

Part 13
Unemployment Insurance Fraud

76-8-1301 False statements regarding unemployment compensation -- Penalties.

- (1)
- (a) A person who makes a false statement or representation knowing it to be false or knowingly fails to disclose a material fact, to obtain or increase a benefit or other payment under Title 35A, Chapter 4, Employment Security Act, or under the Unemployment Compensation Law of any state or of the federal government for any person is guilty of unemployment insurance fraud.
 - (b) A violation of Subsection (1)(a) is:
 - (i) a class B misdemeanor when the value of the money obtained or sought to be obtained is less than \$500;
 - (ii) a class A misdemeanor when the value of the money obtained or sought to be obtained is or exceeds \$500 but is less than \$1,500;
 - (iii) a third degree felony when the value of the money obtained or sought to be obtained is or exceeds \$1,500 but is less than \$5,000; or
 - (iv) a second degree felony when the value of the money obtained or sought to be obtained is or exceeds \$5,000.
 - (c) The determination of the degree of an offense under Subsection (1)(b) shall be measured by the total value of all money obtained or sought to be obtained by the unlawful conduct.
- (2)
- (a) An officer or agent of an employing unit as defined in Section 35A-4-202 or any other person who makes a false statement or representation knowing it to be false, or who knowingly fails to disclose a material fact, to prevent or reduce the payment of unemployment compensation benefits to an individual entitled to those benefits, or to avoid becoming or remaining a subject employer or to avoid or reduce any contribution or other payment required from an employing unit under Title 35A, Chapter 4, Employment Security Act, or under the Unemployment Compensation Law of any state or of the federal government, or who willfully fails or refuses to make a contribution or other payment or to furnish any report required in Title 35A, Chapter 4, Employment Security Act, or to produce or permit the inspection or copying of records as required under that chapter is guilty of unemployment insurance fraud.
 - (b) A violation of Subsection (2)(a) is:
 - (i) a class B misdemeanor when the value of the money obtained or sought to be obtained is less than \$500;
 - (ii) a class A misdemeanor when the value of the money obtained or sought to be obtained is or exceeds \$500 but is less than \$1,500;
 - (iii) a third degree felony when the value of the money obtained or sought to be obtained is or exceeds \$1,500 but is less than \$5,000; or
 - (iv) a second degree felony when the value of the money obtained or sought to be obtained is or exceeds \$5,000.
- (3)
- (a) A person who willfully violates any provision of Title 35A, Chapter 4, Employment Security Act, or any order made under that chapter, the violation of which is made unlawful or the observance of which is required under the terms of that chapter, and for which a penalty is neither prescribed in that chapter nor provided by any other applicable statute is guilty of a class A misdemeanor.

- (b) Each day a violation of Subsection (3)(a) continues shall be a separate offense.
- (4) A person is guilty of a class C misdemeanor if:
 - (a) as an employee of the Department of Workforce Services, in willful violation of Section 35A-4-312, the employee makes a disclosure of information obtained from an employing unit or individual in the administration of Title 35A, Chapter 4, Employment Security Act; or
 - (b) the person has obtained a list of applicants for work or of claimants or recipients of benefits under Title 35A, Chapter 4, Employment Security Act, and uses or permits the use of the list for any political purpose.

Amended by Chapter 193, 2010 General Session