

3-10-97 Judiciary

FILED MAR 10 1997

SENATE FILE **373**
BY MADDOX

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the workers' compensation law by providing for
2 criminal penalties for certain violations and
3 misrepresentations.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 373

1 Section 1. NEW SECTION. 85.26A OFFENSES -- PENALTIES.

2 1. An individual who makes a false statement or
3 representation knowing it to be false or who knowingly fails
4 to disclose a material fact, in order to obtain or increase
5 any benefit or other payment under this chapter, or chapter
6 85A, 85B, or 86, either for the individual or for any other
7 individual, commits a fraudulent practice as defined in
8 sections 714.8 through 714.14. The total amount of benefits
9 or payments involved in the completion of or in the attempt to
10 complete a fraudulent practice shall be used in determining
11 the value involved under section 714.14.

12 2. An employer or an officer or agent of an employer or
13 any other person who makes a false statement or representation
14 knowing it to be false, or who knowingly fails to disclose a
15 material fact, to prevent or reduce the payment of benefits to
16 any individual entitled to benefits under this chapter, or
17 chapter 85A, 85B, or 86, is guilty of a fraudulent practice as
18 defined in sections 714.8 through 714.14. The total amount of
19 benefits involved in the completion of or in the attempt to
20 complete a fraudulent practice shall be used in determining
21 the value involved under section 714.14.

22 3. Any person who willfully violates any provisions of
23 this chapter, or chapter 85A, 85B, or 86, or any rule
24 thereunder, the violation of which is made unlawful or the
25 observance of which is required under the terms of this
26 chapter, or chapter 85A, 85B, or 86, and for which a penalty
27 is neither prescribed herein nor provided by any other
28 applicable statute, commits a simple misdemeanor.

29 EXPLANATION

30 This bill provides that it is a fraudulent practice for a
31 person to make a false statement to try and receive or help
32 another to receive an increased workers' compensation benefit
33 and it is also a fraudulent practice for an employer to make a
34 false statement to try and reduce their liability for workers'
35 compensation benefits. The bill provides that the total

1 amount of benefits involved shall be used in determining the
2 value involved for purposes of establishing the degree of the
3 fraudulent practice pursuant to Code chapter 714. The bill
4 also provides that any violation of a workers' compensation
5 provision in Code chapter 85, 85A, 85B, or 86 shall, if no
6 penalty is otherwise specified, constitutes a simple
7 misdemeanor.

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