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HOUSE BILL 456

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Monica Youngblood

AN ACT

RELATING TO HUMAN SERVICES; REVISING PENALTIES FOR UNLAWFUL
DEALING IN FEDERAL FOOD COUPONS OR WOMEN, INFANTS AND CHILDREN
FOOD PROGRAM CHECKS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 30-16-7 NMSA 1978 (being Laws 1971,
Chapter 282, Section 1, as amended) is amended to read:

"30-16-7. UNLAWFUL DEALING IN FEDERAL FOOD COUPONS OR WIC
CHECKS.--

A. Unlawful dealing in federal food coupons or WIC
checks consists of a person buying, selling, trading, bartering
or possessing food coupons or WIC checks issued by the United
States department of agriculture with the intent to obtain an
economic benefit to which the person is not entitled under the
rules of the human services department pertaining to the food

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1 stamp program or of the department of health pertaining to the
2 special supplemental [~~food~~] nutrition program for women,
3 infants and children.

4 B. Whoever commits unlawful dealing in federal food
5 coupons or WIC checks, whether in one or more transactions
6 within a period of twelve months or less, when the aggregate
7 value of the food coupons or WIC checks involved is two hundred
8 fifty dollars (\$250) or less is guilty of a petty misdemeanor.

9 C. Whoever commits unlawful dealing in federal food
10 coupons or WIC checks, whether in one or more transactions
11 within a period of twelve months or less, when the aggregate
12 value of the food coupons or WIC checks involved is over two
13 hundred fifty dollars (\$250) but not more than five hundred
14 dollars (\$500) is guilty of a misdemeanor.

15 D. Whoever commits unlawful dealing in federal food
16 coupons or WIC checks, whether in one or more transactions
17 within a period of twelve months or less, when the aggregate
18 value of the food coupons or WIC checks involved is over five
19 hundred dollars (\$500) but not more than two thousand five
20 hundred dollars (\$2,500) is guilty of a fourth degree felony.

21 E. Whoever commits unlawful dealing in federal food
22 coupons or WIC checks, whether in one or more transactions
23 within a period of twelve months or less, when the aggregate
24 value of the food coupons or WIC checks involved is over two
25 thousand five hundred dollars (\$2,500) but not more than twenty

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1 thousand dollars (\$20,000) is guilty of a third degree felony.

2 F. Whoever commits unlawful dealing in federal food
3 coupons or WIC checks, whether in one or more transactions
4 within a period of twelve months or less, when the aggregate
5 value of the food coupons or WIC checks involved exceeds twenty
6 thousand dollars (\$20,000) is guilty of a second degree felony.

7 G. For the purposes of this section, "federal food
8 coupons or WIC checks" includes electronic benefit transfer
9 cards or any other method through which [~~food stamps~~]
10 supplemental nutrition assistance program or WIC benefits may
11 be obtained."

12 SECTION 2. Section 30-40-3 NMSA 1978 (being Laws 1979,
13 Chapter 170, Section 3, as amended) is amended to read:

14 "30-40-3. MISAPPROPRIATING PUBLIC ASSISTANCE.--

15 A. Misappropriating public assistance consists of a
16 public officer or public employee fraudulently
17 misappropriating, attempting to misappropriate or aiding and
18 abetting in the misappropriation of food [~~stamp~~] coupons, WIC
19 checks pertaining to the special supplemental [~~food~~] nutrition
20 program for women, infants and children administered by the
21 [~~human services~~] department of health, food [~~stamp~~] coupons or
22 medical identification cards, public assistance benefits or
23 funds received in exchange for food [~~stamp~~] coupons.

24 B. Whoever commits misappropriating public
25 assistance, whether in one or more transactions within a period

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1 of twelve months or less, when the aggregate value of the thing
2 misappropriated is two hundred fifty dollars (\$250) or less is
3 guilty of a petty misdemeanor.

4 C. Whoever commits misappropriating public
5 assistance, whether in one or more transactions within a period
6 of twelve months or less, when the aggregate value of the thing
7 misappropriated is more than two hundred fifty dollars (\$250)
8 but not more than five hundred dollars (\$500) is guilty of a
9 misdemeanor.

10 D. Whoever commits misappropriating public
11 assistance, whether in one or more transactions within a period
12 of twelve months or less, when the aggregate value of the thing
13 misappropriated is more than five hundred dollars (\$500) but
14 not more than two thousand five hundred dollars (\$2,500) is
15 guilty of a fourth degree felony.

16 E. Whoever commits misappropriating public
17 assistance, whether in one or more transactions within a period
18 of twelve months or less, when the aggregate value of the thing
19 misappropriated is more than two thousand five hundred dollars
20 (\$2,500) but not more than twenty thousand dollars (\$20,000) is
21 guilty of a third degree felony.

22 F. Whoever commits misappropriating public
23 assistance, whether in one or more transactions within a period
24 of twelve months or less, when the aggregate value of the thing
25 misappropriated exceeds twenty thousand dollars (\$20,000) is

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