

VIRGINIA ACTS OF ASSEMBLY -- 2013 RECONVENED SESSION

CHAPTER 740

An Act to amend the Code of Virginia by adding in Article 6 of Chapter 6 of Title 60.2 a section numbered 60.2-636, relating to notices of penalties for fraudulent claims for unemployment compensation benefits.

[H 1707]

Approved April 3, 2013

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 6 of Chapter 6 of Title 60.2 a section numbered 60.2-636 as follows:

§ 60.2-636. Notice of penalties for false or misleading statements.

A. The Commission shall provide to each claimant notices of the sanctions to which the claimant is subject as a consequence of providing false or misleading statements to obtain unemployment benefits. The notices shall, at a minimum, (i) identify the penalties and sanctions to which any person is liable as a result of providing false or misleading statements to obtain benefits; (ii) inform the claimant that making a false statement or representation knowing it to be false or knowingly failing to disclose a material fact, with intent to obtain or increase any benefit or other payment under this title, is punishable as a Class 1 misdemeanor; and (iii) provide a summary of all remedies available to the Commission to collect overpayments made to a claimant as a result of his making false or misleading statements to obtain benefits.

B. The notices required by subsection A shall be included with the written statement advising claimants of their benefit rights and responsibilities that is provided by the Commission to claimants following the filing of the initial claim. In addition, the notices shall be provided to claimants at the time of the filing of initial and weekly claims by the same medium, including telephone or the Internet, that is used by the claimant to file his claim.

C. The failure of the claimant to receive any of the notices set out in subsection A shall not constitute a defense to any criminal prosecution for unemployment insurance fraud under § 60.2-632, to an administrative fraud disqualification under subdivision 4 of § 60.2-618, or to any overpayment of benefits under § 60.2-633 that the claimant would be required to repay as a result of the fraudulent act or acts.