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HOUSE BILL 43

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

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 or WIC
10 benefits may be obtained."

11 SECTION 2. EFFECTIVE DATE.--The effective date of the
12 provisions of this act is July 1, 2015.