

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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SENATE BILL 326

Short Title: Soliciting SUTA Dumping a Felony.

(Public)

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Sponsors: Senators Hoyle and Clodfelter.

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Referred to: Judiciary I.

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March 6, 2003

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT A PERSON SOLICITING A VIOLATION OF OR  
2 CONSPIRING TO VIOLATE THE LAW MAKING IT A MISDEMEANOR FOR  
3 EMPLOYING UNITS TO MAKE FALSE STATEMENTS TO THE  
4 EMPLOYMENT SECURITY COMMISSION IS GUILTY OF A FELONY, SO AS  
5 TO DETER THE PRACTICE OF STATE EMPLOYMENT TAX AVOIDANCE  
6 (SUTA DUMPING).  
7

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 96-18(b) reads as rewritten:

10 "(b) Any employing unit or any officer or agent of an employing unit or any other  
11 person who makes a false statement or representation, knowing it to be false, or who  
12 knowingly fails to disclose a material fact to prevent or reduce the payment of benefits  
13 to any individual entitled thereto, or to avoid becoming or remaining subject hereto or to  
14 avoid or reduce any contributions or other payment required from an employing unit  
15 under this Chapter, or who willfully fails or refuses to furnish any reports required  
16 hereunder, or to produce or permit the inspection or copying of records as required  
17 hereunder, shall be guilty of a Class 1 misdemeanor; and each such false statement or  
18 representation or failure to disclose a material fact, and each day of such failure or  
19 refusal shall constitute a separate offense. Notwithstanding G.S. 14-2.6(b), any person  
20 who solicits any person to violate this subsection is guilty of a Class H felony. Any  
21 person, other than the employing unit or an officer or employee of that unit, who  
22 conspires to violate this subsection, is guilty of a Class H felony."

23 **SECTION 2.** This act is effective when it becomes law.