

**PENALTIES FOR CRIME VICTIMS'
REPARATIONS FRAUDULENT CLAIMS**

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Neal B. Hendrickson

AN ACT RELATING TO STATE AFFAIRS IN GENERAL; CHANGING THE AMOUNTS FOR THE PENALTIES FOR FRAUDULENTLY OBTAINING CRIME VICTIMS' REPARATIONS FUNDS.

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

AMENDS:

9-4-612, as renumbered and amended by Chapter 241, Laws of Utah 1992

63-25a-410, as last amended by Chapter 308, Laws of Utah 1997

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

Section 1. Section **9-4-612** is amended to read:

9-4-612. Penalties for fraudulently obtaining or continuing to receive housing assistance benefits.

(1) No person may knowingly, by misrepresentation, impersonation, or any other fraudulent means, make any false statement to housing authority personnel or, after being accepted as a recipient of housing authority benefits, fail to disclose to housing authority personnel any:

- (a) change in household composition;
- (b) employment change;
- (c) change in marital status;
- (d) receipt of any other monetary assistance;
- (e) receipt of in-kind gifts; or

(f) any other material fact or change in circumstances which would affect the determination of that person's eligibility to receive housing assistance benefits, or would affect the amount of benefits for which he is eligible.

(2) No person may fail to disclose any of the information described in Subsection (1) for the purpose of obtaining or continuing to receive funds or other housing assistance benefits to

which he is not entitled, or in an amount larger than that to which he is entitled.

(3) No person who has duties relating to the administration of any housing authority program may fraudulently misappropriate any funds or other assistance with which he has been entrusted, or of which he has gained possession by virtue of his position.

(4) No person may knowingly:

(a) file or falsify any claim, report, or document required by state or federal law, rule, or provider agreement, to obtain or attempt to obtain unauthorized housing assistance benefits under this chapter; or

(b) attempt to commit, or aid or abet the commission of, any act prohibited by this section.

(5) The punishment for violation of any provision of this section by a housing assistance recipient is determined by the cumulative value of the funds or other benefits he received from all the frauds he committed, and not by each separate instance of fraud.

(6) The punishment for the offenses of this section are:

(a) a felony of the second degree if the value of the funds or other benefits received, misappropriated, claimed, or applied for, is equal to or exceeds [~~\$1,000~~] \$5,000;

(b) a felony of the third degree if the value of the funds or other benefits received, misappropriated, claimed, or applied for, is [~~more~~] equal to or greater than [~~\$250~~] \$1,000 but [~~not more~~] less than [~~\$1,000~~] \$5,000;

(c) a class A misdemeanor if the value of the funds or other benefits received, misappropriated, claimed, or applied for, is [~~more~~] equal to or greater than [~~\$100~~] \$300 but [~~not more~~] less than [~~\$250~~] \$1,000; or

(d) a class B misdemeanor if the value of the funds or other benefits received, misappropriated, claimed, or applied for, is [~~\$100 or~~] less than \$300.

Section 2. Section **63-25a-410** is amended to read:

63-25a-410. Ineligible persons -- Fraudulent claims -- Penalties.

(1) The following individuals shall not be eligible to receive an award of reparations:

(a) persons who do not meet all of the provisions set forth in Section 63-25a-409;

(b) the offender;

- (c) an accomplice of the offender;
- (d) any person whose receipt of an award would unjustly benefit the offender, accomplice, or other person reasonably suspected of participating in the offense;
- (e) the victim of a motor vehicle injury who was the owner or operator of the motor vehicle and was not at the time of the injury in compliance with the state motor vehicle insurance laws;
- (f) any convicted offender serving a sentence of imprisonment for that conviction or residing in any other institution which provides for the maintenance of convicted persons; and
- (g) residents of halfway houses or any other correctional facilities and all persons who are on probation or parole if the circumstances surrounding the offense of which they are victims constitute a violation of their parole or probation.

(2) A person who knowingly submits a fraudulent claim for reparations or who knowingly misrepresents material facts in making a claim, and who receives an award based on that claim, is guilty of an offense, based on the following award amounts:

- (a) for value under [~~\$200~~] \$300, a class B misdemeanor;
- (b) for value equal to or greater than [~~\$200~~] \$300, but less than [~~\$500~~] \$1,000, a class A misdemeanor;
- (c) for value equal to or greater than [~~\$500~~] \$1,000, but less than [~~\$1000~~] \$5,000, a third degree felony; and
- (d) for value equal to or greater than [~~\$1000~~] \$5,000, a second degree felony.

(3) A person who submits a claim described in Subsection (2) but receives no award based on that claim is guilty of a class B misdemeanor.

(4) The state attorney general may prosecute violations under this section or may make arrangements with county attorneys for the prosecution of violations under this section when the attorney general cannot conveniently prosecute.

(5) The state may also bring a civil action against a claimant who receives reparation payments that are later found to be unjustified and who does not return to the board the unjustified amount.