

DEPARTMENT OF BENEFIT PAYMENTS

744 P Street, Sacramento, CA 95814



December 4, 1974

ALL-COUNTY LETTER NO. 74-242

TO: ALL COUNTY WELFARE DIRECTORS
ALL DISTRICT ATTORNEYS

SUBJECT: FOOD STAMP FRAUD PROSECUTION

REFERENCE:

Inquiries from a number of counties have indicated a lack of awareness of existing state law concerning food stamp fraud.

Chapter 75 of the Statutes of 1974 amended Welfare and Institutions Code § 18910, which had originally been enacted by Chapter 1216 of the Statutes of 1973. Section 18910 now provides as follows:

"18910. Whoever knowingly uses, transfers, acquires, or possesses food stamps or authorizations to purchase food stamps in any manner not authorized by this chapter or the Food Stamp Act of 1964 (Public Law 88-525 and all amendments made thereto) is guilty of a misdemeanor if the face value of the food stamps or the authorizations to purchase food stamps is two hundred dollars (\$200) or less, or exceeds his cost, if any, to purchase them by two hundred dollars (\$200) or less; or is guilty of a felony if the face value of the food stamps or the authorizations to purchase food stamps exceeds by more than two hundred dollars (\$200) his cost, if any, to purchase them.

"Whoever knowingly uses, transfers, acquires, or possesses blank authorizations to purchase food stamps in any manner not authorized by this chapter with the intent to defraud is guilty of a felony.

"Whoever counterfeits or alters or knowingly uses, transfers, acquires, or possesses counterfeited or

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ALL COUNTY WELFARE DIRECTORS
ALL DISTRICT ATTORNEYS
Page Two

altered authorizations to purchase food stamps or food stamps in any manner not authorized by the Food Stamp Act of 1964 (Public Law 88-525 and all amendments made thereto) or the federal regulations pursuant to the act is guilty of forgery.

"Whoever fraudulently appropriates food stamps or authorizations to purchase food stamps with which he has been entrusted pursuant to his duties as a public employee is guilty of embezzlement of public funds.

"In no event shall separate offenses, which by themselves would be punishable as misdemeanors, be accumulated for prosecution as a felony."

It is hoped that the greater specificity of the amended section will provide counties with a more effective means of dealing with food stamp fraud.

Sincerely,


DAVID B. SWOAP
Director

cc: CWDA