

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2012



ENROLLED

House Bill No. 4549

(By Delegates White, T. Campbell, Varner and Williams)
[By Request of the Department of Commerce]



Passed March 10, 2012

To Take Effect July 1, 2012

ENROLLED

H. B. 4549

(BY DELEGATES WHITE, T. CAMPBELL, VARNER AND WILLIAMS)
[BY REQUEST OF THE DEPARTMENT OF COMMERCE]

[Passed March 10, 2012; to take effect July 1, 2012.]

AN ACT to amend and reenact §21A-10-7 of the Code of West Virginia, 1931, as amended, relating to imposing a monetary penalty on unemployment compensation recipients for obtaining benefits through the use of fraudulent statements or actions; specifying disposition of the penalties collected; and providing that penalty amounts may not be used to offset future benefit payments to recipients.

Be it enacted by the Legislature of West Virginia:

That §21A-10-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 10. GENERAL PROVISIONS.

§21A-10-7. False representations; penalties.

- 1 (a) A person who makes a false statement or
- 2 representation knowing it to be false or who knowingly fails
- 3 to disclose a material fact in order to obtain or attempt to
- 4 obtain or increase a benefit, either for himself, herself or
- 5 another, under this chapter, or under an employment security

6 law of any other state or of the federal government for either
7 of which jurisdictions this state is acting as an agent, is guilty
8 of a misdemeanor, and, upon conviction, shall be punished by
9 a fine of not less than \$100 nor more than \$1,000, or by
10 confinement in jail for not longer than thirty days, or both,
11 and by full repayment of all benefits obtained fraudulently.
12 Each false statement or representation, or failure to disclose
13 a material fact, is a separate offense.

14 (b) After July 1, 2012, a penalty of twenty percent of the
15 amount of the erroneous payment attaches to the amount of
16 the liability to be repaid by the benefit recipient for any
17 payment of benefits determined to be obtained by the
18 recipient's fraudulent statements or actions. The first
19 seventy-five percent of the penalty collected from the benefit
20 recipient shall be deposited in the state's Unemployment
21 Trust Fund with the remaining twenty-five percent of the
22 penalty collected to be deposited in a special administrative
23 account to be used for increased integrity activities to identify
24 and recover erroneous payments of benefits created by
25 fraudulent activities of benefit recipients. Penalty amounts
26 established due to fraudulent activities of benefit recipients
27 may not be used to offset future benefits payable to benefit
28 recipients.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

To take effect July 1, 2012.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2012.

Governor