

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 387 Session of 2023

INTRODUCED BY HEFFLEY, IRVIN, JAMES AND ROWE, MARCH 14, 2023

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 14, 2023

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
 2 Consolidated Statutes, in forgery and fraudulent practices,  
 3 providing for the offense of benefit transfer device fraud.

4 The General Assembly of the Commonwealth of Pennsylvania  
 5 hereby enacts as follows:

6 Section 1. Title 18 of the Pennsylvania Consolidated  
 7 Statutes is amended by adding a section to read:

8 § 4122. Benefit transfer device fraud.

9 (a) Offense defined.--A person commits an offense if the  
 10 person is an unauthorized alien and possesses, uses or attempts  
 11 to use a benefit transfer device.

12 (b) Separate offenses.--Each time a person possesses or uses  
 13 a benefit transfer device in violation of subsection (a)  
 14 constitutes a separate offense under this section.

15 (c) Grading.--A person who violates subsection (a) commits a  
 16 felony of the third degree.

17 (d) Definitions.--As used in this section, the following  
 18 words and phrases shall have the meanings given to them in this  
 19 subsection unless the context clearly indicates otherwise:

1       "Benefit transfer device." The Pennsylvania ACCESS card or  
2 electronic benefit transfer card.

3       "Unauthorized alien." An alien who is not eligible for any  
4 State or local benefits under 8 U.S.C. § 1621(a) (relating to  
5 aliens who are not qualified aliens or nonimmigrants ineligible  
6 for State and local public benefits).

7       Section 2. This act shall take effect in 60 days.