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CHAPTER 214. OFFENSES, PENALTIES, AND SANCTIONS

Sec. 214.001. Fraudulently Obtaining Benefits or Other Payment

- (a) A person commits an offense if, to obtain or increase a benefit or other payment, either for the person or another person, under this subtitle, the unemployment compensation law of another state, or any act or program of the United States that is administered by the commission, the person:
 - (1) makes a false statement or representation, knowing it to be false; or
 - (2) knowingly fails to disclose a material fact.
- (b) An offense under this section is a Class A misdemeanor.

Sec. 214.002. Liability for Improperly Obtaining Benefits

- (a) A person who has received improper benefits is liable for the amount of the improper benefits. The commission may recover improper benefits by:
 - (1) deducting the amount of the improper benefits from any future benefits payable to the person; or
 - (2) collecting the amount of the improper benefits for the compensation fund in the same manner provided by Sections 213.031, 213.032, 213.033, 213.035, and 213.051 for the collection of past due contributions.
- (b) In this section, "**improper benefit**" means the benefit obtained by a person:
 - (1) because of the nondisclosure or misrepresentation by the person or by another of a material fact, without regard to whether the nondisclosure or misrepresentation was known or fraudulent; and
 - (2) while:
 - (A) any condition imposed by this subtitle for the person's qualifying for the benefit was not fulfilled in the person's case; or
 - (B) the person was disqualified from receiving benefits.

Sec. 214.003. Forfeiture or Cancellation of Benefits Paid and Remaining Benefits

- (a) If, by willful nondisclosure or misrepresentation of a material fact, whether the nondisclosure or misrepresentation is made by the person or for the person by another, a person receives a

benefit when a condition imposed by this subtitle for the person's qualifying for the benefit is not fulfilled or the person is disqualified from receiving the benefit, the person forfeits the:

- (1) benefit received; and
 - (2) rights to benefits that remain in the benefit year in which the nondisclosure or misrepresentation occurred.
- (b) If a person attempts to obtain or increase benefits by a nondisclosure or misrepresentation as provided by Subsection (a), the commission may cancel the person's right to benefits that remain in the benefit year in which the nondisclosure or misrepresentation occurred.
- (c) A forfeiture or cancellation under this section is effective only after the person has been afforded an opportunity for a fair hearing before the commission or its duly designated representative.

Sec. 214.004. Fraudulently Avoiding Contribution or Payment of Benefits

- (a) A person commits an offense if the person makes a false representation, knowing it to be false, or knowingly fails to disclose a material fact, to:
- (1) prevent or reduce the payment of benefits to an individual entitled to the benefits;
 - (2) avoid becoming or remaining subject to this subtitle; or
 - (3) avoid or reduce any contribution or other payment required from an employing unit under this subtitle.
- (b) An offense under this section is a Class A misdemeanor.

Sec. 214.005. Failure or Refusal to Make Contribution or Other Payment

- (a) A person commits an offense if the person willfully fails or refuses to make a contribution or other payment required from an employing unit under this subtitle.
- (b) An offense under this section is a Class A misdemeanor.

Sec. 214.006. Offenses Regarding Reports and Records

- (a) A person commits an offense if the person willfully fails or refuses to:
- (1) furnish a report required under this subtitle; or
 - (2) produce or permit the inspection or copying of records as required under this subtitle.
- (b) An offense under this section is a Class A misdemeanor.

Sec. 214.007. General Offense

- (a) A person commits an offense if the person willfully violates a provision of this subtitle or a rule adopted under this subtitle:
 - (1) the violation of which is made unlawful or the observance of which is required under this subtitle; and
 - (2) for which a penalty is not otherwise provided by this subtitle or any other applicable statute.
- (b) An offense under this section is a Class A misdemeanor.

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