

# HB3775



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB3775

by Rep. John D. Cavaletto

#### SYNOPSIS AS INTRODUCED:

820 ILCS 405/2800

from Ch. 48, par. 780

Amends the Unemployment Insurance Act. Provides that any person who makes a false statement or representation to obtain, increase, prevent suspension of, or prevent the reduction of any benefit or payment under this Act or the unemployment compensation law of any other state or the federal government, either for himself or herself or for any other person, commits the offense of unemployment insurance fraud. Provides that unemployment insurance fraud is a Class A misdemeanor and that a second or subsequent violation is a Class 4 felony.

LRB097 11939 AEK 55455 b

CORRECTIONAL  
BUDGET AND  
IMPACT 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 2800 as follows:

6 (820 ILCS 405/2800) (from Ch. 48, par. 780)

7 Sec. 2800. Violations and penalties.

8 A. It shall be unlawful for any person or employing unit  
9 to--

10 1. Make a false statement or representation or fail to  
11 disclose a material fact:

12 a. To obtain, or increase, or prevent, or reduce any  
13 benefit or payment under the provisions of this Act, or under  
14 the unemployment compensation law of any State or the Federal  
15 Government, either for himself or for any other person; or

16 b. To avoid or reduce any contribution or other payment  
17 required from an employing unit under this Act.

18 2. Fail to pay a contribution due under the provisions of  
19 this Act.

20 3. Fail to furnish any report, audit, or information duly  
21 required by the Director under this Act.

22 4. Refuse to allow the Director or his duly authorized  
23 representative to inspect or copy the pay roll or other records

1 or documents relative to the enforcement of this Act or  
2 required by this Act.

3 5. Make any deduction from the wages of any individual in  
4 its employ because of its liability for the payment of  
5 contributions required by this Act.

6 6. Knowingly fail to furnish to any individual in its  
7 employ any notice, report, or information duly required under  
8 the provisions of this Act or the rules or regulations of the  
9 Director.

10 7. Attempt to induce any individual, directly or indirectly  
11 (by promise of re-employment or by threat not to employ or not  
12 to re-employ or by any other means), to refrain from claiming  
13 or accepting benefits or to waive any other rights under this  
14 Act; or to maintain a rehiring policy which discriminates  
15 against former individuals in its employ by reason of their  
16 having claimed benefits.

17 8. Pay contributions upon wages for services not rendered  
18 for such employing unit if the purpose of such payment is  
19 either to reduce the amount of contributions due or to become  
20 due from any employing unit or to affect the benefit rights of  
21 any individual.

22 9. Solicit, or aid or abet the solicitation of, information  
23 from any individual concerning his place of employment,  
24 residence, assets or earnings, by any means which are intended  
25 to mislead such individual to believe that the person or  
26 employing unit seeking such information is the Department or

1 one of its Divisions or branches, or a representative thereof.

2 B. Any employing unit or person who willfully violates any  
3 provision of this Section or any other provision of this Act or  
4 any rule or regulation promulgated thereunder, or does any act  
5 prohibited by this Act, or who fails, neglects, or refuses to  
6 perform any duty required by any provision of this Act or rule  
7 or regulation of the Director, within the time prescribed by  
8 the Director, for which no penalty has been specifically  
9 provided, or who fails, neglects, or refuses to obey any lawful  
10 order given or made by the Director, with the exception of  
11 unemployment insurance fraud under subsection B-5 of this  
12 Section, shall be guilty of a Class B misdemeanor, and each  
13 such act, failure, neglect, or refusal shall constitute a  
14 separate and distinct offense. If such person or employing unit  
15 is a corporation, the president, the secretary, and the  
16 treasurer, and any other officer exercising corresponding  
17 functions, shall each be subject to the aforesaid penalties for  
18 the violation of any provisions of this Section of which he or  
19 they had or, in the exercise of his or their duties, ought to  
20 have had knowledge.

21 B-5. Any person who makes a false statement or  
22 representation to obtain, increase, prevent suspension of, or  
23 prevent the reduction of any benefit or payment under this Act  
24 or the unemployment compensation law of any state or the  
25 federal government, either for himself or herself or for any  
26 other person, commits the offense of unemployment insurance

1 fraud.

2 Unemployment insurance fraud is a Class A misdemeanor. A

3 second or subsequent violation is a Class 4 felony.

4 (Source: P.A. 77-2439.)