

WELFARE FRAUD AMENDMENTS

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Neil A. Hansen

AN ACT RELATING TO PUBLIC ASSISTANCE FRAUD; AMENDING THE PENALTIES FOR PUBLIC ASSISTANCE FRAUD; AND MAKING TECHNICAL CHANGES.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

76-8-1203, as last amended by Chapters 152, 174 and 375, Laws of Utah 1997

76-8-1204, as last amended by Chapters 174 and 375, Laws of Utah 1997

76-8-1207, as enacted by Chapter 102, Laws of Utah 1994

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-8-1203** is amended to read:

76-8-1203. Disclosure required -- Penalty.

(1) Each person who applies for public assistance shall disclose to the state agency administering the public assistance each fact that may materially affect the determination of his eligibility to receive public assistance, including his current:

- (a) marital status;
- (b) household composition;
- (c) employment;
- (d) income;
- (e) receipt of monetary and in-kind gifts; and
- (f) other resources.

(2) Any person applying for public assistance who intentionally, knowingly, or recklessly fails to disclose any material fact required to be disclosed under Subsection (1) is guilty of [~~a class B misdemeanor~~] public assistance fraud as provided in Section 76-8-1206.

(3) Any client who intentionally, knowingly, or recklessly fails to disclose to the state agency administering the public assistance any change in a material fact required to be disclosed under Subsection (1), within ten days after the date of the change, is guilty of [~~a class B~~

~~misdemeanor~~] public assistance fraud as provided in Section 76-8-1206.

Section 2. Section **76-8-1204** is amended to read:

76-8-1204. Disclosure by provider required -- Penalty.

(1) (a) Any provider who solicits, requests, or receives, actually or constructively, any payment or contribution through a payment, assessment, gift, devise, bequest, or other means, directly or indirectly, from a client or client's family shall notify the state agency administering the public assistance the client is receiving of the amount of payment or contribution in writing within ten days after receiving that payment or contribution.

(b) If the payment or contribution is to be made under an agreement, written or oral, the provider shall notify the state agency administering the public assistance the client is receiving of the payment or contribution within ten days after entering into the agreement.

(2) Any person who intentionally, knowingly, or recklessly fails to notify the state agency administering the public assistance the client is receiving as required by this section is guilty of [~~a class B misdemeanor~~] public assistance fraud as provided in Section 76-8-1206.

Section 3. Section **76-8-1207** is amended to read:

76-8-1207. Legal actions -- Evidence -- Value of benefits -- Repayment no defense to criminal action.

In any criminal action pursuant to this part:

(1) a paid state warrant made to the order of a party or a payment made through an electronic benefit card issued to a party constitutes prima facie evidence that the party received financial assistance from the state;

(2) all of the records in the custody of the department relating to the application for, verification of, issuance of, receipt of, and use of public assistance constitute records of regularly conducted activity within the meaning of the exceptions to the hearsay rule of evidence;

(3) the value of the benefits received shall be based on the ordinary or usual charge for similar benefits in the private sector; and

(4) the repayment of funds or other benefits obtained in violation of the provisions of this part constitutes no defense to, or ground for dismissal of, that action.

