

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1852 Session of  
2011

INTRODUCED BY GROVE, AUMENT, BLOOM, BOYD, R. BROWN, CLYMER, COX,  
CREIGHTON, CUTLER, DUNBAR, GEIST, GINGRICH, HARRIS, HESS,  
KAUFFMAN, F. KELLER, KNOWLES, LAWRENCE, MAJOR, MILLARD, MOUL,  
MURT, PERRY, PICKETT, ROCK, SACCONI, SWANGER AND VULAKOVICH,  
SEPTEMBER 19, 2011

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, SEPTEMBER 19, 2011

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.

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

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

24 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 hundred dollars nor  
9 more than one thousand dollars, or shall be sentenced to  
10 imprisonment for not longer than thirty days, or both, and each  
11 such false statement or representation or failure to disclose a  
12 material fact shall constitute a separate offense. In addition  
13 to any other sanction, an individual convicted under this  
14 subsection shall be ordered to make restitution of the  
15 compensation to which the individual was not entitled and of  
16 interest on that compensation in accordance with section 804(a).

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

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

8 Section 2. This act shall take effect in 60 days.