SENATE BILL 985

By: Senator Hershey
Introduced and read first time: February 19, 2022
Assigned to: Rules

A BILL ENTITLED

AN ACT concerning

Labor and Employment – Unemployment Insurance Violations – Penalties

FOR the purpose of altering the criminal penalties for a conviction for certain
unemployment insurance–related offenses; and generally relating to penalties for
violations of the Maryland Unemployment Insurance Law.

BY repealing and reenacting, with amendments,

Article – Labor and Employment
Section 8–1305
Annotated Code of Maryland
(2016 Replacement Volume and 2021 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Labor and Employment

8–1305.

(a) Unless another penalty is provided by statute, a person who willfully violates
a provision of this title or a regulation adopted under this title is guilty of a misdemeanor
and on conviction is subject to a fine NOT LESS THAN $600 AND not exceeding [$1,000]
$2,300 or imprisonment not exceeding [90 days] 3 YEARS or both.

(b) In addition to the penalty under subsection (a) of this section, a person who
violates § 8–1301 of this subtitle:

(1) shall make full restitution of the benefit unlawfully received and pay a
monetary penalty of 15% of the benefit unlawfully received, including interest at a rate of
1.5% a month on the total amount of restitution plus the monetary penalty from the date

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
the Secretary notifies the person of the amount to be recovered;

(2) shall be disqualified from receiving benefits for any week of unemployment, including the week in which a determination is made that the individual filed a claim involving a false statement, false representation, or failure to disclose a material fact, until:

(i) the Secretary determines that:

1. the benefit unlawfully received has been repaid in full; and

2. the monetary penalty of 15% and interest at a rate of 1.5% a month on the total amount of benefit unlawfully received plus the monetary penalty have been paid in full; or

(ii) the Secretary determines that:

1. in the Secretary’s sole discretion under §8–809(f)(3) of this title, the benefit unlawfully received and interest are uncollectible; and

2. the claimant has paid the 15% monetary penalty in full; and

(3) shall be disqualified from receiving benefits:

(i) if there were no other previous determinations made that the individual violated §8–1301 of this subtitle during the immediately preceding 4 benefit years, for 1 year from the date on which a determination is made that the individual filed a claim involving a false statement, false representation, or failure to disclose a material fact;

(ii) if there were previous determinations made that the individual violated §8–1301 of this subtitle in only 1 of the immediately preceding 4 benefit years, for 2 years from the date on which a determination is made that the individual filed a claim involving a false statement, false representation, or failure to disclose a material fact; and

(iii) if there were previous determinations made that the individual violated §8–1301 of this subtitle in more than 1 of the immediately preceding 4 benefit years, for 3 years from the date on which a determination is made that the individual filed a claim involving a false statement, false representation, or failure to disclose a material fact.

(c) (1) An employing unit or officer or agent of an employing unit who violates §8–1303 of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine NOT LESS THAN $600 AND not exceeding [$1,000] $2,300 or imprisonment not exceeding 1 year or both.
(2) A person who violates § 8–5A–08(b) or (d) of this title is guilty of a misdemeanor and on conviction is subject to a fine NOT LESS THAN $600 AND not exceeding [$1,000] $2,300 or imprisonment not exceeding 1 year or both.

(3) A person who violates § 8–1304 of this subtitle is guilty of a misdemeanor for each day the violation continues and on conviction is subject to a fine NOT LESS THAN $600 AND not exceeding [$1,000] $2,300 or imprisonment not exceeding 1 year or both.

(4) An employee of the Secretary or Board of Appeals who violates § 8–625 of this title is guilty of a misdemeanor and on conviction is subject to a fine NOT LESS THAN $600 AND not exceeding [$1,000] $2,300 or imprisonment not exceeding 1 year or both.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.