

LEGISLATIVE REFERENCE BUREAU

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L.R.B. Form No. 4 (Rev. 3/25/10)

No. _____

LEGISLATIVE REFERENCE BUREAU

AN ACT

Amending the act of December 5, 1936
(2nd Sp.Sess., 1937 P.L.2897, No.1),
known as the Unemployment
Compensation Law, further providing
for false statements and
representations to obtain or
increase compensation and for
violation of act and rules and
regulations.

INTRODUCED _____ 20_____

By _____ District
NO. _____By _____ District
NO. _____By _____ District
NO. _____By _____ District
NO. _____

See next page for additional co-sponsors.

Referred to Committee on

Date _____ 20_____

Reported _____ 20_____

As Committed-Amended

Recommendation

By Hon. _____

AN ACT

1 Amending the act of December 5, 1936 (2nd Sp.Sess., 1937
2 P.L.2897, No.1), entitled "An act establishing a system of
3 unemployment compensation to be administered by the
4 Department of Labor and Industry and its existing and newly
5 created agencies with personnel (with certain exceptions)
6 selected on a civil service basis; requiring employers to
7 keep records and make reports, and certain employers to pay
8 contributions based on payrolls to provide moneys for the
9 payment of compensation to certain unemployed persons;
10 providing procedure and administrative details for the
11 determination, payment and collection of such contributions
12 and the payment of such compensation; providing for
13 cooperation with the Federal Government and its agencies;
14 creating certain special funds in the custody of the State
15 Treasurer; and prescribing penalties," further providing for
16 false statements and representations to obtain or increase
17 compensation and for violation of act and rules and
18 regulations.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 Section 1. Sections 801 and 803 of the act of December 5,
22 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the
23 Unemployment Compensation Law, amended December 9, 2002
24 (P.L.1336, No.158) are amended to read:

25 Section 801. False Statements and Representations to Obtain

1 or Increase Compensation.--(a) Whoever makes a false statement
2 or representation knowing it to be false, or knowingly fails to
3 disclose a material fact to obtain or increase any compensation
4 or other payment under this act or under an employment security
5 law of any other state or of the Federal Government or of a
6 foreign government, either for himself or for any other person,
7 shall upon conviction thereof in a summary proceeding, be
8 sentenced to pay a fine of not less than [one] five hundred
9 dollars nor more than one thousand five hundred dollars, or
10 shall be sentenced to imprisonment for not longer than thirty
11 days, or both, and each such false statement or representation
12 or failure to disclose a material fact shall constitute a
13 separate offense. In addition to any other sanction, an
14 individual convicted under this subsection shall be ordered to
15 make restitution of the compensation to which the individual was
16 not entitled and of interest on that compensation in accordance
17 with section 804(a).

18 (b) Whoever makes a false statement knowing it to be false,
19 or knowingly fails to disclose a material fact to obtain or
20 increase any compensation or other payment under this act or
21 under an employment security law of any other state or of the
22 Federal Government or of a foreign government, may be
23 disqualified in addition to such week or weeks of improper
24 payments for a penalty period of [two] ten weeks and for not
25 more than one additional week for each such week of improper
26 payment: Provided, That no additional weeks of disqualification
27 shall be imposed under this section if prosecution proceedings
28 have been instituted against the claimant because of such
29 misrepresentation or non-disclosure. The departmental
30 determination imposing penalty weeks under the provisions of

1 this subsection shall be subject to appeal in the manner
2 provided in this act for appeals from determinations of
3 compensation. The penalty weeks herein provided for shall be
4 imposed against any weeks with respect to which the claimant
5 would otherwise be eligible for compensation[, under the
6 provisions of this act, which begin within the four year period
7 following the end of the benefit year with respect to which the
8 improper payment or payments occurred].

9 (c) Whoever makes a false statement knowing it to be false,
10 or knowingly fails to disclose a material fact to obtain or
11 increase any compensation or other payment under this act or
12 under an employment security law of the Federal Government, and
13 as a result receives compensation to which he is not entitled,
14 shall be liable to pay to the Unemployment Compensation Fund a
15 sum equal to fifteen percentum (15%) of the amount of such
16 compensation. The sum shall be collectible in the manner
17 provided in section 308.1 or 309 for the collection of past due
18 contributions and by any other means available under Federal or
19 State law. No administrative or legal proceeding for the
20 collection of such sum shall be instituted after the expiration
21 of twelve years following the end of the benefit year with
22 respect to which such sum was paid.

23 (d) Subsection (b) shall be applied by substituting fifty-
24 two weeks for ten weeks and the prohibition in subsection (b) on
25 the imposition of penalty weeks if prosecution proceedings have
26 been instituted shall not apply in any of the following
27 circumstances:

28 (1) An incarcerated individual makes a false statement
29 knowing it to be false, or knowingly fails to disclose a
30 material fact to obtain or increase any compensation or other

1 payment under this act, or under an employment security law of
2 the Federal Government for which he is ineligible under section
3 401(b) or 402.6.

4 (2) An incarcerated individual knowingly provides
5 information or other means to another person whereby the other
6 person claims compensation in the name of the incarcerated
7 individual for which the incarcerated individual is ineligible
8 under section 401(d) or 402.6.

9 Section 803. Violation of Act and Rules and Regulations.--
10 Any person who shall wilfully violate any provision of this act
11 or any rule or regulation thereunder, the violation of which is
12 made unlawful, or the observance of which is required under the
13 terms of this act, and for which a penalty is neither prescribed
14 herein nor provided by any other applicable statute, shall, upon
15 conviction thereof in a summary proceeding, be sentenced to pay
16 a fine of not less than [one] five hundred dollars nor more than
17 one thousand five hundred dollars or to imprisonment for not
18 longer than thirty days, or both. Each day such violation
19 continues shall be deemed to be a separate offense.

20 Section 2. This act shall apply as follows:

21 (1) The amendment of sections 801(a) and 803 of the act
22 shall apply to offenses committed on or after the effective
23 date of this section.

24 (2) The amendment or addition of section 801(b), (c) and
25 (d)(1) of the act shall apply to false statements and
26 failures to disclose that occur on or after the effective
27 date of this section.

28 (3) The addition of section 801(d)(2) of the act shall
29 apply to information or other means provided on or after the
30 effective date of this section.

1 Section 3. This act shall take effect immediately.