

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

HB22-1119 be amended as follows:

1 Amend the Judiciary Committee Report, dated April 5, 2022, page 3, line
2 26, strike "AWARD." and substitute "AWARD.

3 (8) (a) IF THE ATTORNEY GENERAL OR A POLITICAL SUBDIVISION
4 HAS AUTHORITY TO BRING OR INTERVENE IN A CIVIL ACTION PURSUANT TO
5 THIS PART 12, THE ATTORNEY GENERAL OR POLITICAL SUBDIVISION MAY
6 ACCEPT FROM A PERSON ALLEGED TO HAVE VIOLATED SUBSECTION (1) OF
7 THIS SECTION, IN LIEU OF OR AS A PART OF A CIVIL ACTION, AN ASSURANCE
8 OF DISCONTINUANCE OR A CONSENT ORDER APPROVED BY A COURT OF
9 COMPETENT JURISDICTION OF THE ALLEGED VIOLATION OF THIS PART 12.
10 THE ASSURANCE OR CONSENT ORDER MAY INCLUDE A STIPULATION FOR
11 THE VOLUNTARY PAYMENT BY THE ALLEGED VIOLATOR OF ANY RELIEF
12 AUTHORIZED BY THIS PART 12, INCLUDING PAYMENT FOR INVESTIGATION
13 AND LITIGATION COSTS INCURRED BY THE ATTORNEY GENERAL, POLITICAL
14 SUBDIVISION, OR PRIVATE PERSON WHO BROUGHT AN ACTION PURSUANT
15 TO SECTION 24-31-1204(4), AND ACTUAL DAMAGES RESULTING FROM THE
16 FALSE CLAIM PLUS ANY AUTHORIZED MULTIPLIER, INTEREST, AND CIVIL
17 MONEY PENALTY.

18 (b) AN ASSURANCE OF DISCONTINUANCE ACCEPTED BY THE
19 ATTORNEY GENERAL OR POLITICAL SUBDIVISION AND ANY CONSENT ORDER
20 FILED WITH THE COURT AS A PART OF AN ACTION IS A MATTER OF PUBLIC
21 RECORD UNLESS THE ATTORNEY GENERAL OR POLITICAL SUBDIVISION
22 DETERMINES, AT THE ATTORNEY GENERAL'S OR POLITICAL SUBDIVISION'S
23 DISCRETION, THAT IT IS CONFIDENTIAL TO THE PARTIES TO THE ACTION OR
24 PROCEEDING AND TO THE COURT AND ITS EMPLOYEES. UPON THE FILING OF
25 A CIVIL ACTION OR A MOTION OR PETITION IN A PENDING CIVIL ACTION BY
26 THE ATTORNEY GENERAL OR POLITICAL SUBDIVISION ALLEGING THAT A
27 PERSON HAS VIOLATED A CONFIDENTIAL ASSURANCE OF DISCONTINUANCE
28 OR CONSENT ORDER ACCEPTED PURSUANT TO THIS SUBSECTION (8), THE
29 ASSURANCE OF DISCONTINUANCE OR CONSENT ORDER IS A PUBLIC RECORD
30 AND OPEN TO INSPECTION BY ANY PERSON.

31 (c) PROOF BY A PREPONDERANCE OF THE EVIDENCE OF A
32 VIOLATION OF AN ASSURANCE OR STIPULATION OR CONSENT ORDER IS
33 PRIMA FACIE EVIDENCE OF A VIOLATION FOR THE PURPOSES OF ANY CIVIL
34 ACTION OR PROCEEDING BROUGHT BY THE ATTORNEY GENERAL OR
35 POLITICAL SUBDIVISION AFTER THE ALLEGED VIOLATION OF THE
36 ASSURANCE OR STIPULATION OR CONSENT ORDER, WHETHER A NEW
37 ACTION OR A MOTION OR PETITION IN A PENDING ACTION OR
38 PROCEEDING.".

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