

CHAPTER 206  
HB 246 – FINAL VERSION

05/30/13 1601s  
05/30/13 1727s  
05/30/13 1798s

2013 SESSION

13-0646  
08/05

HOUSE BILL           **246**

AN ACT               relative to falsity of reports by employers and unemployment benefits recipients.

SPONSORS:          Rep. A. White, Graf 13

COMMITTEE:        Labor, Industrial and Rehabilitative Services

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This bill:

I. Makes refusing to submit certain reports a criminal offense.

II. Requires court-ordered restitution in criminal prosecutions of false reports by a recipient of unemployment benefits.

III. Lowers the percentage of the penalty on overpayments.

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Explanation:        Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

AN ACT relative to falsity of reports by employers and unemployment benefits recipients.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 206:1 Falsity by Employer. Amend RSA 282-A:166, I(i)-(j) to read as follows:

2 (i) Who violates or attempts to violate RSA 282-A:91-a [~~shall be guilty of an offense as~~  
3 ~~provided in paragraph II~~]; or

4 (j) Who fails or refuses to furnish a report which includes every individual who  
5 performed services in employment for the time period applicable to such report ***shall be guilty of***  
6 ***an offense as provided in paragraph II.***

7 206:2 Disqualification from Receiving Benefits. Amend RSA 282-A:163-164 to read as follows:

8 282-A:163 Disqualification, ***Restitution, and Penalty.***

9 ***I.*** Any individual who is convicted under RSA 282-A:161 shall be deemed disqualified from  
10 receiving benefits for one year from the date of such conviction.

11 ***II.*** All benefits received for any week or weeks directly affected by such false statement or  
12 representation or failure to disclose a material fact shall be deemed overpaid, and ***the court in all***  
13 ***such cases shall order*** restitution [~~shall be ordered by the court in all such cases~~] in an amount  
14 equal to such overpayment, ***plus a penalty equal to 20 percent of such amount.***

15 ***III. Payments of the 20 percent penalty on convictions made under this section on or***  
16 ***before October 20, 2013 shall be deposited into the fund established in RSA 282-A:140.***

17 ***IV. Payments of the 20 percent penalty on convictions made under this section on or***  
18 ***after October 21, 2013 shall be divided with 1/4 of such payments being deposited into the***  
19 ***fund established in RSA 282-A:140 and 3/4 of such payments being deposited into the***  
20 ***unemployment compensation fund established in RSA 282-A:103.***

21 206:3 Representation in Court. Amend RSA 282-A:137, III to read as follows:

22 ***III.*** Subject to the approval and supervision of the attorney general as to matters of law, the  
23 general counsel and counsel of the department may appear in any court in civil proceedings for the  
24 collection of taxes and recovery of overpaid benefits. ***However, upon the filing of any claim***  
25 ***against the department in any circuit court district division as a result of such***  
26 ***proceedings, the department shall move for immediate removal of the entire proceeding to***  
27 ***the superior court. The superior court shall have exclusive jurisdiction to hear such***

**CHAPTER 206**  
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**- Page 2 -**

1 **claims.** Upon request of the commissioner and approval of the attorney general, the general counsel  
2 and counsel may appear in any proceeding where such appearance is deemed by the attorney general  
3 to be in the best interest of the state.

4       206:4 Effective Date. This act shall take effect upon its passage.

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6 Approved: July 10, 2013

7 Effective Date: July 10, 2013