102ND GENERAL ASSEMBLY
State of Illinois
2021 and 2022
HB2945


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
AN ACT concerning employment.

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

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

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

Sec. 901. Fraud - Repayment - Ineligibility.

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

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

B. Shall be ineligible, except to the extent that such benefits are subject to recoupment pursuant to this Section, for benefits for the week in which he or she has been notified of the determination of the claims adjudicator referred to in Section 702 that he or she has committed the offense described in the first paragraph and, thereafter, for 6 weeks (with respect to each of which he or she would be eligible for benefits but for the provisions of this paragraph, not including weeks for...
which such benefits are subject to recoupment pursuant to this Section) for the first offense, and for 2 additional weeks (with respect to each of which he or she would be eligible for benefits but for the provisions of this paragraph, not including weeks for which such benefits are subject to recoupment pursuant to this Section) for each subsequent offense. For the purposes of this paragraph, a separate offense shall be deemed to have been committed in each week for which such an individual has received a sum as benefits for which he or she was not eligible. No ineligibility under the provisions of this paragraph shall accrue with respect to any week beginning after whichever of the following occurs first: (1) 26 weeks (with respect to each of which the individual would be eligible for benefits but for the provisions of this paragraph, not including weeks for which such benefits are subject to recoupment pursuant to this Section) have elapsed since the date that he or she is notified of the determination of the claims adjudicator referred to in Section 702 that he or she has committed the offense described in the first paragraph, or (2) 2 years have elapsed since the date that he or she is notified of the determination of the claims adjudicator referred to in Section 702 that he or she has committed the offense described in the first paragraph.

(2) Notwithstanding subsection (1), if the individual's benefit year begins on or after March 8, 2020, but prior to the
week following the last week of the disaster period established by the gubernatorial disaster proclamation in response to COVID-19 dated March 9, 2020 and any subsequent gubernatorial disaster proclamation in response to COVID-19, the penalties and requirements of paragraph B of subsection (1) shall not apply to such individuals who are otherwise entitled to receive benefits under this Act as long as the false statement or failure to disclose a material fact in subsection (1) occurred before March 9, 2020. Nothing in this Section shall be construed to relieve an individual from any penalties imposed under paragraph B of subsection (1), and upon expiration of the disaster period established by the gubernatorial disaster proclamation in response to COVID-19 dated March 9, 2020 and any subsequent gubernatorial disaster proclamation in response to COVID-19, such penalties may be imposed.

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

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