

# State of South Dakota

EIGHTIETH  
LEGISLATIVE ASSEMBLY, 2005

400L0228

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

**HB 1012 - 01/31/2005**

Introduced by: The Committee on Judiciary at the request of the Department of Social Services

1 FOR AN ACT ENTITLED, An Act to establish certain penalties for the unauthorized  
2 acquisition or transfer of food stamp benefits.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Any person who knowingly:

5 (1) Acquires, purchases, possesses, or uses any food stamp EBT card to obtain food  
6 stamp benefits that the person is not entitled to;

7 (2) Transfers, sells, trades, gives, or otherwise disposes of any food stamp EBT card to  
8 another person not entitled to receive or use it in exchange for anything of value;

9 (3) Acquires, purchases, possesses, or uses any eligible goods purchased with a food  
10 stamp EBT card that the person is not entitled to; or

11 (4) Transfers, sells, trades, gives, or otherwise disposes of any eligible goods purchased  
12 with a food stamp EBT card to another person not entitled to receive it in exchange  
13 for anything of value;

14 is guilty of unauthorized acquisition or transfer of food stamp benefits.

15 Section 2. Any person convicted of an offense under subdivision (1) or (2) of section 1 of



1 this Act for food stamp benefits with an EBT card value of one thousand dollars or less is guilty  
2 of a Class 1 misdemeanor. Any person convicted of an offense under subdivision (1) or (2) of  
3 section 1 of this Act for food stamp benefits with an EBT card value of one thousand dollars is  
4 guilty of a Class 6 felony. Amounts involved in the acquisition or transfer of EBT cards in  
5 violation of subdivisions (1) and (2) of section 1 of this Act, committed pursuant to one scheme  
6 or course of conduct in any twelve-month period, may be aggregated in determining the degree  
7 of the offense. Any person convicted of an offense under subdivision (3) or (4) of section 1 of  
8 this Act is guilty of a Class 1 misdemeanor.

9 Section 3. As used in this Act, the term, food stamp EBT card, means any card issued for  
10 purchase of food pursuant to the Food Stamp Act of 1997, 7 U.S.C. 2011 to 2029, inclusive, in  
11 effect on January 1, 2005.