



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-3240/1  
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## 2015 SENATE BILL 401

December 3, 2015 - Introduced by Senators KAPENGA, DARLING, GUDEx, MARKLEIN, NASS, STROEBEL and WANGGAARD, cosponsored by Representatives KERKMAN, ALLEN, BRANDTJEN, HORLACHER, KLEEFISCH, KNODL, KREMER, T. LARSON, SKOWRONSKI, SPIROS, TITTL and QUINN. Referred to Committee on Labor and Government 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.

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### *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.

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*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) 1. 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           2. In any case involving more than one violation of par. (a) but prosecuted as  
2 a single crime, it is sufficient to allege generally that the person knowingly made  
3 false statements or representations to obtain benefit payments under this chapter  
4 of a certain value between certain dates, without specifying any particulars.

5           **SECTION 3. Initial applicability.**

6           (1) UNEMPLOYMENT INSURANCE; CRIMINAL PENALTIES FOR BENEFIT FRAUD. This act  
7 first applies to a violation of section 108.24 (1) (a) of the statutes, as affected by this  
8 act, committed on the effective date of this subsection.

9           **SECTION 4. Effective date.**

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

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(END)