

HOUSE No. 02861

The Commonwealth of Massachusetts

PRESENTED BY:

Timothy J. Toomey, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to food stamp trafficking

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PETITION OF:

NAME:

DISTRICT/ADDRESS:

Timothy J. Toomey, Jr.

26th Middlesex

Anne M. Gobi

5th Worcester

11 (2) If such benefits are of a value of \$100 or more, but less than \$5,000, or if the item used,
12 transferred, acquired, altered, or possessed is a benefit that has a value of \$100 or more, but less
13 than \$5,000, be guilty of a felony and shall, upon the first conviction thereof, be fined not more
14 than \$10,000 or imprisoned for not more than five years, or both, and, upon the second and any
15 subsequent conviction thereof, shall be imprisoned for not less than six months nor more than
16 five years and may also be fined not more than \$10,000.

17 (3) If such benefits are of a value of less than \$100, or if the item used, transferred, acquired,
18 altered, or processed is a benefit that has a value of less than \$100, shall be guilty of a
19 misdemeanor, and, upon the first conviction thereof, shall be fined not more than \$1,000 or
20 imprisoned for not more than one year, or both, and upon the second and any subsequent
21 conviction thereof, shall be imprisoned for not more than one year and may also be fined not
22 more than \$1,000. In addition to such penalties, any person convicted of a felony or
23 misdemeanor violation under this subsection may be suspended by the court from participation
24 in the supplemental nutrition assistance program for an additional period of up to eighteen
25 months consecutive to that period of suspension mandated by 7U.S.C. 2015 (b)(1).

26 (b) Criminal Forfeiture; In imposing a sentence on a person convicted of an offense in
27 violation of subsection (a) of this section, a court shall order, in addition to any other sentence
28 imposed under this section, that the person forfeit to the United States all property described in
29 paragraph (1).

30 (1) Property subject to forfeiture; All property, real and personal, used in a transaction or
31 attempted transaction, to commit, or to facilitate the commission of, a violation (other than a

32 misdemeanor) of subsection (a) of this section, or proceeds traceable to a violation of subsection
33 (a) of this section.

34 (2) The proceeds from any sale of forfeited property and any monies forfeited under this
35 subsection shall be used:

36 (a) first, to reimburse any Federal or State law enforcement agency for any cost incurred in
37 the law enforcement effort resulting in the forfeiture; and

38 (b) second, by any entity carrying out the approval, reauthorization, and compliance
39 investigations of retail stores and wholesale food concerns.

40 (3) No interest in property shall be forfeited under this subsection as the result of any act or
41 omission established by the owner of the interest to have been committed or omitted without the
42 knowledge or consent of the owner.