

"section" to reflect the reorganization of material derived from former Art. 27, § 230A, although this part is derived, in part, from material outside former Art. 27, § 230A. Because violations of Part II of this subtitle, which covers Medicaid fraud, are not violations of § 8-505 of this part, which deals with food programs and is the only provision derived from outside former Art. 27, § 230A, no substantive change is intended.

#### 8-503. PUBLIC ASSISTANCE FRAUD.

##### (A) SCOPE OF SECTION.

THIS SECTION APPLIES TO MONEY, PROPERTY, FOOD STAMPS, OR OTHER ASSISTANCE THAT IS PROVIDED UNDER A SOCIAL OR NUTRITIONAL PROGRAM BASED ON NEED THAT IS:

- (1) FINANCED WHOLLY OR PARTLY BY THE STATE; AND
- (2) ADMINISTERED BY THE STATE OR A POLITICAL SUBDIVISION OF THE STATE.

##### (B) PROHIBITED.

BY FRAUD, A PERSON MAY NOT OBTAIN, ATTEMPT TO OBTAIN, OR HELP ANOTHER PERSON TO OBTAIN OR ATTEMPT TO OBTAIN, MONEY, PROPERTY, FOOD STAMPS, OR OTHER ASSISTANCE TO WHICH THE PERSON IS NOT ENTITLED.

##### (C) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

##### (D) RESTITUTION.

(1) A PERSON WHO IS CONVICTED OF A VIOLATION OF THIS SECTION SHALL MAKE FULL RESTITUTION OF THE MONEY OR THE VALUE OF THE PROPERTY, FOOD STAMPS, OR OTHER ASSISTANCE OBTAINED BY THE PERSON IN VIOLATION OF THIS SECTION.

(2) FULL RESTITUTION UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE MADE AFTER THE PERSON HAS RECEIVED NOTICE AND HAS BEEN GIVEN THE OPPORTUNITY TO BE HEARD AS TO THE AMOUNT OF PAYMENT AND HOW IT IS TO BE MADE.

**REVISOR'S NOTE:** This section is new language derived without substantive change from former Art. 27, § 230A(b)(2) and the first sentence of (1).

In subsection (a) of this section, the former reference to money or assistance "other than Medicaid" is deleted as redundant of the exclusion of Medical Assistance Program matters under § 8-502 of this part.

In subsection (d)(1) of this section, the reference to restitution for the value of the assistance "obtained by the person in violation of this section" is