

2013 - 2014 LEGISLATURE

2013 Assembly BILL 82

March 14, 2013 - Introduced by Representatives Kerkman, Jacque, Bernier, Bies, Brooks, Czaja, Endsley, Honadel, Kleefisch, Knodl, Krug, Kuglitsch, T. Larson, LeMahieu, Marklein, Murphy, Murtha, Nass, Nygren, A. Ott, Petryk, Schraa, Spiros, Stone, Strachota, Stroebel, Swearingen, Thiesfeldt and Weatherston, cosponsored by Senators Darling, Gudex, Grothman, Harsdorf, Lasee, Lazich and Leibham. Referred to Committee on State Affairs.

1 An Act to create 49.795 (1) (dm) and 49.795 (7m) of the statutes; relating to:

2 trafficking food stamp program benefits, and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health Services administers the Supplemental Nutrition Assistance Program (SNAP), formerly known as the food stamp program and currently known in Wisconsin as FoodShare, under which eligible low-income individuals and families receive cash assistance to purchase food. Current law provides penalties for various offenses related to SNAP. For example, under current law, a person who makes a misleading or fraudulent statement on a SNAP application is subject to a penalty that is based on the value of the SNAP benefits involved in the offense and the number of SNAP offenses that the person has previously committed. Other SNAP offenses subject to penalty include: failing to report changes in income or assets as required by federal law, transferring SNAP benefits for a purpose other than purchasing food, and issuing SNAP benefits to a person who is not eligible to receive the benefits.

This bill adds trafficking SNAP benefits to the list of SNAP offenses that are subject to penalties under current law. Under the bill, a person traffics SNAP

benefits if the person does any of the following:

1. Buys, sells, steals, or otherwise exchanges SNAP benefits issued and accessed through the electronic benefit transfer program, or manually, for cash or other consideration.
2. Exchanges firearms, ammunition, explosives, or controlled substances for SNAP benefits.
3. Uses SNAP benefits to purchase food that has a container deposit for the sole purpose of returning the container for a cash refund.
4. Resells food purchased with SNAP benefits for cash or other consideration.
5. Purchases, for cash or other consideration, food that was previously purchased from a supplier using SNAP benefits.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 Section 1. 49.795 (1) (dm) of the statutes is created to read:

2 49.795 (1) (dm) "Traffic food stamp program benefits" means to do any of the
3 following:

- 4 1. Buy, sell, steal, or otherwise accomplish the exchange of, directly, indirectly,
5 in collusion with others, or individually, food stamp program benefits issued and
6 accessed through the electronic benefit transfer program under s. 49.797, or by
7 manual voucher and signature, for cash or other consideration that is not food.

8 2. Exchange firearms, ammunition, explosives, or controlled substances, as

9 defined in 21 USC 802, for food stamp program benefits.

10 3. Use food stamp program benefits to purchase food that includes a container

11 deposit for the sole purpose of discarding the container contents and returning the

12 container for a cash refund of the deposit.

13 4. Resell food purchased with food stamp program benefits for the purpose of

14 obtaining cash or other consideration that is not food.

15 5. Purchase, for cash or other consideration that is not food, food that was

16 previously purchased from a supplier using food stamp program benefits.

16. Any other action that is trafficking under 7 USC 2011 to 2036a.

2Section 2. 49.795 (7m) of the statutes is created to read:

3 49.795 (7m) No person may knowingly traffic food stamp program benefits.

SECTION 2m. Fiscal changes.

(1) DISTRICT ATTORNEYS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of administration under section 20.475 (1) (d) of the statutes, as affected by the acts of 2013, the dollar amount is increased by \$125,000 for the first fiscal year of the fiscal biennium in which this subsection takes effect to provide additional assistant district attorneys in the areas identified in an audit conducted by the legislative audit bureau in 2007 as needing additional personnel. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of administration under section 20.475 (1) (d) of the statutes, as affected by the acts of 2013, the dollar amount is increased by \$125,000 for the second fiscal year of the fiscal biennium in which this subsection takes effect to provide additional assistant district attorneys in the areas identified in an audit conducted by the legislative audit bureau in 2007 as needing additional personnel."

4Section 3. Initial applicability.

5 (1) This act first applies to acts that occur on the effective date of this

6 subsection.

7 (End)