

Act No. 230
Public Acts of 1993
Approved by the Governor
November 4, 1993
Filed with the Secretary of State
November 8, 1993

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1993**

Introduced by Reps. Whyman, Horton, Voorhees, Cropsey, Vorva, Dalman, Goschka, Byrum, Bullard and Kukuk

Reps. Alley, Anthony, Bandstra, Bankes, Barns, Bodem, Brackenridge, Crissman, Curtis, DeMars, Dobb, Fitzgerald, Freeman, Galloway, Gernaat, Gilmer, Gnodtke, Hammerstrom, Harder, Hood, Jamian, Jaye, Jersevic, Johnson, Kaza, LeTarte, Llewellyn, London, Lowe, McBryde, Middaugh, Munsell, Olshove, Oxender, Pitoniak, Porreca, Rhead, Rocca, Shepich, Shugars, Stille, Varga, Weeks and Wetters named co-sponsors

ENROLLED HOUSE BILL No. 4985

AN ACT to amend section 300a of Act No. 328 of the Public Acts of 1931, entitled as amended "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," as added by Act No. 387 of the Public Acts of 1988, being section 750.300a of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 300a of Act No. 328 of the Public Acts of 1931, as added by Act No. 387 of the Public Acts of 1988, being section 750.300a of the Michigan Compiled Laws, is amended to read as follows:

Sec. 300a. (1) A person who knowingly uses, transfers, acquires, alters, purchases, possesses, presents for redemption, or transports food stamps or coupons or access devices other than as authorized by the food stamp act of 1977, 7 U.S.C. 2011 to 2030, and the regulations promulgated under that act, or any supplemental food program administered by any department of this state pursuant to section 17 of the child nutrition act of 1966, 42 U.S.C. 1786, and the regulations promulgated under that act, is guilty of a crime as follows:

(a) Except as otherwise provided in this subdivision, if the aggregate value of the food stamps or coupons or access devices is \$250.00 or less, the person is guilty of a misdemeanor, punishable by imprisonment for not more than 93 days, or a fine of not more than \$1,000.00, or both. If the person has 1 prior conviction for violating this section, the person is guilty of a felony, and may be punished as provided in subdivision (b). If the person has 2 or more prior convictions for violating this section, the person is guilty of a felony, and may be punished as provided in subdivision (c). The existence of a prior conviction shall be determined by the court at sentencing.

(b) Except as otherwise provided in this subdivision, if the aggregate value of the food stamps or coupons or access devices is more than \$250.00 but does not exceed \$1,000.00, the person is guilty of a felony, punishable by imprisonment for not more than 5 years, or a fine of not more than \$10,000.00, or both. If the person has 1 or more prior convictions for violating this section, the person is guilty of a felony, and may be punished as provided in subdivision (c). The existence of a prior conviction shall be determined by the court at sentencing.

(c) If the aggregate value of the food stamps or coupons or access devices is more than \$1,000.00, the person is guilty of a felony, punishable by imprisonment for not more than 10 years, or a fine of not more than \$250,000.00, or both.

(2) If food stamps or coupons or access devices of various values are used, transferred, acquired, altered, purchased, possessed, presented for redemption, or transported in violation of this section over a period of 12 months, the course of conduct may be charged as 1 offense and the values of the food stamps or coupons or access devices aggregated in determining the degree of the offense.

(3) As used in this section:

(a) "Access device" means any card, plate, code, account number, or other means of access that can be used, alone or in conjunction with another access device, to obtain payments, allotments, benefits, money, goods, or other things of value, or that can be used to initiate a transfer of funds pursuant to the food stamp program established under the food stamp act of 1977, 7 U.S.C. 2011 to 2030, or any supplemental food program administered by any department of this state pursuant to section 17 of the child nutrition act of 1966, 42 U.S.C. 1786.

(b) "Aggregate value of the food stamps or coupons or access devices" means the total face value of any food stamps or coupons involved in the violation plus the total value of any access devices involved in the violation. The value of an access device is the total value of the payments, allotments, benefits, money, goods, or other things of value that may be obtained, or the total value of funds that may be transferred, by use of the access device at the time of the violation.

(c) "Food stamps or coupons" means the coupons issued pursuant to the food stamp program established under the food stamp act of 1977, 7 U.S.C. 2011 to 2030, or issued pursuant to any supplemental food program administered by any department of this state pursuant to section 17 of the child nutrition act of 1966, 42 U.S.C. 1786.

Co-Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.