



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2945

Introduced 2/19/2021, by Rep. Barbara Hernandez - Jonathan Carroll

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 period established by gubernatorial proclamation in response to COVID-19, provisions concerning ineligibility as a result of unemployment insurance fraud shall not apply to individuals who are otherwise entitled to receive unemployment insurance benefits provided the fraud occurred before the issuance of the gubernatorial disaster proclamation. Effective immediately.

LRB102 16213 JLS 21592 b

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
14 the 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
21 and, thereafter, for 6 weeks (with respect to each of
22 which he or she would be eligible for benefits but for the
23 provisions of this paragraph, not including weeks for

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

25 (2) Notwithstanding subsection (1), if the individual's
26 benefit year begins on or after March 8, 2020, but prior to the

1 week following the last week of the disaster period
2 established by the gubernatorial disaster proclamation in
3 response to COVID-19 dated March 9, 2020 and any subsequent
4 gubernatorial disaster proclamation in response to COVID-19,
5 the penalties and requirements of paragraph B of subsection
6 (1) shall not apply to such individuals who are otherwise
7 entitled to receive benefits under this Act as long as the
8 false statement or failure to disclose a material fact in
9 subsection (1) occurred before March 9, 2020. Nothing in this
10 Section shall be construed to relieve an individual from any
11 penalties imposed under paragraph B of subsection (1), and
12 upon expiration of the disaster period established by the
13 gubernatorial disaster proclamation in response to COVID-19
14 dated March 9, 2020 and any subsequent gubernatorial disaster
15 proclamation in response to COVID-19, such penalties may be
16 imposed.

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

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.