

Public Assistance Fraud Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor:

LONG TITLE**General Description:**

This bill concerns public assistance fraud.

Highlighted Provisions:

This bill:

- amends certain criminal provisions concerning obtaining or using public assistance;
- creates the offense of public assistance fraud by a person facilitating an inaccurate public assistance application;
- adds the newly created offense to the list of predicate offenses for a pattern of unlawful activity; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-8-1203.3, as enacted by Laws of Utah 2024, Chapter 96

76-17-401, as renumbered and amended by Laws of Utah 2025, Chapter 173

ENACTS:

76-8-1203.9, Utah Code Annotated 1953

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

Section 1. Section **76-8-1203.3** is amended to read:

76-8-1203.3 . Public assistance fraud relating to obtaining or using public assistance.

(1)(a) As used in this section, "SNAP benefit" means the same as that term is defined in Section 35A-1-102.

- (b) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-1201 apply to this section.
- (2) An actor commits public assistance fraud ~~[by a recipient of]~~ relating to obtaining or using public assistance if the actor:
- (a)(i) except as provided in Subsection (2)(b), is receiving public assistance administered by a state agency; and
 - (ii) intentionally, knowingly, or recklessly fails to disclose to the state agency administering the public assistance to the actor of a change of a material fact required to be disclosed under Subsection 76-8-1203(1) within 10 days after the day on which the change occurred;
- (b)(i) is receiving public assistance from the Department of Workforce Services or the Department of Health and Human Services; and
- (ii) at the time of a review or recertification, whichever comes first, intentionally, knowingly, or recklessly fails to disclose a change of a material fact required to be disclosed under Subsection 76-8-1203(1);
- (c) in a manner not allowed by law, intentionally, knowingly, or recklessly uses, transfers, acquires, traffics in, falsifies, or possesses:
- (i) SNAP benefits;
 - (ii) a SNAP benefit identification card;
 - (iii) a certificate of eligibility for medical services;
 - (iv) a Medicaid identification card;
 - (v) a fund transfer instrument;
 - (vi) a payment instrument; or
 - (vii) a public assistance warrant;
- (d)(i) is receiving public assistance;
- (ii) acquires income or resources in excess of the amount the actor previously reported to the state agency administering the public assistance to the actor; and
- (iii) fails to notify the state agency to which the actor previously reported within 10 days after the day on which the actor acquired the excess income or resources;
- (e)(i) is a client or provider;
- (ii) fails to disclose a material fact required to be disclosed under Subsection 76-8-1203(1) or notify a state agency under Subsection 76-8-1203(2); and
- ~~[(ii)]~~ (iii)(A) intends to obtain or help another individual obtain an overpayment; or
- (B) obtains an overpayment, unauthorized payment, or benefit; or
- (f) receives an unauthorized payment or benefit as a result of unlawful acts described in

this section, Section ~~[76-8-1203.3]~~ 76-8-1203.1, Section 76-8-1203.5, or Section 76-8-1203.7.

- (3) Subject to Subsection (5), a violation of Subsection (2) is, based on the value of payments, assistance, or other benefits received, misappropriated, claimed, or applied:
- (a) a second degree felony if the value is or exceeds \$5,000;
 - (b) a third degree felony if the value is or exceeds \$1,500 but is less than \$5,000;
 - (c) a class A misdemeanor if the value is or exceeds \$500 but is less than \$1,500; or
 - (d) a class B misdemeanor if the value is less than \$500.
- (4) It is not a defense to prosecution under this section that the actor repaid the funds or benefits obtained in violation of this section.
- (5)(a) In determining the value of payments, assistance, or other benefits received to determine the penalty level of an actor's conduct under Subsection (3), the value is calculated by aggregating the values of each instance of public assistance fraud committed by the actor as part of the same facts and circumstances or a related series of facts and circumstances.
- (b) The value of a benefit received by an individual is the ordinary or usual charge for similar benefits in the private sector.
- (6) The provisions of Section 35A-1-503 apply to a prosecution brought under this section.
- (7) Incidents of trafficking in SNAP benefits that occur within a six-month period, committed by an individual or coconspirators, are deemed to be a related series of facts and circumstances regardless of whether the transactions are conducted with a variety of unrelated parties.

Section 2. Section **76-8-1203.9** is enacted to read:

76-8-1203.9 . Public assistance fraud by a person facilitating an inaccurate public assistance application.

- (1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-1201 apply to this section.
- (2) An actor commits public assistance fraud by a person facilitating an inaccurate public assistance application if the actor:
- (a) assists an applicant with the completion of a public assistance application for the applicant;
 - (b) knowingly:
 - (i) includes, or instructs the applicant to include, false information relating to a material fact required to be disclosed in the applicant's application under Subsection 76-8-1203(1); or

- 99 (ii) does not disclose, or instructs the applicant to not disclose, a material fact
100 required to be disclosed in the applicant's application under Subsection
101 76-8-1203(1); and
- 102 (c) undertakes the action described in Subsection (2)(b) for the purpose of causing the
103 applicant for whom the application is being completed to receive public assistance to
104 which the actor knows the applicant would otherwise not be entitled.
- 105 (3) Subject to Subsection (4), a violation of Subsection (2) is, based on the value of
106 payments, assistance, or other benefits received, misappropriated, claimed, or applied:
107 (a) a second degree felony if the value is or exceeds \$5,000;
108 (b) a third degree felony if the value is or exceeds \$1,500 but is less than \$5,000;
109 (c) a class A misdemeanor if the value is or exceeds \$500 but is less than \$1,500; or
110 (d) a class B misdemeanor if the value is less than \$500.
- 111 (4)(a) In determining the value of payments, assistance, or other benefits received to
112 determine the penalty level of an actor's conduct under Subsection (3), the value is
113 calculated by aggregating the values of each instance of a violation of this section
114 committed by the actor as part of the same facts and circumstances or a related series
115 of facts and circumstances.
- 116 (b) The value of a benefit received by an individual is the ordinary or usual charge for
117 similar benefits in the private sector.
- 118 (5) The provisions of Section 35A-1-503 apply to a prosecution brought under this section.

119 Section 3. Section **76-17-401** is amended to read:

120 **76-17-401 . Definitions.**

121 As used in this part:

- 122 (1)(a) "Enterprise" means an individual, sole proprietorship, partnership, corporation,
123 business trust, association, or other legal entity, and a union or group of individuals
124 associated in fact although not a legal entity.
- 125 (b) "Enterprise" includes illicit as well as licit entities.
- 126 (2) "Pattern of unlawful activity" means engaging in conduct that constitutes the
127 commission of at least three episodes of unlawful activity, which episodes are not
128 isolated, but have the same or similar purposes, results, participants, victims, or methods
129 of commission, or otherwise are interrelated by distinguishing characteristics. Taken
130 together, the episodes shall demonstrate continuing unlawful conduct and be related
131 either to each other or to the enterprise. At least one of the episodes comprising a
132 pattern of unlawful activity shall have occurred after July 31, 1981. The most recent act

constituting part of a pattern of unlawful activity as defined by this part shall have occurred within five years of the commission of the next preceding act alleged as part of the pattern.

(3) "Person" includes an individual or entity capable of holding a legal or beneficial interest in property, including state, county, and local governmental entities.

(4) "Unlawful activity" means to directly engage in conduct or to solicit, request, command, encourage, or intentionally aid another person to engage in conduct that would constitute an offense described by the following crimes or categories of crimes, or to attempt or conspire to engage in an act that would constitute any of those offenses, regardless of whether the act is in fact charged or indicted by an authority or is classified as a misdemeanor or a felony:

(a) an act prohibited by the criminal provisions under Title 13, Chapter 10, Unauthorized Recording Practices Act;

(b) an act prohibited by the criminal provisions under Title 19, Environmental Quality Code, Sections 19-1-101 through 19-7-109;

(c) taking, destroying, or possessing wildlife or parts of wildlife for the primary purpose of sale, trade, or other pecuniary gain under Title 23A, Wildlife Resources Act, or Section 23A-5-311;

(d) false claims for medical benefits, kickbacks, or other acts prohibited under Title 26B, Chapter 3, Part 11, Utah False Claims Act, Sections 26B-3-1101 through 26B-3-1112;

(e) an act prohibited by the criminal provisions under Title 32B, Chapter 4, Criminal Offenses and Procedure Act;

(f) unlawful marking of pistol or revolver under Section 53-5a-105;

(g) alteration of number or mark on pistol or revolver under Section 53-5a-106;

(h) an act prohibited by the criminal provisions under Title 57, Chapter 11, Utah Uniform Land Sales Practices Act;

(i) an act prohibited by the criminal provisions under Title 58, Chapter 37, Utah Controlled Substances Act, or Title 58, Chapter 37b, Imitation Controlled Substances Act, Title 58, Chapter 37c, Utah Controlled Substance Precursor Act, or Title 58, Chapter 37d, Clandestine Drug Lab Act;

(j) an act prohibited by the criminal provisions under Title 61, Chapter 1, Utah Uniform Securities Act;

(k) an act prohibited by the criminal provisions under Title 63G, Chapter 6a, Utah Procurement Code;

- (l) assault under Section 76-5-102;
- (m) aggravated assault under Section 76-5-103;
- (n) a threat of terrorism under Section 76-5-107.3;
- (o) a criminal homicide offense under Section 76-5-201;
- (p) kidnapping under Section 76-5-301;
- (q) aggravated kidnapping under Section 76-5-302;
- (r) human trafficking for labor under Section 76-5-308;
- (s) human trafficking for sexual exploitation under Section 76-5-308.1;
- (t) human smuggling under Section 76-5-308.3;
- (u) human trafficking of a child under Section 76-5-308.5;
- (v) benefiting from trafficking and human smuggling under Section 76-5-309;
- (w) aggravated human trafficking under Section 76-5-310;
- (x) sexual exploitation of a minor under Section 76-5b-201;
- (y) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
- (z) sexual extortion under Section 76-5b-204;
- (aa) arson under Section 76-6-102;
- (bb) aggravated arson under Section 76-6-103;
- (cc) causing a catastrophe under Section 76-6-105;
- (dd) burglary under Section 76-6-202;
- (ee) aggravated burglary under Section 76-6-203;
- (ff) burglary of a vehicle under Section 76-6-204;
- (gg) manufacture or possession of an instrument for burglary or theft under Section 76-6-205;
- (hh) robbery under Section 76-6-301;
- (ii) aggravated robbery under Section 76-6-302;
- (jj) theft under Section 76-6-404;
- (kk) theft by deception under Section 76-6-405;
- (ll) theft by extortion under Section 76-6-406;
- (mm) receiving stolen property under Section 76-6-408;
- (nn) theft of services under Section 76-6-409;
- (oo) forgery under Section 76-6-501;
- (pp) unlawful use of financial transaction card under Section 76-6-506.2;
- (qq) unlawful acquisition, possession, or transfer of financial transaction card under Section 76-6-506.3;

201 (rr) financial transaction card offenses under Section 76-6-506.6;
202 (ss) deceptive business practices under Section 76-6-507;
203 (tt) bribery or receiving bribe by person in the business of selection, appraisal, or
204 criticism of goods under Section 76-6-508;
205 (uu) bribery of a labor official under Section 76-6-509;
206 (vv) defrauding creditors under Section 76-6-511;
207 (ww) acceptance of deposit by insolvent financial institution under Section 76-6-512;
208 (xx) unlawful dealing with property by fiduciary under Section 76-6-513;
209 (yy) unlawful influence of a contest under Section 76-6-514;
210 (zz) making a false credit report under Section 76-6-517;
211 (aaa) criminal simulation under Section 76-6-518;
212 (bbb) criminal usury under Section 76-6-520;
213 (ccc) insurance fraud under Section 76-6-521;
214 (ddd) retail theft under Section 76-6-602;
215 (eee) computer crimes under Section 76-6-703;
216 (fff) identity fraud under Section 76-6-1102;
217 (ggg) mortgage fraud under Section 76-6-1203;
218 (hhh) sale of a child under Section 76-7-203;
219 (iii) bribery or offering a bribe under Section 76-8-103;
220 (jjj) threat to influence official or political action under Section 76-8-104;
221 (kkk) receiving bribe or bribery by public servant under Section 76-8-105;
222 (lll) receiving bribe for endorsement of person as a public servant under Section
223 76-8-106;
224 (mmm) bribery for endorsement of person as public servant under Section 76-8-106.1;
225 (nnn) official misconduct based on unauthorized act or failure of duty under Section
226 76-8-201;
227 (ooo) official misconduct concerning inside information under Section 76-8-202;
228 (ppp) obstruction of justice in a criminal investigation or proceeding under Section
229 76-8-306;
230 (qqq) acceptance of bribe or bribery to prevent criminal prosecution under Section
231 76-8-308;
232 (rrr) harboring or concealing offender who has escaped from official custody under
233 Section 76-8-309.2;
234 (sss) making a false or inconsistent material statement under Section 76-8-502;

235 (ttt) making a false or inconsistent statement under Section 76-8-503;
236 (uuu) making a written false statement under Section 76-8-504;
237 (vvv) tampering with a witness under Section 76-8-508;
238 (www) retaliation against a witness, victim, or informant under Section 76-8-508.3;
239 (xxx) receiving or soliciting a bribe as a witness under Section 76-8-508.7;
240 (yyy) extortion or bribery to dismiss a criminal proceeding under Section 76-8-509;
241 (zzz) tampering with evidence under Section 76-8-510.5;
242 (aaaa) falsification or alteration of a government record under Section 76-8-511, if the
243 record is a record described in Title 20A, Election Code, or Title 36, Chapter 11,
244 Lobbyist Disclosure and Regulation Act;
245 (bbbb) public assistance fraud by an applicant for public assistance under Section
246 76-8-1203.1;
247 (cccc) public assistance fraud ~~[by a recipient of]~~ relating to obtaining or using public
248 assistance under Section 76-8-1203.3;
249 (dddd) public assistance fraud by a provider under Section 76-8-1203.5;
250 (eeee) fraudulently misappropriating public assistance funds under Section 76-8-1203.7;
251 (ffff) public assistance fraud by a person facilitating an inaccurate public assistance
252 application under Section 76-8-1203.9;
253 ~~[(ffff)]~~ (gggg) false statement to obtain or increase unemployment compensation under
254 Section 76-8-1301;
255 ~~[(gggg)]~~ (hhhh) false statement to prevent or reduce unemployment compensation or
256 liability under Section 76-8-1302;
257 ~~[(hhhh)]~~ (iiii) unlawful failure to comply with Employment Security Act requirements
258 under Section 76-8-1303;
259 ~~[(iiii)]~~ (jjjj) unlawful use or disclosure of employment information under Section
260 76-8-1304;
261 ~~[(jjjj)]~~ (kkkk) intentionally or knowingly causing one animal to fight with another under
262 Subsection 76-13-202(2)(d) or (3), or Section 76-13-205 or 76-13-206 concerning
263 dog fighting;
264 ~~[(kkkk)]~~ (llll) soliciting, recruiting, enticing, or intimidating a minor to join a criminal
265 street gang under Section 76-9-803;
266 ~~[(llll)]~~ (mmmm) aggravated soliciting, recruiting, enticing, or intimidating a minor to join
267 a criminal street gang under Section 76-9-803.1;
268 ~~[(mmmm)]~~ (nnnn) intimidating a minor to remain in a criminal street gang under Section

269 76-9-803.2;
 270 [(~~nnnn~~)] (oooo) aggravated intimidating a minor to remain in a criminal street gang under
 271 Section 76-9-803.3;
 272 [(~~oooo~~)] (pppp) unlawful conduct involving an explosive, chemical, or incendiary device
 273 under Section 76-15-210;
 274 [(~~pppp~~)] (qqqq) unlawful conduct involving an explosive, chemical, or incendiary part
 275 under Section 76-15-211;
 276 [(~~qqqq~~)] (rrrr) unlawful delivery or mailing of an explosive, chemical, or incendiary
 277 device under Section 76-15-209;
 278 [(~~rrrr~~)] (ssss) forging or counterfeiting trademarks, trade name, or trade device under
 279 Section 76-16-302;
 280 [(~~ssss~~)] (tttt) selling goods under counterfeited trademark, trade name, or trade devices
 281 under Section 76-16-303;
 282 [(~~tttt~~)] (uuuu) sales in containers bearing registered trademark of substituted articles
 283 under Section 76-16-304;
 284 [(~~uuuu~~)] (vvvv) selling or dealing with article bearing registered trademark or service
 285 mark with intent to defraud under Section 76-16-306;
 286 [(~~vvvv~~)] (wwww) participating in gambling under Section 76-9-1402;
 287 [(~~wwww~~)] (xxxx) permitting gambling under Section 76-9-1403;
 288 [(~~xxxx~~)] (yyyy) online gambling prohibition under Section 76-9-1404;
 289 [(~~yyyy~~)] (zzzz) gambling promotion under Section 76-9-1405;
 290 [(~~zzzz~~)] (aaaaa) gambling fraud under Section 76-9-1406;
 291 [(~~aaaaa~~)] (bbbbb) possessing a gambling device or record under Section 76-9-1407;
 292 [(~~bbbbb~~)] (ccccc) obtaining a benefit from a confidence game under Section 76-9-1410;
 293 [(~~ccccc~~)] (ddddd) distributing pornographic material under Section 76-5c-202;
 294 [(~~ddddd~~)] (eeee) aiding or abetting a minor in distributing pornographic material under
 295 Section 76-5c-203;
 296 [(~~eeee~~)] (ffff) inducing acceptance of pornographic material under Section 76-5c-204;
 297 [(~~ffff~~)] (ggggg) distributing material harmful to minors under Section 76-5c-205;
 298 [(~~ggggg~~)] (hhhhh) aiding or abetting a minor in distributing material harmful to minors
 299 under Section 76-5c-206;
 300 [(~~hhhhh~~)] (iiiii) distribution of a pornographic file for exhibition under Section 76-5c-305;
 301 [(~~iiiii~~)] (jjjjj) indecent public display in the presence of a minor under Section 76-5c-207;
 302 [(~~jjjjj~~)] (kkkkk) engaging in prostitution under Section 76-5d-202;

303 [~~(kkkkk)~~] (lllll) aiding prostitution under Section 76-5d-206;
304 [~~(HHH)~~] (mmmmm) exploiting prostitution under Section 76-5d-207;
305 [~~(mmmmm)~~] (nnnnn) aggravated exploitation of prostitution under Section 76-5d-208;
306 [~~(nnnnn)~~] (ooooo) communications fraud under Section 76-6-525;
307 [~~(ooooo)~~] (ppppp) possession of a dangerous weapon with criminal intent under Section
308 76-11-208;
309 [~~(ppppp)~~] (qqqqq) an act prohibited by the criminal provisions of Chapter 9, Part 16,
310 Money Laundering and Currency Transaction Reporting;
311 [~~(qqqqq)~~] (rrrrr) vehicle compartment for contraband under Section 76-9-1902 or
312 76-9-1903;
313 [~~(rrrrr)~~] (sssss) an act prohibited by the criminal provisions of the laws governing
314 taxation in this state; or
315 [~~(sssss)~~] (ttttt) an act illegal under the laws of the United States and enumerated in 18
316 U.S.C. Secs. 1961(1)(B), (C), and (D).
317 Section 4. **Effective Date.**
318 This bill takes effect on May 6, 2026.