

76-8-1206 Penalties for public assistance fraud.

- (1) The severity of the offense of public assistance fraud is classified in accordance with the value of payments, assistance, or other benefits received, misappropriated, claimed, or applied for as follows:
 - (a) second degree felony if the value is or exceeds \$5,000;
 - (b) third degree felony if the value is or exceeds \$1,500 but is less than \$5,000;
 - (c) class A misdemeanor if the value is or exceeds \$500 but is less than \$1,500; and
 - (d) class B misdemeanor if the value is less than \$500.
- (2) For purposes of Subsection (1), the value of an offense is calculated by aggregating the values of each instance of public assistance fraud committed by the defendant as part of the same facts and circumstances or a related series of facts and circumstances.
- (3) Incidents of trafficking in SNAP benefits as defined in Section 35A-1-102 that occur within a six-month period, committed by an individual or coconspirators, are deemed to be a related series of facts and circumstances regardless of whether the transactions are conducted with a variety of unrelated parties.

Amended by Chapter 41, 2012 General Session