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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1127 Session of  
2018

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INTRODUCED BY AUMENT, SCHWANK, SCAVELLO, KILLION, MARTIN,  
BARTOLOTTA, MENSCH, VOGEL, FOLMER, BOSCOLA, COSTA,  
RESCHENTHALER, ARGALL AND HUTCHINSON, APRIL 11, 2018

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REFERRED TO JUDICIARY, APRIL 11, 2018

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AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 62 (Procurement) of  
2 the Pennsylvania Consolidated Statutes, in trade and  
3 commerce, further providing for fraudulent traffic in food  
4 orders; and, in source selection and contract formation,  
5 further providing for debarment or suspension.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Section 7314 of Title 18 of the Pennsylvania  
9 Consolidated Statutes is amended to read:

10 § 7314. Fraudulent traffic in food orders.

11 (a) Offense defined.--A person commits the offense of  
12 fraudulent traffic in food orders if he, whether acting for  
13 himself or for another, directly or indirectly, furnishes or  
14 delivers to any person money, merchandise, or anything other  
15 than food, on or in exchange for a food order, or furnishes or  
16 delivers food on or in exchange for a food order to any person,  
17 other than the original recipient of the order, or in quantities  
18 or for prices other than those itemized on the food order at the  
19 time the food is furnished or delivered.

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

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

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

12 (ii) A felony of the third degree if the amount  
13 involved is \$1,000 or more but less than \$2,500.

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

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

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

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

1 (c) Exception.--Subsection (a) of this section shall not  
2 apply to the negotiation of a food order after food to the full  
3 amount of the order shall have been furnished thereon to the  
4 original recipient of the order.

5 (d) Definition.--As used in this section, the term "food  
6 order" means any order issued by or under the authority of any  
7 public relief or assistance agency, authorizing the furnishing  
8 and delivery of food to any person therein named or described.

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

11 § 531. Debarment or suspension.

12 \* \* \*

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

15 \* \* \*

16 (7.1) Violation of 18 Pa.C.S. § 7314 (relating to  
17 fraudulent traffic in food orders).

18 \* \* \*

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