

**WELFARE FRAUD OF A SPECIFIED AMOUNT**  
(Committed on or after Nov. 1, 1995)

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**WELFARE FRAUD IN THE FOURTH DEGREE**  
(Value of public assistance benefits exceeds \$1000)  
Penal Law § 158.10

**WELFARE FRAUD IN THE THIRD DEGREE**  
(Value of public assistance benefits exceeds \$3000)  
Penal Law § 158.15

**WELFARE FRAUD IN THE SECOND DEGREE**  
(Value of public assistance benefits exceeds \$50,000)  
Penal Law § 158.20

**WELFARE FRAUD IN THE FIRST DEGREE**  
(Value of public assistance benefits exceeds \$1,000,000)  
Penal Law § 158.25

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The (*specify*) count is Welfare Fraud in the (*specify*) Degree.

Under our law, a person is guilty of Welfare Fraud in the (*specify*) Degree when that person commits a fraudulent welfare act and thereby takes or obtains public assistance benefits, and when the value of the public assistance benefits exceeds (*specify the statutory amount*).

The following terms used in that definition have a special meaning:

PUBLIC ASSISTANCE BENEFITS means money, property or services provided directly or indirectly through programs of the federal government, the state government or the government of any political subdivision within the state and administered by the department of social services or social services districts.<sup>1</sup>

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<sup>1</sup> Penal Law § 158.00 (1)(c)

FRAUDULENT WELFARE ACT means knowingly and with intent to defraud, engaging in an act or acts pursuant to which a person:

*Select Appropriate Alternative(s):*

Offers, presents or causes to be presented to the state, any of its political subdivisions or social services districts, or any employee or agent thereof, an oral or written application or request for public assistance benefits or for a public benefit card with knowledge that the application or request contains a false statement or false information, and such statement or information is material *[or]*

Holds himself or herself out to be another person, whether real or fictitious, for the purpose of obtaining public assistance benefits *[or]*

Makes a false statement or provides false information for the purpose of

*Select Appropriate Alternative(s):*

establishing or maintaining eligibility for public assistance benefits, *[or]*

increasing or preventing reduction of public assistance benefits,

and such statement or information is material.<sup>2</sup>

Some of the terms used in this definition of “fraudulent welfare act” have their own special meaning in our law. I will now give you the meaning of the following terms: “knowingly,” “intent” and [“public benefit card”].

A person KNOWINGLY commits a fraudulent welfare act when that person is aware that he or she is committing a fraudulent welfare act.<sup>3</sup>

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<sup>2</sup> Penal Law § 158.00 (1)(b).

<sup>3</sup> Penal Law § 15.05 (2).

INTENT means conscious objective or purpose. Thus, a person acts with intent to defraud when that person's conscious objective or purpose is to do so.<sup>4</sup>

[PUBLIC BENEFIT CARD means any medical assistance card, food stamp assistance card, public assistance card, or any other identification, authorization card or electronic access device issued by the state or social services district which entitles a person to obtain public assistance benefits under a local, state, or federal program administered by the state, its political subdivisions, or social services districts.<sup>5</sup>]

In order for you to find the defendant guilty of this crime, the People are required to prove from all of the evidence in the case beyond a reasonable doubt each of the following three elements:

1. That on or about (date) in the county of (county), the defendant (defendant's name) committed a fraudulent welfare act;
2. The defendant did so knowingly and with intent to defraud; and
3. That the defendant thereby took or obtained public assistance benefits with a value in excess of (specify statutory amount).

If you find the People have proven beyond a reasonable doubt each of those elements, you must find the defendant guilty of this crime.

If you find the People have not proven beyond a reasonable doubt any one or more of those elements, you must find the defendant not guilty of this crime.

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<sup>4</sup> Penal Law § 15.05 (1).

<sup>5</sup>

Penal Law § 158.00 (1)(a). For the definition of "social services district," see Social Services Law § 2 (7).