



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5105

Introduced 1/29/2010, by Rep. Jil Tracy

#### SYNOPSIS AS INTRODUCED:

820 ILCS 405/901 from Ch. 48, par. 491  
820 ILCS 405/902 new

Amends the Unemployment Insurance Act. Provides that an individual who for the purpose of obtaining benefits fails to notify the Department of Employment Security when he or she quits, is discharged from work, or refuses work, or fails to look for work when required to do so, and reports to the Department that he or she searched for work, and thereby obtains any sum as benefits for which he or she is not eligible has committed unemployment insurance fraud. Provides that when any law enforcement official or the Department requests information from an employer or any other person for the purpose of detecting, prosecuting, or preventing unemployment insurance fraud, then the employer or other person shall take all reasonable actions to promptly provide the information requested, subject to any legal privilege protecting the information. Effective immediately.

LRB096 17859 RLC 33227 b

FISCAL NOTE ACT  
MAY APPLY

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 and adding Section 902 as follows:

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

7 Sec. 901. Fraud - Repayment - Ineligibility. An individual  
8 who, for the purpose of obtaining benefits,

9 1. knowingly makes a false statement; ~~or~~

10 2. knowingly fails to disclose a material fact;

11 3. fails to notify the Department when he or she quits,  
12 is discharged from work, or refuses work; or

13 4. fails to look for work when required to do so, and  
14 reports to the Department that he or she searched for work

15 and thereby obtains any sum as benefits for which he or she is  
16 not eligible has committed unemployment insurance fraud and:

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

20 B. Shall be ineligible, except to the extent that such  
21 benefits are subject to recoupment pursuant to this Section,  
22 for benefits for the week in which he or she has been notified  
23 of the determination of the claims adjudicator referred to in

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

1 has committed the offense described in the first paragraph.

2 C. All printed forms provided and required by an employer  
3 or the Department or otherwise required by law as a condition  
4 of payment of benefits shall contain a statement, permanently  
5 affixed to the application or claim form, that clearly states  
6 in substance the following:

7 It is a crime to knowingly provide false, incomplete,  
8 or misleading information to any party to an unemployment  
9 security benefits transaction for the purpose of  
10 committing fraud. Penalties include imprisonment, fines,  
11 and denial of benefits and other sanctions as authorized by  
12 law.

13 The lack of a statement required in this Section does not  
14 constitute a defense in any criminal prosecution under this  
15 Act.

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

17 (820 ILCS 405/902 new)

18 Sec. 902. Employer providing information about fraud.

19 (a) When any law enforcement official or the Department  
20 requests information from an employer or any other person for  
21 the purpose of detecting, prosecuting, or preventing  
22 unemployment insurance fraud, the employer or other person  
23 shall take all reasonable actions to promptly provide the  
24 information requested, subject to any legal privilege  
25 protecting the information.

1       (b) Any employer or other person who has reasonable belief  
2       that an act violating Section 901 of this Act will be, is  
3       being, or has been committed shall furnish and disclose any  
4       information in its possession concerning the act to the  
5       appropriate law enforcement official or the Department,  
6       subject to any legal privilege protecting the information.

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