

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 403 Session of 2013

INTRODUCED BY GROVE, GINGRICH, METCALFE, STEPHENS, EVANKOVICH, EMRICK, DUNBAR, HICKERNELL, MILLARD, BAKER, AUMENT, KAUFFMAN, STERN, MACKENZIE, MOUL, MILLER, MULLERY, F. KELLER, C. HARRIS, FLECK, MURT, TOEPEL, SWANGER, PETRI, BLOOM, ROCK, PEIFER, GABLER, GILLEN AND GRELL, JANUARY 29, 2013

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JANUARY 29, 2013

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:

1 Section 801. False Statements and Representations to Obtain
2 or Increase Compensation.--(a) Whoever makes a false statement
3 or representation knowing it to be false, or knowingly fails to
4 disclose a material fact to obtain or increase any compensation
5 or other payment under this act or under an employment security
6 law of any other state or of the Federal Government or of a
7 foreign government, either for himself or for any other person,
8 shall upon conviction thereof in a summary proceeding, be
9 sentenced to pay a fine of not less than [one] five hundred
10 dollars nor more than one thousand five hundred dollars, or
11 shall be sentenced to imprisonment for not longer than thirty
12 days, or both, and each such false statement or representation
13 or failure to disclose a material fact shall constitute a
14 separate offense. In addition to any other sanction, an
15 individual convicted under this subsection shall be ordered to
16 make restitution of the compensation to which the individual was
17 not entitled and of interest on that compensation in accordance
18 with section 804(a).

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

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

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

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

29 (1) An incarcerated individual makes a false statement
30 knowing it to be false, or knowingly fails to disclose a

1 material fact to obtain or increase any compensation or other
2 payment under this act, or under an employment security law of
3 the Federal Government for which he is ineligible under section
4 401(b) or 402.6.

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

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

21 Section 2. This act shall apply as follows:

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

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

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

1 effective date of this section.

2 Section 3. This act shall take effect immediately.