

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 62

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO PUBLIC ASSISTANCE; AMENDING SECTION 56-227, IDAHO CODE, TO PRO-  
2 VIDE THAT THE STATE TAX COMMISSION AND DEPARTMENT OF HEALTH AND WELFARE  
3 MAY EXCHANGE CERTAIN INFORMATION, TO ESTABLISH PROVISIONS REGARDING  
4 CONFIDENTIALITY, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN  
5 EMERGENCY AND PROVIDING AN EFFECTIVE DATE.  
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 56-227, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 56-227. FRAUDULENT ACTS -- PENALTY. (1) Whoever knowingly obtains, or  
11 attempts to obtain, or aids or abets any person in obtaining, by means of a  
12 willfully false statement or representation, material omission, or fraudu-  
13 lent devices, public assistance to which he is not entitled, or in an amount  
14 greater than that to which he is justly entitled, shall be punished in the  
15 same manner and to the same extent as for larceny or theft of the money or  
16 value of the public assistance so obtained or attempted to be so obtained.

17 (2) Whoever sells, conveys, mortgages or otherwise disposes of his  
18 property, real or personal, or conceals his income or resources, for the  
19 purpose of rendering him eligible for public assistance, theretofore or  
20 thereafter applied for, to which he would not otherwise be entitled, shall  
21 be punished in the same manner and to the same extent as for larceny or theft  
22 of the money or value of the public assistance so obtained or so attempted to  
23 be obtained. Provided however, this provision shall not be construed to be  
24 more restrictive than federal or state provisions regarding the transfer of  
25 property for public assistance.

26 (3) Every person who knowingly aids or abets any person in selling, con-  
27 veying, mortgaging or otherwise disposing of his property, real or personal,  
28 or in concealing his income or resources for the purpose of rendering him el-  
29 igible for public assistance, theretofore or thereafter applied for and re-  
30 ceived, to which he would not otherwise be entitled, shall be punished in the  
31 same manner and to the same extent as for larceny or theft of the money or  
32 value of the public assistance so obtained or attempted to be obtained. Pro-  
33 vided however, this provision shall not apply to any person who communicates  
34 information or renders advice to another regarding federal or state provi-  
35 sions regarding the transfer of property for public assistance.

36 (4) For the purpose of this section, public assistance shall include  
37 the specific categories of assistance for which provision is made in any fed-  
38 eral or state law existing or hereafter enacted by the congress of the United  
39 States or the state of Idaho by which payments are made from the federal gov-  
40 ernment to the state in aid or in respect to payment by the state for welfare  
41 purposes to any category of needy person and any other program of assistance

1 for which provision for federal or state funds for aid may from time to time  
2 be made.

3 (5) The state department of health and welfare shall establish and op-  
4 erate a fraud control program to investigate suspected fraud relating to ap-  
5 plications for public assistance benefits, and public assistance benefits  
6 received by individuals or entities. Such activities shall be those ~~which~~  
7 that do not fall under the authority of the medicaid fraud control unit as  
8 provided in section 56-226, Idaho Code. The department shall establish a  
9 procedure to coordinate information with prosecuting attorneys to prosecute  
10 offenders who commit fraudulent acts pursuant to this chapter.

11 (6) The state tax commission and the state department of health and wel-  
12 fare may enter into a written agreement for exchange of an individual's state  
13 income tax return records and information for the purposes of investigating  
14 suspected fraud relating to applications for public assistance benefits and  
15 public assistance benefits received by individuals or entities. Such infor-  
16 mation shall be confidential to the recipient and may be used by the state de-  
17 partment of health and welfare only for purposes of determining whether any  
18 individual or entity has committed a violation of this section. No informa-  
19 tion shared with the state department of health and welfare pursuant to this  
20 section shall be made public unless it is used in the course of a judicial  
21 proceeding arising under the laws of this state. Any information disclosed  
22 pursuant to this section must be disclosed in compliance with the provisions  
23 of 5 U.S.C. 552a and any other applicable federal or state laws or regula-  
24 tions regarding public assistance programs.

25 SECTION 2. An emergency existing therefor, which emergency is hereby  
26 declared to exist, this act shall be in full force and effect on and after  
27 July 1, 2025.