

**194A.990 Penalties.**

- (1) (a) Any person who violates the provisions of KRS 194A.505(1), (2), or (7) shall be guilty of a Class B misdemeanor unless:
  1. The sum total of benefits received in excess of that to which the person was entitled at the time of the offense was committed is valued at five hundred dollars (\$500) or more but less than one thousand dollars (\$1,000), in which case it is a Class A misdemeanor;
  2. The sum total of benefits received in excess of that to which the person was entitled at the time the offense was committed is valued at or above one thousand dollars (\$1,000) in which case it is a Class D felony; or
  3. The person has three (3) or more convictions under subparagraph 1. of this paragraph within the last five (5) years, in which case it is a Class D felony. The five (5) year period shall be measured from the dates on which the offenses occurred for which the judgments of conviction were entered.
- (b) If any person commits two (2) or more separate violations of the provisions of KRS 194A.505(1), (2), or (7) within ninety (90) days, the offenses may be combined and treated as a single offense, and the value of the property in each offense may be aggregated for the purpose of determining the appropriate charge.
- (2) Any person who violates KRS 194A.505(3) shall be guilty of a Class D felony.
- (3) Any person who violates the provisions of KRS 194A.505(4) or (5) shall be guilty of a Class C felony.
- (4) Any person who violates the provisions of KRS 194A.505(6) shall be guilty of a Class D felony, unless the purpose of the violation is to obtain ten thousand dollars (\$10,000) or more, in which case it shall be a Class C felony.
- (5) Any person who violates KRS 194A.505(1) to (6) shall, in addition to any other penalties provided by law, forfeit and pay a civil penalty of payment to the cabinet in the amount of all benefits and payments to which the person was not entitled.
- (6) Any provider who violates KRS 194A.505(1) to (6) shall, in addition to any other penalties provided by law, including the penalty set forth in subsection (5) of this section, forfeit and pay civil penalties of:
  - (a) Payment to the State Treasury's general revenue fund in an amount equal to three (3) times the amount of the benefits and payments to which the person was not entitled; and
  - (b) Payment to the State Treasury's general revenue fund of all reasonable expenses that the court determines have been necessarily incurred by the state in the enforcement of this section.

**Effective:** June 29, 2021

**History:** Amended 2021 Ky. Acts ch. 66, sec. 1, effective June 29, 2021. -- Created 1998 Ky. Acts ch. 426, sec. 28, effective July 15, 1998.