

GREEN SHEET REDIGEST

HB 88

2018 Regular Session

Mack

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

CRIME: Creates the crime of government benefits fraud.

DIGEST

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 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, merchandise, or payments.
- (2) Knowingly submits false information for the purpose of obtaining greater compensation than that to which he is legally entitled for furnishing services, merchandise, or payments.
- (3) Knowingly submits false information for the purpose of obtaining authorization for furnishing services, merchandise, or payments.
- (4) Knowingly makes or causes to be made a false statement or representation of material fact on an application or form for assistance, goods, services, or payments when the false statement or representation is made for the purpose of determining the person's eligibility to receive benefits or payments.
- (5) Knowingly conceals or fails to disclose any material fact affecting the applicant's or recipient's initial or continued eligibility to receive benefits or payments.

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 \$10,000, or both.

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)

Summary of Amendments Adopted by House

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

1. Remove from proposed law 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.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Finance to the engrossed bill

1. Expands proposed law from the furnishing of services or merchandise to furnishing services, merchandise, or payments.
2. Provides that false statements or representations may be on an application or form.
3. Changes language from entitlement to receive benefits to eligibility to receive benefits or payments.
4. Reduces fine for committing crime of government benefits fraud from \$20,000 to \$10,000.
5. Removes provisions relative to venue in the 19th Judicial District Court in East Baton Rouge Parish when conduct involves a program administered by a state department or agency.