DIGEST

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HB 88 Engrossed   2018 Regular Session   Mack

Abstract: Creates the crime of government benefits fraud, provides elements for the offense, provides for criminal penalties, and provides relative to venue.

Proposed law creates the crime of government benefits fraud and defines the crime as the act of any person who, with intent to defraud the state or any person or entity through any government benefits program administered by any state department, agency, or political subdivision, does any of the following:

(1)   Presents for allowance or payment any false or fraudulent claim for furnishing services or merchandise.

(2)   Knowingly submits false information for the purpose of obtaining greater compensation than that to which he is legally entitled for furnishing services or merchandise.

(3)   Knowingly submits false information for the purpose of obtaining authorization for furnishing services or merchandise.

(4)   Knowingly makes or causes to be made a false statement or representation of material fact on an application for assistance, goods, or services when the false statement or representation is made for the purpose of determining the person's entitlement to receive benefits.

(5)   Knowingly conceals or fails to disclose any material fact affecting the applicant's or recipient's initial or continued entitlement to receive benefits.

Proposed law provides that whoever commits the crime of government benefits fraud, shall be imprisoned for not more than five years, may be fined not more than $20,000, or both.

Proposed law provides that in addition to venue established by present law, venue is also proper in the 19th Judicial District Court, parish of East Baton Rouge.

Proposed law provides that government benefits include any record, voucher, payment, money or thing of value, good, service, right, or privilege provided or administered by a state government entity.

(Adds R.S. 14:70.9)

<u>Summary of Amendments Adopted by House</u>

The Committee Amendments Proposed by <u>House Committee on Administration of Criminal Justice</u> to the <u>original</u> bill:

1.   Remove from <u>proposed law</u> the penalties that would apply if the offense involves any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with any federal or state major disaster declaration or declared state of emergency.