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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 791

02/07/2019 Authored by Franson, Bennett, Runbeck and Baker
The bill was read for the first time and referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to human services; establishing criminal penalties for failing to cooperate
1.3 in child care assistance program fraud investigations; amending Minnesota Statutes
1.4 2018, sections 245E.03, subdivision 2; 245E.04.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2018, section 245E.03, subdivision 2, is amended to read:

1.7 Subd. 2. Failure to provide access. (a) Failure to provide access may shall result in
1.8 denial or termination of authorizations for or payments to a recipient, provider, license
1.9 holder, or controlling individual in the child care assistance program.

1.10 (b) The intentional failure to provide access as required by subdivision 1 is punishable
1.11 as a misdemeanor. Notwithstanding any other law, when a court sentences a person for a
1.12 violation of this subdivision, it must impose a fine of not less than 50 percent of the maximum
1.13 fine authorized by law nor more than the maximum fine authorized by law. The minimum
1.14 fine required by this subdivision is in addition to the surcharge or assessment required by
1.15 section 357.021, subdivision 6, and is in addition to any sentence of imprisonment or
1.16 restitution imposed or ordered by the court. The provisions of section 609.101, subdivision
1.17 5, apply to a fine imposed under this subdivision.

1.18 EFFECTIVE DATE. This section is effective August 1, 2019, and applies to crimes
1.19 committed on or after that date.

2.1 Sec. 2. Minnesota Statutes 2018, section 245E.04, is amended to read:

2.2 **245E.04 HONEST AND TRUTHFUL STATEMENTS.**

2.3 (a) It shall be ~~unlawful~~ a gross misdemeanor for a provider, license holder, controlling
2.4 individual, or recipient to:

2.5 (1) falsify, conceal, or cover up by any trick, scheme, or device a material fact;

2.6 (2) make any materially false, fictitious, or fraudulent statement or representation; or

2.7 (3) make or use any false writing or document knowing the same to contain any materially
2.8 false, fictitious, or fraudulent statement or entry related to any child care assistance program
2.9 services that the provider, license holder, or controlling individual supplies or in relation to
2.10 any child care assistance payments received by a provider, license holder, or controlling
2.11 individual or to any fraud investigator or law enforcement officer conducting a financial
2.12 misconduct investigation.

2.13 (b) Notwithstanding any other law, when a court sentences a person for a violation of
2.14 this section, it must impose a fine of not less than 50 percent of the maximum fine authorized
2.15 by law nor more than the maximum fine authorized by law. The minimum fine required by
2.16 this section is in addition to the surcharge or assessment required by section 357.021,
2.17 subdivision 6, and is in addition to any sentence of imprisonment or restitution imposed or
2.18 ordered by the court. The provisions of section 609.101, subdivision 5, apply to a fine
2.19 imposed under this section.

2.20 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
2.21 committed on or after that date.