



General Assembly

February Session, 2012

Raised Bill No. 5234

LCO No. 686

00686_____LAB

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

AN ACT INCREASING CRIMINAL AND FINANCIAL PENALTIES TO EMPLOYERS FOR FALSE OR MISLEADING DECLARATIONS, STATEMENTS OR REPRESENTATIONS RELATING TO CERTAIN UNEMPLOYMENT COMPENSATION PAYMENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 31-273 of the 2012 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective January 1, 2013*):

4 (c) Any person, firm or corporation who knowingly employs a
5 person and pays such employee without declaring such payment in
6 the payroll records shall be guilty of a class [A misdemeanor] D felony.

7 Sec. 2. Subsection (e) of section 31-273 of the 2012 supplement to the
8 general statutes is repealed and the following is substituted in lieu
9 thereof (*Effective January 1, 2013*):

10 (e) If the administrator determines that any person, firm or
11 corporation has wilfully failed to declare the payment of wages on
12 payroll records, the administrator may impose a penalty of [ten] fifteen
13 per cent of the total contributions [past] due to the administrator

14 during the entire period the person, firm or corporation wilfully failed
15 to declare the payment of wages on payroll records, as determined
16 pursuant to section 31-270. Such penalty shall be in addition to any
17 other applicable penalty and interest under section 31-266. In addition,
18 the administrator may require the person, firm or corporation to make
19 contributions at the maximum rate provided in section 31-225a for a
20 period of one year following the determination by the administrator
21 concerning the wilful nondeclaration. If the person, firm or corporation
22 is paying or should have been paying, the maximum rate at the time of
23 the determination, the administrator may require that such maximum
24 rate continue for a period of three years following the determination.

25 Sec. 3. Subsection (f) of section 31-273 of the 2012 supplement to the
26 general statutes is repealed and the following is substituted in lieu
27 thereof (*Effective January 1, 2013*):

28 (f) Any person who knowingly makes a false statement or
29 representation or fails to disclose a material fact in order to obtain,
30 increase, prevent or decrease any benefit, contribution or other
31 payment under this chapter, or under any similar law of another state
32 or of the United States in regard to which this state acted as agent
33 pursuant to an agreement authorized by section 31-225, whether to be
34 made to or by himself or any other person, and who receives any such
35 benefit, pays any such contribution or alters any such payment to his
36 advantage by such fraudulent means [(1)] shall be guilty of a class [A
37 misdemeanor if such benefit, contribution or payment amounts to five
38 hundred dollars or less or (2) shall be guilty of a class] D felony. [if
39 such benefit, contribution or payment amounts to more than five
40 hundred dollars.] Notwithstanding the provisions of section 54-193, no
41 person shall be prosecuted for a violation of the provisions of this
42 subsection committed on or after October 1, 1977, except within five
43 years next after such violation has been committed.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>January 1, 2013</i>	31-273(c)
Sec. 2	<i>January 1, 2013</i>	31-273(e)
Sec. 3	<i>January 1, 2013</i>	31-273(f)

Statement of Purpose:

To increase criminal and financial penalties on employers for misleading declarations, statements or representations relating to certain unemployment compensation payments.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]