

### **341.990 Penalties.**

- (1) Except as otherwise provided in subsection (11) of this section, any employee of any state agency who violates any of the provisions of KRS 341.110 to 341.230 shall be guilty of a Class B misdemeanor.
- (2) Any person subpoenaed to appear and testify or produce evidence in an inquiry, investigation, or hearing conducted under this chapter who fails to obey the subpoena shall be guilty of a Class B misdemeanor.
- (3) Any subject employer, or officer or agent of a subject employer, who violates subsection (1) of KRS 341.470 shall be guilty of a Class A misdemeanor.
- (4) Any person who violates subsection (2) of KRS 341.470 shall be guilty of a Class A misdemeanor.
- (5)
  - (a) Any person who knowingly makes a false statement or representation of a material fact or knowingly fails to disclose a material fact to the secretary to obtain or increase any benefit under this chapter or under an employment security law of any other state, or of the federal government, either for himself or herself or for any other person, business entity, or organization shall be guilty of a Class B misdemeanor unless:
    1. The value of the benefits procured or attempted to be procured is five hundred dollars (\$500) or more but less than one thousand dollars (\$1,000), in which case it is a Class A misdemeanor;
    2. The value of the benefits procured or attempted to be procured is one thousand dollars (\$1,000) or more, in which case it is a Class D felony; or
    3. The person has three (3) or more convictions under subparagraph 1. of this paragraph within the last five (5) years, in which case it is a Class D felony. The five (5) year period shall be measured from the dates on which the offenses occurred for which the judgments of conviction were entered.
  - (b) If any person commits two (2) or more separate offenses under paragraph (a) of this subsection within ninety (90) days, the offenses may be combined and treated as a single offense, and the value of the property in each offense may be aggregated for the purpose of determining the appropriate charge.
- (6)
  - (a) Any person who knowingly makes a false statement or representation, or who knowingly fails to disclose a material fact to prevent or reduce the payment of benefits to any worker entitled thereto, or to avoid becoming or remaining subject to this chapter, or to avoid or reduce any payment required of an employing unit under this chapter shall be guilty of a Class B misdemeanor unless:
    1. The liability avoided or attempted to be avoided is five hundred dollars (\$500) or more but less than one thousand dollars (\$1,000), in which case it is a Class A misdemeanor;
    2. The liability avoided or attempted to be avoided is one thousand dollars (\$1,000) or more, in which case it is a Class D felony; or

3. The person has three (3) or more convictions under subparagraph 1. of this paragraph within the last five (5) years, in which case it is a Class D felony. The five (5) year period shall be measured from the dates on which the offenses occurred for which the judgments of conviction were entered.
  - (b) If any person commits two (2) or more separate offenses under paragraph (a) of this subsection within ninety (90) days, the offenses may be combined and treated as a single offense, and the value of the property in each offense may be aggregated for the purpose of determining the appropriate charge.
  - (c) Any person who willfully fails or refuses to furnish any reports required, or to produce or permit the inspection or copying of records required in this chapter shall be guilty of a Class B misdemeanor. Each such false statement, representation or failure and each day of failure or refusal shall constitute a separate offense.
- (7) In any prosecution for the violation of subsection (5) or (6) of this section, it shall be a defense if the person relied on the advice of an employee or agent of the Office of Unemployment Insurance, Department of Workforce Investment.
- (8) Any person who willfully violates any provision of this chapter or any rule or regulation under it, the violation of which is made unlawful or the observance of which is required under the terms of this chapter, and for which no specific penalty is prescribed in this chapter or in any other applicable statute, shall be guilty of a violation. Each day the violation continues shall constitute a separate offense.
- (9) In addition to the higher rates imposed under KRS 341.540(7), any person, whether or not an employing unit, who knowingly advises or assists an employing unit in the violation or attempted violation of KRS 341.540 or any other provision of this chapter related to determining the assignment of a contribution rate shall be subject to a civil monetary penalty of not less than five thousand dollars (\$5,000).
- (10) Proceeds from all penalties imposed under subsection (9) of this section and KRS 341.540 shall be deposited in the unemployment compensation administration account and shall be expended solely for the cost of administration of this chapter consistent with KRS 341.240.
- (11) Any person who violates the confidentiality provision in KRS 341.190(4) shall be guilty of a Class A misdemeanor.

**Effective:** June 29, 2021

**History:** Amended 2021 Ky. Acts ch. 66, sec. 4, effective June 29, 2021. -- Amended 2019 Ky. Acts ch. 146, sec. 69, effective June 27, 2019. -- Amended 2017 Ky. Acts ch. 133, sec. 5, effective June 29, 2017. -- Amended 2008 Ky. Acts ch. 111, sec. 2, effective July 15, 2008. -- Amended 2006 Ky. Acts ch. 211, sec. 155, effective July 12, 2006. -- Amended 2005 Ky. Acts ch. 12, sec. 2, effective June 20, 2005. -- Amended 1994 Ky. Acts ch. 136, sec. 6, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 463, sec. 37, effective July 14, 1992. -- Amended 1979 (1st Extra. Sess.) Ky. Acts ch. 2, secs. 7 and 12, effective February 10, 1979. -- Amended 1974 Ky. Acts ch. 74, Art. VI, sec. 107(21). -- Amended 1952 Ky. Acts ch. 154, sec. 18. -- Amended 1950 Ky. Acts ch. 206, sec. 1. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 4748g-4, 4748g-12, 4748g-16.