

By: Legler

H.B. No. 2494

A BILL TO BE ENTITLED

AN ACT

relating to the recovery of fraudulently obtained unemployment benefits.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 214.002, Labor Code, is amended to read as follows:

Sec. 214.002. LIABILITY FOR IMPROPERLY OR FRAUDULENTLY OBTAINING BENEFITS.

SECTION 2. Section 214.002, Labor Code, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:

(a-1) A person who receives benefits through the commission of an offense under Section 214.001 is liable for the amount of the fraudulently obtained benefits that the person received. The commission may recover fraudulently obtained benefits by:

(1) any means described by Subsection (a) for the recovery of improper benefits; or

(2) garnishment of wages.

(b) In this section:

(1) "Fraudulently obtained benefit" means a benefit obtained by a person through the commission of an offense under Section 214.001.

(2) "Improper [~~,"improper]~~ benefit" means a [~~the~~] benefit obtained by a person:

1 (A) [~~(1)~~] because of the nondisclosure or
2 misrepresentation by the person or by another of a material fact,
3 without regard to whether the nondisclosure or misrepresentation
4 was known or fraudulent; and

5 (B) [~~(2)~~] while:

6 (i) [~~(A)~~] any condition imposed by this
7 subtitle for the person's qualifying for the benefit was not
8 fulfilled in the person's case; or

9 (ii) [~~(B)~~] the person was disqualified from
10 receiving benefits.

11 SECTION 3. The changes in law made by this Act to Section
12 214.002, Labor Code, apply to benefits obtained through an offense
13 committed under Section 214.001, Labor Code, on or after the
14 effective date of this Act. Benefits obtained through an offense
15 committed before the effective date of this Act are governed by the
16 law in effect when the offense was committed, and the former law is
17 continued in effect for that purpose. For purposes of this section,
18 an offense was committed before the effective date of this Act if
19 any element of the offense occurred before that date.

20 SECTION 4. This Act takes effect on the date on which the
21 constitutional amendment proposed by the 82nd Legislature, Regular
22 Session, 2011, authorizing garnishment of wages for the recovery of
23 fraudulently obtained unemployment benefits is approved by the
24 voters. If that amendment is not approved by the voters, this Act
25 has no effect.