



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB2541

Introduced 12/13/2011, by Sen. Kyle McCarter

#### 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 that, for the purpose of obtaining benefits, knowingly makes a false statement or knowingly fails to disclose a material fact commits unemployment insurance fraud. Requires a statement on the Department of Employment Security's website and on specified forms stating that it is a crime to knowingly provide false, incomplete, or misleading information to any party to an unemployment security benefits transaction for the purpose of committing fraud and outlines possible penalties. Provides that an employer or other person that law enforcement or the Department of Employment Security requests information from regarding unemployment insurance fraud shall take all reasonable actions to promptly provide the information requested and shall disclose information when he or she has a reasonable belief of a specified violation.

LRB097 14822 AEK 59851 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 and by adding Section 902 as follows:

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

7 Sec. 901. Fraud - Repayment - Ineligibility.

8 A. An individual who, for the purpose of obtaining  
9 benefits;~~7~~

10 i. knowingly makes a false statement, including but not  
11 limited to a false statement that he or she has sought  
12 work; or

13 ii. knowingly fails to disclose a material fact,  
14 including but not limited to the fact that he or she  
15 voluntarily left work, refused an offer of work or has been  
16 discharged from work and the reason for the discharge;

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

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

22 2. B. Shall be ineligible, except to the extent that  
23 such benefits are subject to recoupment pursuant to this

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

1 committed the offense described in the first paragraph, or  
2 (b) ~~(2)~~ 2 years have elapsed since the date that he or she  
3 is notified of the determination of the claims adjudicator  
4 referred to in Section 702 that he or she has committed the  
5 offense described in the first paragraph.

6 B. On the Department's website and on all printed forms  
7 provided and required by an employer or the Department or  
8 otherwise required by law as a condition of payment of benefits  
9 shall contain a statement, permanently affixed to the  
10 application or claim form, that clearly states the following:

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

17 The lack of a statement required in this Section does not  
18 constitute a defense in any criminal prosecution under this  
19 Act.

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

21 (820 ILCS 405/902 new)

22 Sec. 902. Employer providing information about fraud.

23 A. When any law enforcement official or the Department  
24 requests information from an employer or any other person for  
25 the purpose of detecting, prosecuting, or preventing

1 unemployment insurance fraud, the employer or other person  
2 shall take all reasonable actions to promptly provide the  
3 information requested, subject to any legal privilege  
4 protecting the information.

5 B. Any employer or other person who has reasonable belief  
6 that an act violating Section 901 will be, is being, or has  
7 been committed shall furnish and disclose any information in  
8 its possession concerning the act to the appropriate law  
9 enforcement official or the Department, subject to any legal  
10 privilege protecting the information.