STATE OF NEW YORK

4736

2023-2024 Regular Sessions

IN SENATE

February 14, 2023

Introduced by Sen. PERSAUD -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services

AN ACT to amend the social services law, in relation to reissuing certain benefits in instances of fraud or theft of such benefits

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 95 of the social services law is amended by adding a new subdivision 12 to read as follows:

12. Notwithstanding any other provision of law to the contrary, the office shall direct social services districts to provide replacement benefits in instances of fraud or theft of supplemental nutrition assistance program benefits equal to the value of benefits stolen on or after January first, two thousand twenty-two within seven days of the date the victim submits a signed statement documenting the theft, using funds from the supplemental nutrition assistance program, as authorized pursuant to Section 501(b)(2) of the Consolidated Appropriations Act of 2023, P.L. 117-328, emergency safety net assistance, emergency assistance to families, or emergency assistance to adults, as applicable.

§ 2. Subdivision 1 of section 303 of the social services law is amended by adding a new paragraph (p) to read as follows:

(p) In the event of a reported theft of emergency assistance previously issued pursuant to this section or theft of supplemental nutrition assistance program benefits, emergency assistance equal to the value of the stolen benefits shall be provided within seven days of the date the victim submits a signed statement documenting the theft. Where replacement benefits have been issued pursuant to this paragraph, the district may require an assignment of any duplicative replacement benefits authorized by and issued pursuant to Section 501(b)(2) of the Consolidated Appropriations Act of 2023, P.L. 117-328 should such replacement benefits become available at a future time.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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§ 3. Paragraph (e) of subdivision 2 of section 350-j of the social services law, as amended by section 38 of part B of chapter 436 of the laws of 1997, is amended to read as follows:

(e) such occurrence or situation could not have been foreseen by the applicant[~~,~~] and was not under his or her control [~~and, in the case of a person receiving public assistance, did not result from the loss, theft or mismanagement of a regular public assistance grant~~]; and

§ 4. Section 350-j of the social services law is amended by adding a new subdivision 6 to read as follows:

6. In instances of fraud or theft of benefits occurring on or after January first, two thousand twenty-two, emergency assistance to needy families with children benefits shall be issued in an amount equal to the value of stolen family assistance, emergency assistance to needy families, pandemic electronic benefit transfer benefits, or supplemental nutrition assistance program benefits within seven days of the date the victim submits a signed statement documenting the theft. Where replacement benefits are being issued pursuant to this subdivision, the district may reduce the amount designated to replace stolen supplemental nutrition assistance program benefits by any previously or contemporaneously received benefits authorized by and issued pursuant to Section 501(b)(2) of the Consolidated Appropriations Act of 2023, P.L. 117-328. Where replacement benefits are issued pursuant to this subdivision to replace stolen supplemental nutrition assistance program benefits, the district may require an assignment of any duplicative replacement benefits authorized by and issued pursuant to Section 501(b)(2) of the Consolidated Appropriations Act of 2023, P.L. 117-328 should such replacement benefits become available at a future time.

§ 5. Section 159 of the social services law is amended by adding a new subdivision 13 to read as follows:

13. Notwithstanding any other provision of law to the contrary, in instances of fraud or theft of benefits that occur on or after January first, two thousand twenty-two, the victim of such fraud or theft shall be provided emergency assistance benefits equal to the value of the stolen safety net assistance, emergency safety net assistance, pandemic electronic benefit transfer benefits, or supplemental nutrition assistance program benefits within seven days of the date the victim submits a signed statement documenting the theft. Where replacement benefits are being issued pursuant to this subdivision, the district may reduce the amount designated to replace stolen supplemental nutrition assistance program benefits by any previously or contemporaneously received benefits authorized by and issued pursuant to Section 501(b)(2) of the Consolidated Appropriations Act of 2023, P.L. 117-328. Where replacement benefits are issued pursuant to this subdivision to replace stolen supplemental nutrition assistance program benefits, the district may require an assignment of any duplicative replacement benefits authorized by and issued pursuant to Section 501(b)(2) of the Consolidated Appropriations Act of 2023, P.L. 117-328 should such replacement benefits become available at a future time.

§ 6. This act shall take effect immediately.