

## **BILL ANALYSIS**

Senate Research Center

H.B. 2685  
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Health & Human Services  
5-10-97  
Engrossed

### **DIGEST**

Section 33.011 of the Human Resources Code, first passed in 1977, was last amended in 1993 to redefine food stamp coupons in the Electronic Benefit Transfer (EBT) Lone Star card environment. Prior to EBT, the statute was generally used to prosecute grocery retailers for buying food stamps at discounted amounts of cash. More recently, the electronic system has raised new concerns about fraudulent conduct by recipients that permits prosecution of those recipients in fraud and abuse cases. However, there has been an abrupt increase in the number of defense motions and appeals challenging the state's authority to prosecute those recipients. H.B. 2685 strengthens the language used by authorities to prosecute welfare fraud and abuse cases. The Welfare Fraud and Abuse Divisions of the Harris County District Attorney's Office developed the proposed statutory changes in an effort to reduce the workload in that office and promote fair and equal prosecution of both parties when food stamp benefit permits are illegally redeemed.

### **PURPOSE**

As proposed, H.B. 2685 establishes provisions regarding certain prohibited activities in the food stamp program.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 33.011(d), Human Resources Code, to authorize conduct to be considered as one offense and the values aggregated in determining the grade of the offense when cash or exchange value benefit permits of various values are obtained in violation of this section pursuant to one scheme or continuing course of conduct.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.