

AMENDED IN ASSEMBLY APRIL 21, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2362

Introduced by Assembly Member Grove

February 21, 2014

An act to amend Section 1263 of the Unemployment Insurance Code, relating to unemployment insurance.

LEGISLATIVE COUNSEL'S DIGEST

AB 2362, as amended, Grove. Unemployment insurance benefits: disqualifications: convictions.

Existing law provides the forfeiture of, and ineligibility for, unemployment insurance benefits for certain time periods for any individual convicted *under a specified provision* in a court of competent jurisdiction of willfully making a false statement or knowingly failing to disclose a material fact to obtain or increase any benefit or payment ~~in violation of a specified provision of state law under unemployment and disability compensation laws.~~

This bill would additionally provide for the forfeiture of, and ineligibility for, unemployment insurance benefits for certain time periods for any individual convicted ~~of willfully making a false statement or knowingly failing to disclose a material fact to obtain or increase any benefit or payment in violation of provisions of the Penal Code and a federal mail fraud provision.~~ *under specified forgery, grand theft, and false claims provisions in state law or a federal mail fraud provision for those acts or omissions. This bill would require a court of this state to report convictions of those state laws to the Employment Development Department.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1263 of the Unemployment Insurance
2 Code is amended to read:
3 1263. (a) Any individual convicted under Section ~~2101~~,
4 ~~provisions 2101 of this code, Section 470, 487, or 550 of the Penal~~
5 Code, or Section 1341 of Title 18 of the United States ~~Code Code~~,
6 by any court of competent jurisdiction of this state or the federal
7 government of willfully making a false statement or knowingly
8 failing to disclose a material fact to obtain or increase any benefit
9 or payment under this division shall forfeit any rights to benefits
10 for the week in which the criminal complaint was filed and for the
11 51 consecutive calendar weeks which immediately follow that
12 week, irrespective of a subsequent order under the provisions of
13 Section 1203.4 of the Penal Code allowing the individual to
14 withdraw his or her plea of guilty and to enter a plea of not guilty,
15 or setting aside the verdict of guilty or dismissing the criminal
16 complaint, but a forfeiture of benefits under this subdivision shall
17 extend no later than the effective date of any order under Section
18 1203.4 of the Penal Code, and, if the period of forfeiture has not
19 previously expired, the forfeiture of benefits under this subdivision
20 shall terminate as of the effective date of any such order.
21 (b) Any individual convicted under Section ~~2101~~, ~~provisions~~
22 ~~2101 of this code, Section 470, 487, or 550 of the Penal Code, or~~
23 Section 1341 of Title 18 of the United States ~~Code Code~~, by any
24 court of competent jurisdiction of this state or the federal
25 government of willfully making a false statement or knowingly
26 failing to disclose a material fact to obtain or increase any benefit
27 or payment under this part, Part 3 (commencing with Section 3501),
28 or Part 4 (commencing with Section 4001) shall, irrespective of a
29 subsequent order under the provisions of Section 1203.4 of the
30 Penal Code allowing the individual to withdraw his or her plea of
31 guilty and to enter a plea of not guilty, or setting aside the verdict
32 of guilty or dismissing the criminal complaint, be ineligible to
33 receive unemployment compensation or extended duration benefits
34 or federal-state extended benefits for the week in which the
35 criminal complaint was filed, or any subsequent week, for which

1 he or she is first otherwise in all respects eligible for unemployment
2 compensation or extended duration benefits or federal-state
3 extended benefits and for 14 subsequent weeks for which he or
4 she is otherwise in all respects eligible for unemployment
5 compensation or extended duration benefits or federal-state
6 extended benefits. No disqualification under this subdivision shall
7 be applied to any week if all or any portion of the week is beyond
8 the three-year period next succeeding the date of the filing of the
9 criminal complaint.

10 (c) The department shall, effective upon the date of the filing
11 of a criminal complaint against an individual prosecuted under
12 ~~Section 2101, provisions 2101 of this code, Section 470, 487, or~~
13 *550 of the Penal Code, or Section 1341 of Title 18 of the United*
14 *States Code, suspend the payment of benefits to the individual.*

15 (d) A plea or verdict of guilty, or a conviction following a plea
16 of nolo contendere, is deemed to be a conviction within the
17 meaning of this section irrespective of whether an order granting
18 probation or other order is made suspending the imposition of the
19 sentence or whether sentence is imposed but execution thereof is
20 suspended.

21 (e) Notwithstanding the provisions of this section, an individual
22 may during a period of forfeiture under subdivision (a) of this
23 section meet the conditions to remove any disqualification that is
24 imposed under Sections 1260 or 1261, or subdivision (b) of this
25 section, but no week during the period of forfeiture shall be used
26 to offset the amount of any overpayment.

27 (f) *A court of this state shall report any convictions under*
28 *Section 470, 487, or 550 of the Penal Code of willfully making a*
29 *false statement or knowingly failing to disclose a material fact to*
30 *obtain or increase any benefit or payment under this division to*
31 *the department.*