



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB3407

Introduced 2/22/2021, by Rep. Thomas Morrison

#### SYNOPSIS AS INTRODUCED:

305 ILCS 5/8A-4B new

305 ILCS 5/8A-5A

305 ILCS 5/8A-6

from Ch. 23, par. 8A-5A

from Ch. 23, par. 8A-6

Amends the Illinois Public Aid Code. Provides that any person who possesses for an unlawful purpose another person's Electronic Benefit Transfer card (EBT) or LINK card in order to use or transfer in any manner not authorized by law or the rules and regulations of the Department of Human Services the cash assistance benefits held on that EBT or LINK card is guilty of a violation and shall be subject to certain penalties established under the Code. Effective immediately.

LRB102 14785 KTG 20138 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning public aid.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Aid Code is amended by  
5 changing Sections 8A-5A and 8A-6 and by adding Section 8A-4B  
6 as follows:

7 (305 ILCS 5/8A-4B new)

8 Sec. 8A-4B. Penalty for unauthorized possession and use of  
9 cash benefits. Notwithstanding any provision of law to the  
10 contrary, any person who possesses for an unlawful purpose  
11 another person's Electronic Benefit Transfer card (EBT) or  
12 LINK card in order to use or transfer in any manner not  
13 authorized by law or the rules and regulations of the  
14 Department of Human Services the cash assistance benefits held  
15 on that EBT or LINK card is guilty of a violation of this  
16 Article and shall be subject to the penalties established  
17 under Section 8A-6.

18 (305 ILCS 5/8A-5A) (from Ch. 23, par. 8A-5A)

19 Sec. 8A-5A. Unauthorized possession of identification  
20 document. Any person who possesses for an unlawful purpose  
21 another person's identification document issued by the  
22 Illinois Department shall be guilty of a Class 4 felony. For

1 purposes of this Section, "identification document" includes  
2 but is not limited to an authorization to participate in the  
3 federal Supplemental Nutrition Assistance Program ~~food stamp~~  
4 ~~program~~ or the federal surplus food commodities program, or a  
5 card or other document which identifies a person as being  
6 entitled to public aid, including cash assistance, under this  
7 Code.

8 (Source: P.A. 86-1012.)

9 (305 ILCS 5/8A-6) (from Ch. 23, par. 8A-6)

10 Sec. 8A-6. Classification of violations.

11 (a) Any person, firm, corporation, association, agency,  
12 institution or other legal entity that has been found by a  
13 court to have engaged in an act, practice or course of conduct  
14 declared unlawful under Sections 8A-2 through 8A-5 or Section  
15 8A-13 or 8A-14 where:

16 (1) the total amount of money involved in the  
17 violation, including the monetary value of cash assistance  
18 benefits or federal Supplemental Nutrition Assistance  
19 Program (SNAP) benefits ~~food stamps~~ and the value of  
20 commodities, is less than \$150, shall be guilty of a Class  
21 A misdemeanor;

22 (2) the total amount of money involved in the  
23 violation, including the monetary value of cash assistance  
24 benefits or federal SNAP benefits ~~food stamps~~ and the  
25 value of commodities, is \$150 or more but less than

1           \$1,000, shall be guilty of a Class 4 felony;

2           (3) the total amount of money involved in the  
3 violation, including the monetary value of cash assistance  
4 benefits or federal SNAP benefits ~~food stamps~~ and the  
5 value of commodities, is \$1,000 or more but less than  
6 \$5,000, shall be guilty of a Class 3 felony;

7           (4) the total amount of money involved in the  
8 violation, including the monetary value of cash assistance  
9 benefits or federal SNAP benefits ~~food stamps~~ and the  
10 value of commodities, is \$5,000 or more but less than  
11 \$10,000, shall be guilty of a Class 2 felony; or

12           (5) the total amount of money involved in the  
13 violation, including the monetary value of cash assistance  
14 benefits or federal SNAP benefits ~~food stamps~~ and the  
15 value of commodities, is \$10,000 or more, shall be guilty  
16 of a Class 1 felony and, notwithstanding the provisions of  
17 Section 8A-8 except for Subsection (c) of Section 8A-8,  
18 shall be ineligible for financial aid under this Article  
19 for a period of two years following conviction or until  
20 the total amount of money, including the value of federal  
21 food stamps, is repaid, whichever first occurs.

22           (b) Any person, firm, corporation, association, agency,  
23 institution or other legal entity that commits a subsequent  
24 violation of any of the provisions of Sections 8A-2 through  
25 8A-5 and:

26           (1) the total amount of money involved in the

1 subsequent violation, including the monetary value of cash  
2 assistance benefits or federal SNAP benefits ~~food stamps~~  
3 and the value of commodities, is less than \$150, shall be  
4 guilty of a Class 4 felony;

5 (2) the total amount of money involved in the  
6 subsequent violation, including the monetary value of cash  
7 assistance benefits or federal SNAP benefits ~~food stamps~~  
8 and the value of commodities, is \$150 or more but less than  
9 \$1,000, shall be guilty of a Class 3 felony;

10 (3) the total amount of money involved in the  
11 subsequent violation, including the monetary value of cash  
12 assistance benefits or federal SNAP benefits ~~food stamps~~  
13 and the value of commodities, is \$1,000 or more but less  
14 than \$5,000, shall be guilty of a Class 2 felony;

15 (4) the total amount of money involved in the  
16 subsequent violation, including the monetary value of cash  
17 assistance benefits or federal SNAP benefits ~~food stamps~~  
18 and the value of commodities, is \$5,000 or more but less  
19 than \$10,000, shall be guilty of a Class 1 felony.

20 (c) For purposes of determining the classification of  
21 offense under this Section, all of the money received as a  
22 result of the unlawful act, practice or course of conduct can  
23 be accumulated.

24 (Source: P.A. 90-538, eff. 12-1-97.)

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.