

STATE OF NEW YORK

8130

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

Introduced by Sen. GONZALEZ -- 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 SNAP 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:

1 Section 1. Section 152-d of the social services law, as added by
2 section 1 of part Y of chapter 56 of the laws of 2023 and subdivision 6
3 as added by chapter 70 of the laws of 2024, is amended to read as
4 follows:

5 § 152-d. Replacement of stolen public assistance or SNAP benefits. 1.
6 Notwithstanding section three hundred fifty-j of this article and subdi-
7 vision eleven of section one hundred thirty-one of this title, and in
8 accordance with this section, recipients of public assistance [~~recipi-~~
9 ents] and supplemental nutrition assistance program (SNAP) benefits
10 shall receive replacement assistance for the loss of public assistance,
11 as defined in subdivision nineteen of section two of this chapter, or
12 SNAP benefits, as described in section ninety-five of this chapter, in
13 instances when such public assistance [~~has~~] or SNAP benefits have been
14 stolen as a result of card skimming, cloning, third party misrepresen-
15 tation or other similar fraudulent activities, consistent with guidance
16 issued by the office of temporary and disability assistance.

17 2. The office of temporary and disability assistance shall establish a
18 protocol for recipients to report incidents of stolen public assistance
19 or SNAP benefits. This protocol will be administered by social services
20 districts pursuant to guidance issued by the office of temporary and
21 disability assistance.

22 3. Social services districts shall promptly replace stolen public
23 assistance or SNAP benefits, however, such replacement shall occur no
24 later than five business days after the social services district has
25 verified the public assistance [~~was~~] or SNAP benefits were stolen in

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

LBD10750-01-5

1 accordance with guidance established by the office of temporary and
2 disability assistance consistent with federal and state laws, regu-
3 lations and guidance, provided, however, that social services districts
4 shall not ask recipients to obtain a police report or require any other
5 interaction with law enforcement unless required by federal law, regu-
6 lation, or guidance for either public assistance or supplemental nutri-
7 tion assistance program benefits.

8 4. For public assistance or SNAP benefits that [~~is~~] are verified as
9 stolen, replacement assistance shall be provided by the social services
10 district in accordance with this section as follows:

11 (a) the lesser of: (i) the amount of public assistance or SNAP bene-
12 fits that [~~was~~] were stolen; or (ii) the amount of public assistance or
13 SNAP benefits equal to two months of the monthly allotment of the house-
14 hold immediately prior to the date upon which the public assistance or
15 SNAP benefits that [~~was~~] were stolen; provided, however, the commis-
16 sioner may promulgate regulations for the provision of additional replace-
17 ment assistance in extenuating circumstances consistent with federal and
18 state laws, regulations and guidance; and

19 (b)(i) no more than twice in a federal fiscal year to cover public
20 assistance stolen on or after January first, two thousand twenty-two
21 through September thirtieth, two thousand twenty-four; [~~or~~] (ii) no more
22 than once in a federal fiscal year to cover public assistance stolen on
23 or after October first, two thousand twenty-four; or (iii) no more than
24 once in a fiscal year to cover SNAP benefits stolen after December twen-
25 tieth, two thousand twenty-four.

26 5. Any replacement assistance provided under this section shall be
27 exempt from recoupment and recovery provisions under title six of arti-
28 cle three of this chapter; provided, however, that assistance shall not
29 be exempt from recoupment and recovery if it is later determined that
30 the public assistance or SNAP benefits that [~~was~~] were replaced pursuant
31 to this section [~~was~~] were not stolen as a result of card skimming,
32 cloning, third party misrepresentation or other similar fraudulent
33 activities.

34 6. The office of temporary and disability assistance shall make a
35 model sign available on its website that can be used by any person,
36 firm, partnership, association or corporation required to inform indi-
37 viduals about electronic benefit transfer scams, including, but not
38 limited to, skimming, and the steps they can take to protect their bene-
39 fits in accordance with section three hundred ninety-e of the general
40 business law.

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

43 12. Notwithstanding any other provision of law to the contrary, in
44 instances of fraud or theft of SNAP benefits, after December twentieth,
45 two thousand twenty-four, the office shall direct social services
46 districts to provide replacement assistance in the form of cash grants
47 equal to the lesser of: (a) the dollar value of the SNAP benefits that
48 were stolen; or (b) the dollar value equal to two months of the monthly
49 allotment of the household immediately prior to the date the SNAP bene-
50 fits were stolen; provided, however, that the commissioner may promul-
51 gate regulations for the provision of additional replacement assistance
52 in extenuating circumstances consistent with federal and state laws,
53 regulations and guidance. Replacement assistance shall be issued within
54 five days of the date the victim submits a signed statement documenting
55 the theft of such SNAP benefits. Any replacement assistance provided

1 under this subdivision shall be exempt from recoupment and recovery
2 provisions under title six of this article.

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

5 (p) In the event of a reported theft of supplemental nutrition assist-
6 ance program (SNAP) benefits, emergency assistance equal to the lesser
7 of: (i) the amount of SNAP benefits that were stolen; or (ii) the amount
8 of SNAP benefits provided during the two most recent months prior to
9 such assistance being stolen; provided, however, that the commissioner
10 may promulgate regulations for the provision of additional replacement
11 assistance in extenuating circumstances consistent with federal and
12 state laws, regulations and guidance. Replacement assistance shall be
13 issued within five days of the date the victim submits a signed state-
14 ment documenting the theft of such SNAP benefits. Any replacement
15 assistance provided under this paragraph shall be exempt from recoupment
16 and recovery provisions under title six of article three of this chap-
17 ter.

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

21 (e) such occurrence or situation could not have been foreseen by the
22 applicant[~~7~~] and was not under [~~his or her~~] such applicant's control
23 [~~and, in the case of a person receiving public assistance, did not~~
24 ~~result from the loss, theft or mismanagement of a regular public assist-~~
25 ~~ance grant~~]; and

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

28 6. In instances of fraud or theft of supplemental nutrition assistance
29 program (SNAP) benefits occurring after December twentieth, two thousand
30 twenty-four, emergency assistance to needy families with children bene-
31 fits shall be issued in an amount equal to the lesser of: (i) the amount
32 of SNAP benefits that were stolen; or (ii) the amount of SNAP benefits
33 provided during the two most recent months prior to such assistance
34 being stolen, within seven days of the date the victim submits a signed
35 statement documenting the theft of such benefits. Any replacement
36 assistance provided under this subdivision shall be exempt from recoup-
37 ment and recovery provisions under title six of article three of this
38 chapter.

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

41 13. Notwithstanding any other provision of law to the contrary, in
42 instances of fraud or theft of supplemental nutrition assistance program
43 (SNAP) benefits that occur after December twentieth, two thousand twen-
44 ty-four, the victim of such fraud or theft shall be provided safety net
45 assistance benefits equal to the lesser of: (i) the amount of SNAP bene-
46 fits that were stolen; or (ii) the amount of SNAP benefits provided
47 during the two most recent months prior to such assistance being stolen,
48 within five days of the date the victim submits a signed statement docu-
49 menting the theft of such benefits. Any replacement assistance provided
50 under this subdivision shall be exempt from recoupment and recovery
51 provisions under title six of article three of this chapter.

52 § 7. This act shall take effect immediately.