

2024 Regular Session

HOUSE BILL NO. 247

BY REPRESENTATIVE ECHOLS

UNEMPLOYMENT COMP: Provides relative to criminal penalties for accepting overpayment of unemployment benefits

1 AN ACT

2 To amend and reenact R.S. 23:1601(8) and to enact R.S. 23:1714(D), relative to
3 unemployment compensation benefits; to provide relative to the disqualification of
4 benefits; to provide for certain penalties for the acceptance of overpayments of
5 benefits; to provide for an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 23:1601(8) is hereby amended and reenacted and R.S. 23:1714(D)
8 is hereby enacted to read as follows:

9 §1601. Disqualification for benefits

10 An individual shall be disqualified for benefits:

11 * * *

12 (8)(a) For the week, or fraction thereof, with respect to which he makes a
13 false statement or representation knowing it to be false, or knowingly fails to
14 disclose a material fact in obtaining or increasing benefits, whether or not he is
15 successful in obtaining or increasing benefits, or otherwise due to his fraud receives
16 any amount as benefits under this Chapter to which he was not entitled, for the
17 remainder of the benefit year subsequent to the commission of the fraudulent act and
18 continuing ~~for the fifty-two weeks which immediately follow the week in which such~~
19 ~~determination was made~~ until the benefits so obtained plus any penalty imposed in

1 accordance with R.S. 23:1714 are repaid, or until ten years have elapsed from the
2 date of disqualification.

3 (b) All benefits paid with respect to such weeks shall be immediately due
4 and on demand paid in accordance with department regulations to the administrator
5 for the fund and such individual shall not be entitled to further benefits until
6 repayment has been made or the claim for repayment has prescribed. If information
7 indicating a claimant has earned any unreported wages for weeks claimed is obtained
8 by the administrator, prior to the administrator rendering a determination on the issue
9 the claimant shall be notified by mail or other delivery method. The claimant shall
10 have seven days from the date of mailing to respond, or if notice is not by mail, then
11 the claimant shall have seven days from the delivery date of such notice to respond.

12 ~~(b)~~ (c) A claim for repayment under this Section shall prescribe against the
13 state ten years from the date the administrator determines that repayment is due. This
14 prescription shall be interrupted for the period of time during which an appeal is
15 pending, by the filing of suit for collection by the administrator or by an
16 acknowledgment or partial payment of the indebtedness. Any disqualification
17 decision or determination pursuant to this Paragraph may be appealed in the same
18 manner as from any other disqualification imposed under this Chapter.

19 * * *

20 §1714. Penalties

21 * * *

22 D. In all overpayments involving one thousand dollars or more of benefits
23 obtained as a result of fraud, as defined in R.S. 23:1601(8), the administrator shall
24 refer all information relating to the overpayment and claimant to the office of the
25 district attorney in which the claimant resides. Acceptance of such overpayment
26 shall be considered a crime of theft under R.S. 14:67. Notwithstanding this
27 Subsection, neither a criminal referral or conviction is necessary for the
28 administrator to assess any civil penalty outlined in this Section or R.S. 23:1601(8).

29 Section 2. The provisions of this Act shall become effective on December 31, 2024.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 247 Engrossed

2024 Regular Session

Echols

Abstract: Provides for penalties for the acceptance of overpayments of unemployment benefits.

Present law provides for the payment of unemployment benefits to persons qualifying for such benefits.

Present law provides that an individual shall be disqualified for benefits for the week, or a fraction thereof, with respect to which he makes a false statement or representation knowing it to be false, or knowingly fails to disclose a material fact in obtaining or increasing benefits, whether or not he is successful in obtaining or increasing benefits, or otherwise due to his fraud receives any amount as benefits under present law to which he was not entitled, for the remainder of the benefit year subsequent to the commission of the fraudulent act and continuing for the 52 weeks which immediately follow the week in which such determination was made.

Proposed law removes the 52-week disqualification period and, instead, provides that the individual shall be disqualified until the benefits obtained plus any penalty imposed in accordance with R.S. 23:1714 are repaid, or until 10 years have elapsed from the date of disqualification.

Proposed law provides that in all overpayments involving \$1000 or more of benefits obtained as a result of fraud, as defined in present law (R.S. 23:1601(8)), the administrator shall refer all information relating to the overpayment and claimant to the office of the district attorney in which the claimant resides.

Proposed law further provides that acceptance of such overpayment shall be considered a crime of theft under present law (R.S. 14:67), and provides that neither a criminal referral or conviction is necessary for the administrator to assess any civil penalty.

Effective Dec. 31, 2024.

(Amends R.S. 23:1601(8); Adds R.S. 23:1714(D))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Labor and Industrial Relations to the original bill:

1. Make a technical change.