwise prescribed and any restitution ordered, the defendant shall also be ordered to pay to the agency which shall have issued such [food order,] SNAP benefit, not less than two times, but not more than three times the [face amount thereof.] amount of restitution ordered.

(b.1) Referral.--If the defendant is commercially licensed by the Commonwealth or one of its political subdivisions, the Office of State Inspector General may refer a violation of this section to the licensing entity for action by the licensing entity as provided under law.

(c) Exception.--Subsection (a) of this section shall not apply to the negotiation of a [food order] SNAP benefit after food to the full amount of the [order] SNAP benefit shall have been furnished thereon to the original recipient of the [order] SNAP benefit.

(d) Definition.--As used in this section, the term ["food order"] "SNAP benefit" means [any order issued by or under the authority of any public relief or assistance agency, authorizing the furnishing and delivery of food to any person therein named or described.] the value of supplemental nutrition assistance provided to a household for the purchase of eligible food as defined in 7 CFR 271.2 (relating to definitions).

Section 2. Section 531(b) of Title 62 is amended by adding a paragraph to read:

§ 531. Debarment or suspension.

\* \* \*

(b) Causes for debarment or suspension.--The causes for debarment or suspension include:

\* \* \*

(7.1) Violation of 18 Pa.C.S. § 7314 (relating to fraudulent traffic in Supplemental Nutrition Assistance Program (SNAP) benefits).

\* \* \*

Section 3. This act shall take effect in 60 days.