



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-2268/1
MED:klm

2017 ASSEMBLY BILL 710

December 4, 2017 - Introduced by Representatives KERKMAN, R. BROOKS, HORLACHER, NEYLON, HUTTON, TUSLER and JACQUE, cosponsored by Senators KAPENGA and CRAIG. Referred to Committee on Public Benefit Reform.

1 **AN ACT** *to renumber and amend* 108.24 (1); and *to create* 108.24 (1) (b) and
2 (c) of the statutes; **relating to:** criminal penalties for fraud in obtaining
3 unemployment insurance benefits and providing a criminal penalty.

Analysis by the Legislative Reference Bureau

Current law establishes penalties for certain violations under the unemployment insurance (UI) law, including for knowingly making a false statement or representation to obtain any UI benefit payment, for which the penalty is a fine of not less than \$100 nor more than \$500 or imprisonment for not more than 90 days, or both. Current law provides that each such false statement or representation constitutes a separate offense.

This bill instead provides that a person who knowingly makes a false statement or representation to obtain any UI benefit payment: 1) if the value of any benefits obtained does not exceed \$2,500, is subject to a fine not to exceed \$10,000 or imprisonment not to exceed 9 months, or both; 2) if the value of any benefits obtained exceeds \$2,500 but does not exceed \$5,000, is guilty of a Class I felony; 3) if the value of any benefits obtained exceeds \$5,000 but does not exceed \$10,000, is guilty of a Class H felony; or 4) if the value of any benefits obtained exceeds \$10,000, is guilty of a Class G felony. The bill provides that multiple violations may be prosecuted as a single crime.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 108.24 (1) of the statutes is renumbered 108.24 (1) (a) and amended
2 to read:

3 108.24 (1) (a) Any person who knowingly makes a false statement or
4 representation to obtain any benefit payment under this chapter, either for himself
5 or herself or for any other person, ~~shall be fined not less than \$100 nor more than~~
6 ~~\$500 or imprisoned not more than 90 days, or both; and each such false statement~~
7 ~~or representation constitutes a separate offense. This may be penalized as provided~~
8 ~~in par. (b). Any penalty imposed under par. (b) is in addition to any penalty imposed~~
9 under s. 108.04 (11) (bh).

10 **SECTION 2.** 108.24 (1) (b) and (c) of the statutes are created to read:

11 108.24 (1) (b) Whoever violates par. (a):

12 1. If the value of any benefits obtained does not exceed \$2,500, is subject to a
13 fine not to exceed \$10,000 or imprisonment not to exceed 9 months, or both.

14 2. If the value of any benefits obtained exceeds \$2,500 but does not exceed
15 \$5,000, is guilty of a Class I felony.

16 3. If the value of any benefits obtained exceeds \$5,000 but does not exceed
17 \$10,000, is guilty of a Class H felony.

18 4. If the value of any benefits obtained exceeds \$10,000, is guilty of a Class G
19 felony.

20 (c) In any case involving more than one violation of par. (a), all such violations
21 may be prosecuted as a single crime.

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1 **SECTION 3. Initial applicability.**

2 (1) UNEMPLOYMENT INSURANCE; CRIMINAL PENALTIES FOR BENEFIT FRAUD. This act
3 first applies to a violation of section 108.24 (1) (a) of the statutes committed on the
4 effective date of this subsection.

5 **SECTION 4. Effective date.**

6 (1) UNEMPLOYMENT INSURANCE; CRIMINAL PENALTIES FOR BENEFIT FRAUD. This act
7 takes effect on the first Sunday after publication.

8 (END)