

## HOUSE SUMMARY OF SENATE AMENDMENTS

**HB 88**

**2018 Regular Session**

**Mack**

CRIME: Creates the crime of government benefits fraud

### Synopsis of Senate Amendments

1. Expands the application of proposed law to include offenses which involve the furnishing of payments in addition to offenses which involve the furnishing of services or merchandise.
2. Expands the application of proposed law to include false statements or false representations of material fact made on a form, in addition to any application for assistance, goods, services, or payments.
3. Amends the proposed law elements of the offense regarding the making of false statements or representations of material fact, or the concealing or failing to disclose material facts, to provide that it occurs when the false statement, representation, concealment, or failure to disclose is made for the purpose of determining the person's eligibility, instead of entitlement, to receive benefits or service.
4. Decreases the maximum fine from not more than \$20,000 to not more than \$10,000.
5. Removes the proposed law provision that establishes proper venue in the 19<sup>th</sup> Judicial District Court, in addition to a jurisdiction where venue is proper under present law.

### Digest of Bill as Finally Passed by Senate

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.

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)