

**HOUSE SUMMARY OF SENATE AMENDMENTS****HB 247****2024 Regular Session****Echols**

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

**Synopsis of Senate Amendments**

1. Provides for a burden of proof that an overpayment was obtained by fraud or false pretenses in order for it to be considered a crime of theft.

**Digest of Bill as Finally Passed by Senate**

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), if there is proof beyond a reasonable doubt that the overpayment was obtained by fraud or false pretenses.

Proposed law 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))