

1 **WELFARE FRAUD AMENDMENTS**

2 2000 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Neil A. Hansen**

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

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

8 AMENDS:

9 **76-8-1203**, as last amended by Chapters 152, 174 and 375, Laws of Utah 1997

10 **76-8-1204**, as last amended by Chapters 174 and 375, Laws of Utah 1997

11 **76-8-1207**, as enacted by Chapter 102, Laws of Utah 1994

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

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

14 **76-8-1203. Disclosure required -- Penalty.**

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

18 (a) marital status;

19 (b) household composition;

20 (c) employment;

21 (d) income;

22 (e) receipt of monetary and in-kind gifts; and

23 (f) other resources.

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

27 (3) Any client who intentionally, knowingly, or recklessly fails to disclose to the state

HB0202

28 agency administering the public assistance any change in a material fact required to be disclosed
29 under Subsection (1), within ten days after the date of the change, is guilty of [~~a class B~~
30 misdemeanor] public assistance fraud as provided in Section 76-8-1206.

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

32 **76-8-1204. Disclosure by provider required -- Penalty.**

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

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

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

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

45 **76-8-1207. Legal actions -- Evidence -- Value of benefits -- Repayment no defense to**
46 **criminal action.**

47 In any criminal action pursuant to this part:

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

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

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

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

Legislative Review Note
as of 12-22-99 3:43 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel