

HB5837



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5837

Introduced 11/10/2020, by Rep. Barbara Hernandez

SYNOPSIS AS INTRODUCED:

820 ILCS 405/901

from Ch. 48, par. 491

Amends the Unemployment Insurance Act to provide that, during the pendency of a disaster proclamation that is a result of a public health emergency or epidemic, provisions concerning ineligibility as a result of unemployment insurance fraud shall not apply to individuals residing in the counties affected by the gubernatorial disaster proclamation who are otherwise entitled to receive unemployment insurance benefits. Effective immediately.

LRB101 22117 BMS 73140 b

A BILL FOR

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unemployment Insurance Act is amended by
5 changing Section 901 as follows:

6 (820 ILCS 405/901) (from Ch. 48, par. 491)

7 Sec. 901. Fraud - Repayment - Ineligibility.

8 (1) An individual who, for the purpose of obtaining
9 benefits, knowingly makes a false statement or knowingly fails
10 to disclose a material fact, and thereby obtains any sum as
11 benefits for which he is not eligible:

12 A. Shall be required to repay such sum in cash, or the
13 amount thereof may be recovered or recouped pursuant to the
14 provisions of Section 900.

15 B. Shall be ineligible, except to the extent that such
16 benefits are subject to recoupment pursuant to this
17 Section, for benefits for the week in which he or she has
18 been notified of the determination of the claims
19 adjudicator referred to in Section 702 that he or she has
20 committed the offense described in the first paragraph and,
21 thereafter, for 6 weeks (with respect to each of which he
22 or she would be eligible for benefits but for the
23 provisions of this paragraph, not including weeks for which

1 such benefits are subject to recoupment pursuant to this
2 Section) for the first offense, and for 2 additional weeks
3 (with respect to each of which he or she would be eligible
4 for benefits but for the provisions of this paragraph, not
5 including weeks for which such benefits are subject to
6 recoupment pursuant to this Section) for each subsequent
7 offense. For the purposes of this paragraph, a separate
8 offense shall be deemed to have been committed in each week
9 for which such an individual has received a sum as benefits
10 for which he or she was not eligible. No ineligibility
11 under the provisions of this paragraph shall accrue with
12 respect to any week beginning after whichever of the
13 following occurs first: (1) 26 weeks (with respect to each
14 of which the individual would be eligible for benefits but
15 for the provisions of this paragraph, not including weeks
16 for which such benefits are subject to recoupment pursuant
17 to this Section) have elapsed since the date that he or she
18 is notified of the determination of the claims adjudicator
19 referred to in Section 702 that he or she has committed the
20 offense described in the first paragraph, or (2) 2 years
21 have elapsed since the date that he or she is notified of
22 the determination of the claims adjudicator referred to in
23 Section 702 that he or she has committed the offense
24 described in the first paragraph.

25 (2) Notwithstanding subsection (1), during the pendency of
26 a disaster proclamation issued by the Governor pursuant to

1 Section 7 of the Illinois Emergency Management Agency Act that
2 is a result of a public health emergency or epidemic, the
3 penalties and requirements of paragraph B of subsection (1)
4 shall not apply to individuals residing in the counties
5 affected by the gubernatorial disaster proclamation who are
6 otherwise entitled to receive benefits under this Act.

7 (Source: P.A. 91-342, eff. 1-1-00.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.