

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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