

ENROLLMENT(S)

kwiktag®

062 329 501



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 12-254

**"Food Stamp Trafficking and Public Assistance Fraud
Control Amendment Act of 1998"**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill 12-520 on first and second readings, December 1, 1998 and December 15, 1998, respectively. Following the signature of the Mayor on December 29, 1998, pursuant to Section 404(e) of "the Act", the bill became Act 12-602 and it was published in the February 19, 1999 edition of the D.C. Register (Vol. 46, page 1276). The Act was transmitted to Congress on February 10, 1999 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has expired, and the Act is now D.C. Law 12-254, effective April 20, 1999.



LINDA W. CROPP
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Feb. 10,11,12,22,23,24,25

Mar. 1,2,3,4,5,8,9,10,11,15,16,17,18,19,22,23,24,25

Apr. 12,13,14,15,19

AN ACT
D.C. ACT 12-602

Codification
District of
Columbia
Code
1999 Supp.

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 29, 1998

To amend the District of Columbia Public Assistance Act of 1982 to clarify that intent is an element of the crime in cases of public assistance fraud, to grant the Corporation Counsel the power to issue subpoenas to aid in prosecuting public assistance fraud, to authorize the punishment of the crime of food stamp trafficking as a misdemeanor, and to grant the Mayor the authority to suspend, revoke, or deny a business license or permit to anyone who is convicted of food stamp trafficking.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Food Stamp Trafficking and Public Assistance Fraud Control Amendment Act of 1998".

Sec. 2. The District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code § 3-201.1 *et seq.*), is amended as follows:

(a) Section 1801(a) (D.C. Code § 3-218.1(a)) is amended by inserting the phrase "with the intent to defraud" after the phrase "Any person who,".

Section
3-218.1

(b) A new section 1804 is added to read as follows:

"Sec. 1804. Prosecutions; subpoenas; witness fees; perjury; compulsion of obedience to subpoena; oaths.

New Section
3-218.4

"(a) In addition to any power to bring criminal or civil actions or otherwise carry out the duties under this act, the Corporation Counsel shall have the authority to issue subpoenas for a witness to appear and testify or to produce all books, records, papers, or documents in any investigation into alleged violations of this act.

"(b) A witness, other than those employed by the District of Columbia, summoned under subsection (a) of this section shall be paid the same fees and mileage that a witness is paid in the Superior Court of the District of Columbia ("Superior Court"), but the fees need not be tendered to the witness before he or she appears and testifies or produces books, records, papers, or documents.

"(c) Any willful false swearing on the part of any witness testifying about a material fact pursuant to a subpoena issued under subsection (a) of this section shall be subject to prosecution

ENROLLED ORIGINAL

pursuant to the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Code § 22-2511 *et seq.*).

"(d) If any witness, who has been personally summoned, neglects or refuses to obey the subpoena, the Corporation Counsel may report this fact to the Superior Court. The Superior Court may compel obedience to the subpoena to the same extent as a witness may be compelled to obey the subpoenas of that court.

"(e) The Corporation Counsel may administer oaths to any witness summoned in any investigation under subsection (a) of this section."

(c) A new section 1805 is added to read as follows:

New Section
3-218.5

"Sec. 1805. Penalties.

"(a) Any person who knowingly uses, transfers, acquires, alters, purchases, possesses, or transports one or more food stamp coupons or access devices in a manner not authorized by the Food Stamp Act of 1964, approved August 31, 1964 (78 Stat. 703; 7 U.S.C. § 2011 *et seq.*) ("Food Stamp Act"), or by regulations issued pursuant to that Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined no more than \$1,000 or imprisoned for not more than 180 days, or both.

"(b) In addition to the penalty in subsection (a) of this section, any person convicted of a misdemeanor under this section shall be subject to suspension by the Superior Court from participation in the District of Columbia food stamp program for a period of 1 year consecutive to that period of suspension mandated by section 6(b)(1) of the Food Stamp Act (7 U.S.C. § 2015(b)(1)).

"(c) Prosecution under this act shall be conducted in the Superior Court by the Corporation Counsel.

"(d) For purposes of this section, the term:

"(1) "Access device" means any card, plate, code, account number, or other means of access, which can be used, alone or in conjunction with another access device, to obtain payments, allotments, benefits, money, goods, or other things of value, or which can be used to initiate a transfer of funds under the Food Stamp Act or regulations issued pursuant to this Act.

"(2) "Food stamp coupon" means a coupon issued by the United States Department of Agriculture pursuant to the Food Stamp Act or regulations issued pursuant to that Act.

"(3) "Person" means an individual, firm, partnership, group, corporation, institution, agency, or other entity, public or private."

(d) A new section 1806 is added to read as follows:

New Section
3-218.6

"Sec. 1806. Suspension, revocation, or denial of a business license or permit.

"(a) The Mayor is authorized to suspend, revoke, or deny the issuance or renewal of any business license or permit of any person or entity convicted of food stamp trafficking under this act, the Food Stamp Act, or regulations issued pursuant to that Act.

ENROLLED ORIGINAL

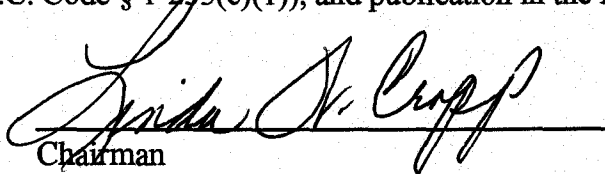
"(b) Prior to the suspension, revocation, or denial of any business license or permit, the affected party shall be given notice, and shall be offered an opportunity to present evidence, and to be heard concerning the proposed action.

"(c) In any hearing pursuant to subsection (b) of this section, a conviction shall create a presumption that the person or entity convicted of food stamp trafficking is unfit to hold the business license or permit at issue."

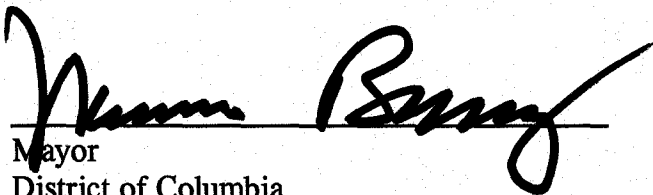
Sec. 3. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: December 29, 1998



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD TWELVE

RECORD OF OFFICIAL COUNCIL VOTE

Docket No. B12-520

ITEM ON CONSENT CALENDAR

ACTION & DATE ADOPTED FIRST READING, 12-01-98

VOICE VOTE APPROVED
 RECORDED VOTE ON REQUEST

ABSENT ALL PRESENT

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote AB - Absent NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date December 18, 1998

ITEM ON CONSENT CALENDAR

ACTION & DATE ADOPTED FINAL READING, 12-15-98

VOICE VOTE APPROVED
 RECORDED VOTE ON REQUEST

ABSENT THOMAS

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote AB - Absent NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date December 18, 1998

ITEM ON CONSENT CALENDAR

ACTION & DATE _____

VOICE VOTE _____
 RECORDED VOTE ON REQUEST

ABSENT _____

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote AB - Absent NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date

AN ACT

*Codification
District of
Columbia
Code
1999 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Public Assistance Act of 1982 to clarify that intent is an element of the crime in cases of public assistance fraud, to grant the Corporation Counsel the power to issue subpoenas to aid in prosecuting public assistance fraud, to authorize the punishment of the crime of food stamp trafficking as a misdemeanor, and to grant the Mayor the authority to suspend, revoke, or deny a business license or permit to anyone who is convicted of food stamp trafficking.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Food Stamp Trafficking and Public Assistance Fraud Control Amendment Act of 1998".

Sec. 2. The District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code § 3-201.1 *et seq.*), is amended as follows:

(a) Section 1801(a) (D.C. Code § 3-218.1(a)) is amended by inserting the phrase "with the intent to defraud" after the phrase "Any person who,".

Section
3-218.1

(b) A new section 1804 is added to read as follows:

"Sec. 1804. Prosecutions; subpoenas; witness fees; perjury; compulsion of obedience to subpoena; oaths.

New Section
3-218.4

"(a) In addition to any power to bring criminal or civil actions or otherwise carry out the duties under this act, the Corporation Counsel shall have the authority to issue subpoenas for a witness to appear and testify or to produce all books, records, papers, or documents in any investigation into alleged violations of this act.

"(b) A witness, other than those employed by the District of Columbia, summoned under subsection (a) of this section shall be paid the same fees and mileage that a witness is paid in the Superior Court of the District of Columbia ("Superior Court"), but the fees need not be tendered to the witness before he or she appears and testifies or produces books, records, papers, or documents.

"(c) Any willful false swearing on the part of any witness testifying about a material fact pursuant to a subpoena issued under subsection (a) of this section shall be subject to prosecution

ENROLLED ORIGINAL

pursuant to the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Code § 22-2511 *et seq.*).

"(d) If any witness, who has been personally summoned, neglects or refuses to obey the subpoena, the Corporation Counsel may report this fact to the Superior Court. The Superior Court may compel obedience to the subpoena to the same extent as a witness may be compelled to obey the subpoenas of that court.

"(e) The Corporation Counsel may administer oaths to any witness summoned in any investigation under subsection (a) of this section."

(c) A new section 1805 is added to read as follows:

**New Section
3-218.5**

"Sec. 1805. Penalties.

"(a) Any person who knowingly uses, transfers, acquires, alters, purchases, possesses, or transports one or more food stamp coupons or access devices in a manner not authorized by the Food Stamp Act of 1964, approved August 31, 1964 (78 Stat. 703; 7 U.S.C. § 2011 *et seq.*) ("Food Stamp Act"), or by regulations issued pursuant to that Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined no more than \$1,000 or imprisoned for not more than 180 days, or both.

"(b) In addition to the penalty in subsection (a) of this section, any person convicted of a misdemeanor under this section shall be subject to suspension by the Superior Court from participation in the District of Columbia food stamp program for a period of 1 year consecutive to that period of suspension mandated by section 6(b)(1) of the Food Stamp Act (7 U.S.C. § 2015(b)(1)).

"(c) Prosecution under this act shall be conducted in the Superior Court by the Corporation Counsel.

"(d) For purposes of this section, the term:

"(1) "Access device" means any card, plate, code, account number, or other means of access, which can be used, alone or in conjunction with another access device, to obtain payments, allotments, benefits, money, goods, or other things of value, or which can be used to initiate a transfer of funds under the Food Stamp Act or regulations issued pursuant to this Act.

"(2) "Food stamp coupon" means a coupon issued by the United States Department of Agriculture pursuant to the Food Stamp Act or regulations issued pursuant to that Act.

"(3) "Person" means an individual, firm, partnership, group, corporation, institution, agency, or other entity, public or private."

(d) A new section 1806 is added to read as follows:

**New Section
3-218.6**

"Sec. 1806. Suspension, revocation, or denial of a business license or permit.

"(a) The Mayor is authorized to suspend, revoke, or deny the issuance or renewal of any business license or permit of any person or entity convicted of food stamp trafficking under this act, the Food Stamp Act, or regulations issued pursuant to that Act.

ENROLLED ORIGINAL

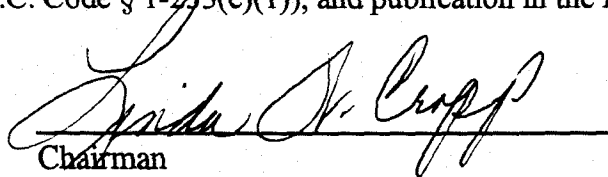
"(b) Prior to the suspension, revocation, or denial of any business license or permit, the affected party shall be given notice, and shall be offered an opportunity to present evidence, and to be heard concerning the proposed action.

"(c) In any hearing pursuant to subsection (b) of this section, a conviction shall create a presumption that the person or entity convicted of food stamp trafficking is unfit to hold the business license or permit at issue."

Sec. 3. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia

Mayor
District of Columbia



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD TWELVE

RECORD OF OFFICIAL COUNCIL VOTE

Docket No. B12-520

| | ITEM ON CONSENT CALENDAR

ACTION & DATE ADOPTED FIRST READING, 12-01-98

VOICE VOTE APPROVED
RECORDED VOTE ON REQUEST

ABSENT ALL PRESENT

| | ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote AB - Absent NV - Present not Voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

December 18, 1998
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE ADOPTED FINAL READING, 12-15-98

VOICE VOTE APPROVED
RECORDED VOTE ON REQUEST

ABSENT THOMAS

| | ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote AB - Absent NV - Present not voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

December 18, 1998
Date

| | ITEM ON CONSENT CALENDAR

| | ACTION & DATE _____

| | VOICE VOTE _____
RECORDED VOTE ON REQUEST

ABSENT _____

| | ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote AB - Absent NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date

**District of Columbia Financial Responsibility
and Management Assistance Authority
Washington, D.C.**

Via Facsimile

January 20, 1999

Ms. Phyllis Jones
Secretary to the Council
Council of the District of Columbia
One Judiciary Square Building
441 Fourth Street, NW
Suite 716
Washington, D.C. 20001

RE: DC Act 12-602. "Food Stamp Trafficking and Public Assistance Fraud Control
Amendment Act of 1998"

Dear Ms. Jones:

This is to advise you that the Authority, having reviewed the above-captioned Act,
does not disapprove the Act or have any recommendations for modifications to it.

Sincerely yours,



Mark Goldstein
Director of Policy and Planning