

# Comment Report

SSB 1061

A bill for an act relating to electronic benefits transfer cards under the food assistance program and making penalties applicable.

Subcommittee Members: Guth-CH, Jochum, Taylor, J.

Date: 01/26/2021

Time: 02:00 PM

Location: 217 Conference Room

**Name:** Chad Brewbaker

**Comment:** Overcomplexity of Iowa fraud law confuses attorneys leading to botched prosecutions and wrongful convictions. The reality is EBT cardholders routinely exchange their card for cash to make rent payments to keep from being homeless. An effective bill would ban multifamily zoning restriction and ban covenants that prohibit alternative dwelling units (inlaw apartments).

**Name:** Andrea Cook

**Comment:** How many EBT fraud cases have there been in Iowa in the last 20 years? This bill is a solution in search of a problem. According to USDA, SNAP fraud is 1%. Unauthorized possession of 1 EBT card, let alone 3, is already defined as a fraudulent practice pursuant to Iowa code section 234.13. A law enforcement officer who has probable cause to believe a person has unauthorized possession of an EBT card can choose to make a report to the DIA. DIAs (EBT)/Program Integrity Unit conducts investigations related to the misuse and trafficking of EBT cards. Fraudulent practice is a misdemeanor punishable with prison time, fines, and in the case of fraudulent practice related to the food assistance program, temporary suspension, up to a permanent ban from the Food Assistance program. This bill would lead to profiling based on race and class, not to mention adding to our prison system. There are a number of reasons that a person could legally be in possession of an EBT card that does not match the name on their ID. As a food pantry director during this pandemic, husbands and wives often carry their family's EBT card, even if their name isn't on it. This bill has the potential for racial bias and profiling of individuals by law enforcement officers. Iowa's criminal justice system has some of the greatest racial disparities in the nation, and this bill sends a message that is counterproductive to the Governor's focus on criminal justice reform. We should be focusing on solutions to help people facing food insecurity in our state right now. This bill reinforces harmful myths about the food assistance/SNAP program and the people who participate in it.

**Name:** Molly Hanson

**Comment:** This bill could lead to profiling based on race and class. Under this bill, law enforcement officers who have probable cause to believe an individual is in unauthorized possession of even one EBT card shall report both the person in possession of the card and person who is named on the card to the department of inspection and appeals. This bill does not define what would constitute probable cause. There are a number of reasons that a person could legally be in possession of an EBT card that does not match the name on their ID. This bill has the potential for racial bias and profiling of individuals by law enforcement officers. Iowa's criminal justice system has some of the greatest racial disparities in the nation, and this bill sends a message that is counterproductive to the Governor's focus on criminal justice reform. Let's move away from racial profiling and ensure that Iowans don't go hungry.

please.

**Name:** Jane Broughton

**Comment:** I oppose making it harder for poor people to use the limited funds received for food and shelter, especially during a pandemic that we are trying to control and get people back on their feet.

**Name:** Luke Elzinga

**Comment:** The Des Moines Area Religious Council is registered against this bill. We believe SSB 1061 reinforces harmful myths about the Food Assistance/SNAP program and the people who participate in it. We also believe it has the potential to lead to profiling by law enforcement based on race and class. Furthermore, it is not clear to us what exactly this bill aims to fix, and is a solution in search of a problem. It is already considered a "fraudulent practice" to be in unauthorized possession of one EBT card, let alone three or more, so subsection 2A seems superfluous and unnecessary. Additionally, law enforcement officers are already permitted to make a report to DIA when they have probable cause to believe an individual is in possession of an EBT card they are unauthorized to have, so subsection 2B also seems unnecessary. According to the USDA, the incidence of SNAP trafficking fraud is 1%. DIAs Electronic Benefit Transfer (EBT)/Program Integrity Unit conducts investigations related to the misuse and trafficking of EBT cards. Fraudulent practice can be a misdemeanor or felony depending on the dollar amount of fraud, and is punishable by jail time, fees, and in relation to the Food Assistance program, temporary suspension up to a permanent ban from Food Assistance. So, this bill really doesn't change any supposed "loopholes," but we do have concerns about how 2B will be implemented. Will law enforcement see this as a mandate to police EBT card usage? Will the mere possession of an EBT card be probable cause for search in order to "verify" the individual is authorized to possess the card? What is considered "probable cause" for a report to be filed? Is law enforcement supportive of this bill? We should be focusing on solutions to help people facing food insecurity in our state right now. Instead, this bill reinforces harmful myths about the Food Assistance/SNAP program and the people who participate in it. It also does not seem to be in line with the Governor's efforts around criminal justice reform and banning racial profiling. We ask that you please reject this bill, and focus your time and energy on policies that would improve the lives of Iowans who are struggling amidst this pandemic and economic downturn.

**Name:** Tom Chapman

**Comment:** The Iowa Catholic Conference is registered as opposed to SSB 1061. We think the bill is unnecessary because unauthorized possession of even one EBT card is already defined as a fraudulent practice pursuant to Iowa Code section 234.13. According to the USDA, over 99 percent of those receiving SNAP benefits are eligible. It's also not clear what probable cause would be and if this bill would contribute to disparities in racial treatment.

**Name:** Kristi Abuissa

**Comment:** Unauthorized possession of an EBT card is already defined as a fraudulent practice under Iowa law, which is sufficient legal protection in my opinion. This bill opens the door to law enforcement officers doing increased racial profiling in the guise of poorly defined probable cause. Iowa's criminal justice system has some of the greatest racial disparities in the nation, and I urge the subcommittee not to make the situation worse by moving this bill forward.

**Name:** John Boller

**Comment:** SSB 1061 is a frivolous and potentially discriminatory piece of legislation that will cause harm to Iowans who simply need food to survive. The potential for racial and class profiling in this bill is high. Law enforcement officers do not need another reason to interrogate poor people and people of color. Let's work towards solutions that

make it EASIER for families who are struggling to make it through these increasingly challenging times, not HARDER. On behalf of the Coralville Community Food Pantry, it's board, staff, volunteers, and community members, I strongly oppose SSB 1061.

**Name:** Kylie G.

**Comment:** I grew up benefiting from these programs while being raised by a single mom and I also relied on them in college so I could finish my degree and have a chance at being able to support myself. This bill feels like a solution in search of a problem. The program is already regulated enough and policing poverty is not a solution. This bill has the potential for racial bias and profiling of individuals by law enforcement officers. Iowas criminal justice system has some of the greatest racial disparities in the nation, and this bill sends a message that is counterproductive to the Governors focus on criminal justice reform. Please oppose SSB 1061.

**Name:** Morgen Bermel

**Comment:** I oppose bill SSB 1061. This bill will only cause harm to those only looking for help. This is not a problem. Let's focus on work that really needs to be done at this time.

**Name:** Martin Boller

**Comment:** I strongly oppose this bill Right now with so many people across the state facing food insecurity this is not the time to go fishing for ways to cut costs. Giving authorities unchecked permission to profile individuals will only lead to more social injustice.

**Name:** Sandy Boller

**Comment:** I strongly oppose SSB 1061. This is not the appropriate solution to such a small problem. The massive problem we must face is the increased need for food that many are facing. We must make it easier for them to get the food they need in order to thrive not harder. Lets help those in need not hinder them!

**Name:** Nora Heaton

**Comment:** I am writing to voice opposition to SSB 1061. In my view, EBT fraud is absolutely not a problem near prevalent enough to require additional legislation like this bill. Instead, I fear it will create more opportunities for people experiencing real hardship to be questioned in ways that are intrusive at best, traumatizing at worst. Legislation like this strikes me as almost certain to be harmful rather than helpful. If your goal is to preserve the integrity of the EBT system, please focus on its accessibility instead. There are plenty of experts fighting food insecurity in Iowa who are eager and willing to speak with you about more appropriate solutions to the issue of hunger, and I would urge you as an Iowan to listen to these voices.

**Name:** Nora Tobin

**Comment:** I urge you to oppose this unnecessary and potentially harmful bill. This bill could lead to profiling based on race and class. Under this bill, law enforcement officers who have probable cause to believe an individual is in unauthorized possession of even one EBT card shall report both the person in possession of the card and person who is named on the card to the department of inspection and appeals. This bill does not define what would constitute probable cause. There are a number of reasons that a person could legally be in possession of an EBT card that does not match the name on their ID. This bill has the potential for racial bias and profiling of individuals by law enforcement officers. Iowas criminal justice system has some of the greatest racial disparities in the nation, and this bill sends a message that is counterproductive to the Governors focus on criminal justice reform.

**Name:** Laura Hessburg

**Comment:** The Iowa Coalition Against Domestic Violence (ICADV) represents 22 crime victim service provider agencies across Iowa and the collective experience of agency staff who dedicate their lives to supporting victims of violent crime, specifically survivors of domestic violence and sexual abuse. Our direct service providers routinely witness the pain and suffering of crime victims, as well as their stunning resilience in surviving repeated violent acts (often over the course of months and years), inflicted on their minds and bodies by people they know and care about. We urge you to reject SSB 1061, legislation seeking to address perceived fraud concerns regarding the use of electronic benefits transfer (EBT) cards many Iowans eligible for food stamps use to purchase food. This bill reinforces harmful myths about Iowans who receive food assistance through the SNAP program and is at odds with Governor Reynolds efforts to address profiling by law enforcement based on race and income level. Bottom line: This legislation is unnecessary. Unauthorized use of an EBT card is already a fraudulent practice and the prevalence of SNAP trafficking fraud is extremely rare. There are urgent food security needs in Iowa and we urge legislators to prioritize addressing these issues instead of a perceived problem with fraud in the SNAP program. The SNAP program is a lifeline for individuals and children impacted by domestic abuse. Although physical abuse is common in domestic violence relationships, financial abuse is more pervasive and often inflicts longerlasting damage. Financial abuse is coercive tactic used by virtually every abusive partner that involves withholding, sabotaging, and stealing a partners financial assets. Coercive partners are acutely aware of the link between a victims financial independence and access to safety. Financial abuse remains one of the most powerful methods of keeping a person trapped in the relationship. Often abusive partners will report survivors as "cheating on benefits" if they try to leave. Legislation like this makes it even easier for abusive partners to pull victims into a police investigation and puts access to food in jeopardy or forces them to return to an abusive relationship to avoid hunger and homelessness. Financial security is critical to increasing a survivors chance of escaping abuse but escaping generally means losing financial security. Victims routinely balance the risk of staying in an abusive relationship with the reality experiencing poverty, including hunger and homelessness if they leave. SNAP and other public safety net programs are essential to providing some economic security to individuals and children fleeing abuse and often provide the extra boost needed to regain financial security. Please reject this unnecessary and harmful bill that threatens food security, perpetuates harmful myths about Iowans experiencing food insecurity, and encourages profiling and penalizing lowincome Iowans in contrast to efforts by the Governor to address hunger and racial disparities in our criminal legal system.

## **Iowa Coalition Against Domestic – Oppose SSB 1061 – Undermines SNAP/EBT**

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Bottom line: This legislation is unnecessary. Unauthorized use of an EBT card is already a fraudulent practice and the prevalence of SNAP trafficking fraud is extremely rare. There are urgent food security needs in Iowa and we urge legislators to prioritize addressing these issues instead of a perceived problem with fraud in the SNAP program.

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*Senate Labor Subcommittee; January 26, 2021*

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