

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0204.01 Conrad Imel x2313

**HOUSE BILL 22-1119**

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**HOUSE SPONSORSHIP**

**Gray,**

**SENATE SPONSORSHIP**

**Winter,**

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**House Committees**

Judiciary  
Finance  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING CIVIL LIABILITY FOR PRESENTING FALSE CLAIMS FOR**  
102 **PAYMENT TO THE STATE.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill establishes the "Colorado False Claims Act" (the act). Pursuant to the act, a person is liable to the state or a political subdivision of the state for a civil penalty if the person commits, conspires to commit, or aids and abets the commission of any of the following (collectively, "false claims"):

- Knowingly presenting, or causing to be presented, a false

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

- or fraudulent claim for payment or approval;
- Knowingly making, using, or causing to be made or used a false record or statement material to a false or fraudulent claim;
- Having possession, custody, or control of property or money used, or to be used, by the state or political subdivision and knowingly delivering, or causing to be delivered, less than all of the money or property;
- Authorizing the making or delivery of a document certifying receipt of property used, or to be used, by the state or political subdivision and, with the intent to defraud the state or political subdivision, making or delivering the receipt without completely knowing that the information on the receipt is true;
- Knowingly buying, or receiving as a pledge of an obligation or debt, public property from an officer or employee of the state or political subdivision who lawfully may not sell or pledge the property; or
- Knowingly making, using, or causing to be made or used a false record or statement material to an obligation to pay or transmit money or property to the state or political subdivision, or knowingly concealing or knowingly and improperly avoiding or decreasing an obligation to pay or transmit money or property to the state or political subdivision.

A person who makes a false claim is liable to the state or a political subdivision for the same amount provided in the federal "False Claims Act", as adjusted for inflation, plus 3 times the amount of the damages sustained by the state or political subdivision, and the costs incurred for the investigation and prosecution of the false claim.

The bill requires the attorney general or a local prosecutor to investigate false claims. The attorney general, prosecuting authority of a political subdivision, or a private individual (relator) may bring a civil action against a person who made a false claim. The bill permits the attorney general or prosecuting authority of a political subdivision to intervene in an action brought by a relator. A relator may be awarded up to 30% of the proceeds from a false claims action based on the extent the relator contributed to the investigation and prosecution of the false claim. If the relator is an employee of the state or political subdivision and learns information about the false claim in the course of the relator's work, the court will award that amount to the relator's employer.

The bill authorizes the state auditor to share information about potential false claims with the attorney general and a political subdivision.

A court cannot hear a false claim action:

- Brought against a serving member of the general assembly,

a member of the state judiciary, or an elected official in the executive branch of the state of Colorado acting in the member's or official's official capacity; or

- Based on the same allegations or transactions that are the subject of a different civil or administrative proceeding.

The bill prohibits retaliatory action against an individual because of the individual's efforts in furtherance of investigating, prosecuting, or stopping false claims. A court hearing a false claims action may hear a claim for retaliation against the individual.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 24-31-101, **amend**  
3 (1)(p) and (1)(q); and **add** (1)(r) as follows:

4 **24-31-101. Powers and duties of attorney general.** (1) The  
5 attorney general:

6 (p) May bring a civil action to enforce the provisions of section  
7 24-31-113; ~~and~~

8 (q) May bring a civil action to enforce the provisions of section  
9 24-31-307 (2) or a criminal action to enforce the provisions of section  
10 24-31-307 (3); AND

11 (r) MAY BRING OR INTERVENE IN A CIVIL ACTION, CONDUCT  
12 INVESTIGATIONS, AND ISSUE CIVIL INVESTIGATION DEMANDS PURSUANT TO  
13 THE "COLORADO FALSE CLAIMS ACT", PART 12 OF THIS ARTICLE 31.

14 **SECTION 2.** In Colorado Revised Statutes, **add** part 12 to article  
15 31 of title 24 as follows:

16 PART 12

17 COLORADO FALSE CLAIMS ACT

18 **24-31-1201. Short title.** THE SHORT TITLE OF THIS PART 12 IS THE  
19 "COLORADO FALSE CLAIMS ACT".

20 **24-31-1202. Definitions.** AS USED IN THIS PART 12, UNLESS THE

1 CONTEXT OTHERWISE REQUIRES:

2 (1) (a) "CLAIM" MEANS A REQUEST OR DEMAND, WHETHER UNDER  
3 A CONTRACT OR OTHERWISE, FOR MONEY OR PROPERTY AND WHETHER OR  
4 NOT THE STATE OR A POLITICAL SUBDIVISION HAS TITLE TO THE MONEY OR  
5 PROPERTY, THAT IS:

6 (I) PRESENTED TO AN OFFICER, EMPLOYEE, OR AGENT OF THE  
7 STATE OR POLITICAL SUBDIVISION; OR

8 (II) MADE TO A CONTRACTOR, GRANTEE, OR OTHER RECIPIENT, IF  
9 THE MONEY OR PROPERTY IS TO BE SPENT OR USED ON THE STATE'S OR  
10 POLITICAL SUBDIVISION'S BEHALF OR TO ADVANCE A GOVERNMENT  
11 PROGRAM OR INTEREST, AND IF THE STATE OR POLITICAL SUBDIVISION:

12 (A) PROVIDES OR HAS PROVIDED ANY PORTION OF THE MONEY OR  
13 PROPERTY REQUESTED OR DEMANDED; OR

14 (B) WILL REIMBURSE SUCH CONTRACTOR, GRANTEE, OR OTHER  
15 RECIPIENT FOR ANY PORTION OF THE MONEY OR PROPERTY THAT IS  
16 REQUESTED OR DEMANDED.

17 (b) "CLAIM" DOES NOT INCLUDE A REQUEST OR DEMAND FOR  
18 MONEY OR PROPERTY THAT THE STATE OR A POLITICAL SUBDIVISION HAS  
19 PAID:

20 (I) TO AN INDIVIDUAL AS COMPENSATION FOR EMPLOYMENT BY  
21 THE STATE OR POLITICAL SUBDIVISION;

22 (II) AS AN INCOME SUBSIDY WITH NO RESTRICTIONS ON THAT  
23 INDIVIDUAL'S USE OF THE MONEY OR PROPERTY;

24 (III) TO AN INDIVIDUAL AS PART OF A GOVERNMENT ASSISTANCE  
25 PROGRAM IN AN AMOUNT LESS THAN TEN THOUSAND DOLLARS IN A  
26 CALENDAR YEAR; OR

27 (IV) TO AN INDIVIDUAL UNDER THE "COLORADO MEDICAL

1 ASSISTANCE ACT", ARTICLES 4, 5, AND 6 OF TITLE 25.5.

2 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF LAW.

3 (3) "FUND" MEANS THE FALSE CLAIMS RECOVERY CASH FUND  
4 CREATED IN SECTION 24-31-1209.

5 (4) (a) "KNOWING" OR "KNOWINGLY" MEAN THAT A PERSON, WITH  
6 RESPECT TO INFORMATION ABOUT A CLAIM:

7 (I) HAS ACTUAL KNOWLEDGE OF THE FALSITY OF THE  
8 INFORMATION;

9 (II) ACTS IN DELIBERATE IGNORANCE OF THE TRUTH OR FALSITY OF  
10 THE INFORMATION; OR

11 (III) ACTS IN RECKLESS DISREGARD OF THE TRUTH OR FALSITY OF  
12 THE INFORMATION.

13 (b) "KNOWING" OR "KNOWINGLY" DOES NOT REQUIRE PROOF OF  
14 SPECIFIC INTENT TO DEFRAUD. A PERSON WHO ACTS MERELY NEGLIGENTLY  
15 WITH RESPECT TO INFORMATION IS NOT DEEMED TO HAVE ACTED  
16 KNOWINGLY, UNLESS THE PERSON ACTS WITH RECKLESS DISREGARD OF  
17 THE TRUTH OR FALSITY OF THE INFORMATION.

18 (5) "MATERIAL" MEANS HAVING A NATURAL TENDENCY TO  
19 INFLUENCE, OR BE CAPABLE OF INFLUENCING, THE PAYMENT OR RECEIPT  
20 OF MONEY OR PROPERTY.

21 (6) "OBLIGATION" MEANS AN ESTABLISHED DUTY, WHETHER OR  
22 NOT FIXED, ARISING FROM AN EXPRESS OR IMPLIED CONTRACTUAL,  
23 GRANTOR-GRANTEE, OR LICENSOR-LICENSEE RELATIONSHIP; FROM A  
24 FEE-BASED OR SIMILAR RELATIONSHIP; FROM STATUTE OR REGULATION; OR  
25 FROM THE RETENTION OF ANY OVERPAYMENT.

26 (7) "PERSON" MEANS ANY INDIVIDUAL, CORPORATION, BUSINESS  
27 TRUST, ESTATE, TRUST, LIMITED LIABILITY COMPANY, PARTNERSHIP,

1 ASSOCIATION, OR OTHER NONGOVERNMENTAL LEGAL ENTITY.

2 (8) "POLITICAL SUBDIVISION" MEANS A TOWN, CITY, COUNTY, OR  
3 CITY AND COUNTY.

4 (9) "PROCEEDS" MEANS ALL MONEY, PROPERTY, DAMAGES,  
5 DOUBLE DAMAGES, TREBLE DAMAGES, CIVIL PENALTIES, AND PAYMENTS  
6 FOR COSTS OF COMPLIANCE, INCLUDING REASONABLE COSTS AND  
7 ATTORNEY FEES, REALIZED BY THE STATE OR A POLITICAL SUBDIVISION,  
8 WHETHER AS A RESULT OF ANY SETTLEMENT OF OR JUDGMENT ENTERED  
9 IN ANY ACTION BROUGHT PURSUANT TO THIS PART 12.

10 (10) "PROSECUTING AUTHORITY" MEANS THE COUNTY ATTORNEY,  
11 CITY ATTORNEY, OR OTHER LOCAL GOVERNMENT OFFICIAL, INCLUDING A  
12 DULY ELECTED DISTRICT ATTORNEY, CHARGED WITH INVESTIGATING,  
13 FILING, AND CONDUCTING CIVIL LEGAL PROCEEDINGS ON BEHALF OF, OR IN  
14 THE NAME OF, A PARTICULAR POLITICAL SUBDIVISION.

15

16 **24-31-1203. False claims - civil liability for certain acts -**  
17 **penalty - exception.** (1) SUBJECT TO SUBSECTION (2) OF THIS SECTION  
18 ANDEXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5) OF THIS SECTION,  
19 A PERSON IS LIABLE TO THE STATE OR A POLITICAL SUBDIVISION FOR A  
20 CIVIL PENALTY OF NOT LESS THAN ELEVEN THOUSAND EIGHT HUNDRED  
21 DOLLARS AND NOT MORE THAN TWENTY-THREE THOUSAND SIX HUNDRED  
22 DOLLARS PER VIOLATION, PLUS THREE TIMES THE AMOUNT OF DAMAGES  
23 THAT THE STATE OR POLITICAL SUBDIVISION SUSTAINS BECAUSE OF THE  
24 ACT OF THAT PERSON, IF THAT PERSON:

25 (a) KNOWINGLY PRESENTS, OR CAUSES TO BE PRESENTED, A FALSE  
26 OR FRAUDULENT CLAIM FOR PAYMENT OR APPROVAL;

27 (b) KNOWINGLY MAKES, USES, OR CAUSES TO BE MADE OR USED A

1 FALSE RECORD OR STATEMENT MATERIAL TO A FALSE OR FRAUDULENT  
2 CLAIM;

3 (c) HAS POSSESSION, CUSTODY, OR CONTROL OF PROPERTY OR  
4 MONEY USED, OR TO BE USED, BY THE STATE OR POLITICAL SUBDIVISION  
5 AND KNOWINGLY DELIVERS, OR CAUSES TO BE DELIVERED, LESS THAN ALL  
6 OF THE MONEY OR PROPERTY;

7 (d) AUTHORIZES THE MAKING OR DELIVERY OF A DOCUMENT  
8 CERTIFYING RECEIPT OF PROPERTY USED, OR TO BE USED, BY THE STATE OR  
9 POLITICAL SUBDIVISION AND, WITH THE INTENT TO DEFRAUD THE STATE OR  
10 POLITICAL SUBDIVISION, MAKES OR DELIVERS THE RECEIPT WITHOUT  
11 COMPLETELY KNOWING THAT THE INFORMATION ON THE RECEIPT IS TRUE;

12 (e) KNOWINGLY BUYS, OR RECEIVES AS A PLEDGE OF AN  
13 OBLIGATION OR DEBT, PUBLIC PROPERTY FROM AN OFFICER OR EMPLOYEE  
14 OF THE STATE OR POLITICAL SUBDIVISION WHO LAWFULLY MAY NOT SELL  
15 OR PLEDGE THE PROPERTY;

16 (f) KNOWINGLY MAKES, USES, OR CAUSES TO BE MADE OR USED A  
17 FALSE RECORD OR STATEMENT MATERIAL TO AN OBLIGATION TO PAY OR  
18 TRANSMIT MONEY OR PROPERTY TO THE STATE OR POLITICAL SUBDIVISION,  
19 OR KNOWINGLY CONCEALS OR KNOWINGLY AND IMPROPERLY AVOIDS OR  
20 DECREASES AN OBLIGATION TO PAY OR TRANSMIT MONEY OR PROPERTY TO  
21 THE STATE OR POLITICAL SUBDIVISION; [REDACTED]

22 (g) KNOWINGLY MAKES, USES, OR CAUSES TO BE MADE OR USED,  
23 A FALSE RECORD OR STATEMENT MATERIAL TO A CLAIM TO  
24 UNEMPLOYMENT INSURANCE BENEFITS WHEN THE PERSON HAS  
25 WRONGFULLY RECOVERED UNEMPLOYMENT INSURANCE BENEFITS FROM  
26 THE STATE OF MORE THAN FIFTEEN THOUSAND DOLLARS IN A CALENDAR  
27 YEAR; OR

1 (h) CONSPIRES TO COMMIT A VIOLATION OF SUBSECTIONS (1)(a) TO  
2 (1)(g) OF THIS SECTION.

3 (2) (a) NOTWITHSTANDING THE AMOUNT OF DAMAGES  
4 AUTHORIZED IN SUBSECTION (1) OF THIS SECTION, FOR A PERSON WHO  
5 VIOLATES SUBSECTION (1) OF THIS SECTION, THE COURT MAY ASSESS  
6 REDUCED DAMAGES AND PENALTIES AS DESCRIBED IN SUBSECTION (2)(b)  
7 OR (2)(c) OF THIS SECTION IF THE COURT FINDS THAT:

8 (I) THE PERSON WHO COMMITTED THE VIOLATION FURNISHED TO  
9 THE OFFICIALS OF THE STATE OR POLITICAL SUBDIVISION RESPONSIBLE FOR  
10 INVESTIGATING FALSE CLAIMS VIOLATIONS ALL INFORMATION ABOUT THE  
11 VIOLATION KNOWN TO THE PERSON AND FURNISHED SAID INFORMATION  
12 WITHIN THIRTY DAYS AFTER THE DATE ON WHICH THE PERSON FIRST  
13 LEARNED OF A POTENTIAL VIOLATION;

14 (II) AT THE TIME THE PERSON FURNISHED THE INFORMATION  
15 ABOUT THE VIOLATION TO THE OFFICIALS OF THE STATE OR POLITICAL  
16 SUBDIVISION, THE PERSON DID NOT HAVE ACTUAL OR CONSTRUCTIVE  
17 KNOWLEDGE OF THE EXISTENCE OF AN INVESTIGATION INTO THE  
18 VIOLATION; AND

19 (III) THE PERSON FULLY COOPERATED WITH ANY INVESTIGATION  
20 OF THE VIOLATION BY THE STATE OR POLITICAL SUBDIVISION.

21 (b) IF A PERSON DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION  
22 FURNISHED INFORMATION ABOUT THE VIOLATION TO THE OFFICIALS OF THE  
23 STATE OR POLITICAL SUBDIVISION BEFORE A CRIMINAL PROSECUTION, CIVIL  
24 ACTION, OR ADMINISTRATIVE ACTION WAS COMMENCED WITH RESPECT TO  
25 THE VIOLATION, THE COURT SHALL ASSESS ONE AND ONE-HALF THE  
26 AMOUNT OF ACTUAL DAMAGES RESULTING FROM THE FALSE CLAIM,  
27 INCLUDING INTEREST FROM THE DATE OF THE FRAUD TO THE DATE OF FULL



1 REPAYMENT OF ALL DAMAGES, THAT THE STATE OR POLITICAL  
2 SUBDIVISION SUSTAINS BECAUSE OF THE VIOLATION AND A CIVIL PENALTY  
3 OF NOT LESS THAN FIVE THOUSAND NINE HUNDRED DOLLARS AND NOT  
4 MORE THAN ELEVEN THOUSAND EIGHT HUNDRED DOLLARS PER VIOLATION.

5 (c) IF A PERSON DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION  
6 FURNISHED INFORMATION ABOUT THE VIOLATION TO THE OFFICIALS OF THE  
7 STATE OR POLITICAL SUBDIVISION WHILE A CRIMINAL PROSECUTION, CIVIL  
8 ACTION, OR ADMINISTRATIVE ACTION CONCERNING THE VIOLATION WAS  
9 UNDER SEAL PURSUANT TO SECTION 24-31-1204 (4)(b), THE COURT SHALL  
10 ASSESS DOUBLE THE AMOUNT OF ACTUAL DAMAGES RESULTING FROM THE  
11 FALSE CLAIM, INCLUDING INTEREST FROM THE DATE OF THE FRAUD TO THE  
12 DATE OF FULL REPAYMENT OF ALL DAMAGES, THAT THE STATE OR  
13 POLITICAL SUBDIVISION SUSTAINS BECAUSE OF THE VIOLATION AND A CIVIL  
14 PENALTY OF NOT LESS THAN SEVEN THOUSAND EIGHT HUNDRED DOLLARS  
15 AND NOT MORE THAN FIFTEEN THOUSAND SEVEN HUNDRED DOLLARS PER  
16 VIOLATION.

17 (d) THE ATTORNEY GENERAL MAY DETERMINE WHETHER A PERSON  
18 MEETS THE CRITERIA DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION  
19 AND SUBMIT THE DETERMINATION AND REASONING TO THE COURT, WHICH  
20 THE COURT MAY CONSIDER WHEN MAKING A FINDING AS TO WHETHER THE  
21 BUSINESS SATISFIES THE CRITERIA DESCRIBED IN SUBSECTION (2)(a) OF  
22 THIS SECTION.

23 (3) ANY INFORMATION FURNISHED PURSUANT TO SUBSECTION (2)  
24 OF THIS SECTION IS EXEMPT FROM DISCLOSURE PURSUANT TO THE  
25 "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF THIS TITLE  
26 24.

27 (4) A PERSON WHO VIOLATES THIS SECTION IS ALSO LIABLE TO THE

1 STATE OR A POLITICAL SUBDIVISION FOR REASONABLE ATTORNEY FEES  
2 AND THE COSTS INCURRED DURING THE ENFORCEMENT OF THIS PART 12.

3 (5) THIS SECTION DOES NOT APPLY TO CLAIMS, RECORDS, OR  
4 STATEMENTS MADE PURSUANT TO TITLE 39.

5 (6) (a) THE MAXIMUM AND MINIMUM AMOUNTS FOR THE CIVIL  
6 PENALTIES DESCRIBED IN THIS SECTION MUST BE ADJUSTED FOR INFLATION  
7 ON JULY 1, 2023, AND EACH JULY 1 THEREAFTER. THE ADJUSTMENT MADE  
8 PURSUANT TO THIS SUBSECTION (6) MUST BE ROUNDED UPWARD OR  
9 DOWNWARD TO THE NEAREST TEN-DOLLAR INCREMENT. THE SECRETARY  
10 OF STATE SHALL CERTIFY THE ADJUSTED MAXIMUM AND MINIMUM  
11 AMOUNTS FOR CIVIL PENALTIES WITHIN FOURTEEN DAYS AFTER THE  
12 APPROPRIATE INFORMATION IS AVAILABLE.

13 (b) FOR EACH ACTION BROUGHT PURSUANT TO THIS PART 12, THE  
14 APPLICABLE MINIMUM AND MAXIMUM AMOUNTS FOR A CIVIL PENALTY ARE  
15 THE AMOUNTS IN EFFECT ON THE DATE THE CAUSE OF ACTION ACCRUES.

16 (c) AS USED IN THIS SECTION, "INFLATION" MEANS THE ANNUAL  
17 PERCENTAGE CHANGE IN THE DENVER-AURORA-LAKEWOOD CONSUMER  
18 PRICE INDEX, OR ITS APPLICABLE SUCCESSOR INDEX, PUBLISHED BY THE  
19 UNITED STATES DEPARTMENT OF LABOR BUREAU OF LABOR STATISTICS.

20 (7) FOR ACCOUNTING PURPOSES, A FINE OR PENALTY RECEIVED BY  
21 THE STATE PURSUANT TO THIS PART 12 IS A DAMAGE AWARD.

22 (8) (a) IF THE ATTORNEY GENERAL OR A POLITICAL SUBDIVISION  
23 HAS AUTHORITY TO BRING OR INTERVENE IN A CIVIL ACTION PURSUANT TO  
24 THIS PART 12, THE ATTORNEY GENERAL OR POLITICAL SUBDIVISION MAY  
25 ACCEPT FROM A PERSON ALLEGED TO HAVE VIOLATED SUBSECTION (1) OF  
26 THIS SECTION, IN LIEU OF OR AS A PART OF A CIVIL ACTION, AN ASSURANCE  
27 OF DISCONTINUANCE OR A CONSENT ORDER APPROVED BY A COURT OF

1 COMPETENT JURISDICTION OF THE ALLEGED VIOLATION OF THIS PART 12.  
2 THE ASSURANCE OR CONSENT ORDER MAY INCLUDE A STIPULATION FOR  
3 THE VOLUNTARY PAYMENT BY THE ALLEGED VIOLATOR OF ANY RELIEF  
4 AUTHORIZED BY THIS PART 12, INCLUDING PAYMENT FOR INVESTIGATION  
5 AND LITIGATION COSTS INCURRED BY THE ATTORNEY GENERAL, POLITICAL  
6 SUBDIVISION, OR PRIVATE PERSON WHO BROUGHT AN ACTION PURSUANT  
7 TO SECTION 24-31-1204 (4), AND ACTUAL DAMAGES RESULTING FROM THE  
8 FALSE CLAIM PLUS ANY AUTHORIZED MULTIPLIER, INTEREST, AND CIVIL  
9 MONEY PENALTY.

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

23 (c) PROOF BY A PREPONDERANCE OF THE EVIDENCE OF A  
24 VIOLATION OF AN ASSURANCE OR STIPULATION OR CONSENT ORDER IS  
25 PRIMA FACIE EVIDENCE OF A VIOLATION FOR THE PURPOSES OF ANY CIVIL  
26 ACTION OR PROCEEDING BROUGHT BY THE ATTORNEY GENERAL OR  
27 POLITICAL SUBDIVISION AFTER THE ALLEGED VIOLATION OF THE

1 ASSURANCE OR STIPULATION OR CONSENT ORDER, WHETHER A NEW  
2 ACTION OR A MOTION OR PETITION IN A PENDING ACTION OR PROCEEDING.

3 **24-31-1204. Civil actions for false claims - claims for**  
4 **retaliation - definitions. (1) Responsibility of attorney general.**

5 (a) THE ATTORNEY GENERAL SHALL DILIGENTLY INVESTIGATE A  
6 VIOLATION OF SECTION 24-31-1203. IF THE ATTORNEY GENERAL FINDS  
7 THAT A PERSON HAS VIOLATED OR IS VIOLATING SECTION 24-31-1203, THE  
8 ATTORNEY GENERAL MAY BRING A CIVIL ACTION AGAINST THE PERSON  
9 PURSUANT TO THIS SECTION.

10 (b) IF THE ATTORNEY GENERAL BRINGS A CIVIL ACTION PURSUANT  
11 TO THIS SECTION ON A CLAIM INVOLVING POLITICAL SUBDIVISION MONEY  
12 AS WELL AS STATE MONEY, THE ATTORNEY GENERAL SHALL SERVE BY  
13 MAIL, WITH RETURN RECEIPT REQUESTED, A COPY OF THE COMPLAINT ON  
14 THE SUBDIVISION'S APPROPRIATE PROSECUTING AUTHORITY WITHIN  
15 FOURTEEN DAYS AFTER THE DATE THAT THE COMPLAINT IS FILED IN THE  
16 ACTION.

17 (c) WITHIN SIXTY-THREE DAYS AFTER RECEIPT OF THE COMPLAINT  
18 PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION, AND SUBJECT TO  
19 SUBSECTION (2)(d) OF THIS SECTION. THE PROSECUTING AUTHORITY SHALL  
20 HAVE THE RIGHT TO INTERVENE IN AN ACTION BROUGHT BY THE  
21 ATTORNEY GENERAL PURSUANT TO THIS SECTION. THE COURT MAY PERMIT  
22 THE POLITICAL SUBDIVISION TO INTERVENE THEREAFTER UPON A SHOWING  
23 THAT ALL OF THE REQUIREMENTS OF THE COLORADO RULES OF CIVIL  
24 PROCEDURE HAVE BEEN MET.

25 (d) IN ANY ACTION BROUGHT PURSUANT TO THIS PART 12 IN WHICH  
26 THE ATTORNEY GENERAL IS A PARTY, EITHER AS THE PLAINTIFF OR AS AN  
27 INTERVENOR, THE COURT MAY DISMISS THE ACTION UPON MOTION OF THE

1 ATTORNEY GENERAL FOLLOWING THE NOTICE AND OPPORTUNITY FOR A  
2 HEARING PURSUANT TO SUBSECTION (5)(b)(I) OF THIS SECTION. IN  
3 DETERMINING WHETHER TO FILE A MOTION TO DISMISS, THE ATTORNEY  
4 GENERAL SHALL CONSIDER THE SEVERITY OF THE FALSE CLAIM, PROGRAM  
5 OR POPULATION IMPACTED BY THE FALSE CLAIM, DURATION OF THE FRAUD,  
6 WEIGHT AND MATERIALITY OF THE EVIDENCE, OTHER MEANS TO MAKE THE  
7 PROGRAM WHOLE, AND OTHER FACTORS THE ATTORNEY GENERAL DEEMS  
8 RELEVANT. THE ATTORNEY GENERAL'S DECISION-MAKING PROCESS  
9 CONCERNING A MOTION TO DISMISS AND ANY RECORDS RELATED TO THE  
10 DECISION-MAKING PROCESS ARE NOT DISCOVERABLE IN ANY ACTION.

11 (2) **Responsibility of prosecuting authority.** (a) A PROSECUTING  
12 AUTHORITY FOR A POLITICAL SUBDIVISION SHALL DILIGENTLY  
13 INVESTIGATE A VIOLATION OF SECTION 24-31-1203 INVOLVING A CLAIM  
14 FILED WITH THAT POLITICAL SUBDIVISION. IF THE PROSECUTING  
15 AUTHORITY FINDS THAT A PERSON HAS VIOLATED OR IS VIOLATING  
16 SECTION 24-31-1203, THE PROSECUTING AUTHORITY MAY BRING A CIVIL  
17 ACTION AGAINST THE PERSON PURSUANT TO THIS SECTION.

18 (b) IF A PROSECUTING AUTHORITY BRINGS A CIVIL ACTION  
19 PURSUANT TO THIS SECTION ON A CLAIM INVOLVING STATE AND POLITICAL  
20 SUBDIVISION MONEY, THE PROSECUTING AUTHORITY SHALL SERVE BY  
21 MAIL, WITH RETURN RECEIPT REQUESTED, A COPY OF THE COMPLAINT ON  
22 THE ATTORNEY GENERAL WITHIN FOURTEEN DAYS AFTER THE DATE THAT  
23 THE COMPLAINT IS FILED IN THE ACTION.

24 (c) WITHIN SIXTY-THREE DAYS AFTER RECEIVING THE COMPLAINT  
25 PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION, THE ATTORNEY  
26 GENERAL SHALL EITHER:

27 (I) NOTIFY THE COURT THAT THE ATTORNEY GENERAL INTENDS TO

1 PROCEED WITH THE ACTION, IN WHICH CASE THE ATTORNEY GENERAL  
2 SHALL ASSUME PRIMARY RESPONSIBILITY FOR CONDUCTING THE ACTION  
3 AND THE PROSECUTING AUTHORITY HAS THE RIGHT TO CONTINUE AS A  
4 PARTY; OR

5 (II) NOTIFY THE COURT THAT THE ATTORNEY GENERAL DECLINES  
6 TO TAKE OVER THE ACTION, IN WHICH CASE THE PROSECUTING AUTHORITY  
7 HAS THE RIGHT TO CONDUCT THE ACTION.

8 (d) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,  
9 A POLITICAL SUBDIVISION IS NOT PERMITTED TO BRING AN ACTION  
10 PURSUANT TO THIS SUBSECTION (2) OR INTERVENE IN AN ACTION  
11 PURSUANT TO SUBSECTION (1)(c) OR (4)(b) OF THIS SECTION WITHOUT THE  
12 CONSENT OF THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL'S  
13 DESIGNEE.

14 (e) THE LIMITATIONS AND REQUIREMENTS DESCRIBED IN SECTION  
15 13-17-304 APPLY TO A CONTINGENT FEE CONTRACT BETWEEN A POLITICAL  
16 SUBDIVISION AND A PRIVATE ATTORNEY ENTERED INTO FOR THE PURPOSE  
17 OF BRINGING OR INTERVENING IN AN ACTION PURSUANT TO THIS PART 12.

18 (3) **Role of the office of the state auditor.**

19 (a) NOTWITHSTANDING ANY OTHER STATE LAW REQUIRING THE STATE  
20 AUDITOR TO KEEP INFORMATION CONFIDENTIAL, IF IN THE COURSE OF ITS  
21 AUDIT AUTHORITY, THE OFFICE OF THE STATE AUDITOR IDENTIFIES  
22 INFORMATION OF POTENTIAL FALSE CLAIMS SUBMITTED TO THE STATE OR  
23 A POLITICAL SUBDIVISION, THE STATE AUDITOR MAY SHARE ANY  
24 INFORMATION WITH THE ATTORNEY GENERAL OR THE POLITICAL  
25 SUBDIVISION. THE STATE AUDITOR MAY PARTICIPATE, WITH THE CONSENT  
26 OF THE ATTORNEY GENERAL, IN ANY SUBSEQUENT INVESTIGATION OR  
27 PROSECUTION OF THAT FALSE CLAIM.

1 (b) IF THE STATE AUDITOR ELECTS TO PARTICIPATE IN ANY  
2 INVESTIGATION AND PROSECUTION OF A FALSE CLAIM, THE STATE  
3 AUDITOR'S INTERESTS WILL BE REPRESENTED BY THE ATTORNEY GENERAL.

4 (4) **Actions by private persons.** (a) A PERSON MAY BRING A CIVIL  
5 ACTION FOR A VIOLATION OF SECTION 24-31-1203 FOR THE PERSON AND  
6 FOR THE STATE OR A POLITICAL SUBDIVISION THAT IS AFFECTED BY THE  
7 VIOLATION. THE ACTION MUST BE BROUGHT IN THE NAME OF THE STATE OR  
8 POLITICAL SUBDIVISION. THE COURT SHALL NOT DISMISS AN ACTION UPON  
9 MOTION OF THE PRIVATE PERSON WHO BROUGHT THE ACTION UNLESS THE  
10 ATTORNEY GENERAL OR THE PROSECUTING AUTHORITY GIVE WRITTEN  
11 CONSENT TO THE DISMISSAL AND THEIR REASONS FOR CONSENTING.

12 (b) (I) A PERSON WHO BRINGS AN ACTION SHALL SERVE ON THE  
13 STATE OR POLITICAL SUBDIVISION, PURSUANT TO RULE 4 OF THE  
14 COLORADO RULES OF CIVIL PROCEDURE, A COPY OF THE COMPLAINT AND  
15 WRITTEN DISCLOSURE OF SUBSTANTIALLY ALL MATERIAL EVIDENCE AND  
16 INFORMATION THE PERSON POSSESSES; EXCEPT THAT THE PERSON SHALL  
17 NOT DISCLOSE ANY EVIDENCE OR INFORMATION THAT THE PERSON  
18 REASONABLY BELIEVES IS PROTECTED BY THE DEFENDANT'S  
19 ATTORNEY-CLIENT PRIVILEGE UNLESS THE PRIVILEGE WAS WAIVED,  
20 INADVERTENTLY OR OTHERWISE, BY THE PERSON WHO HOLDS THE  
21 PRIVILEGE; AN EXCEPTION TO THE PRIVILEGE APPLIES; OR DISCLOSURE OF  
22 THE INFORMATION IS PERMITTED BY AN ATTORNEY PURSUANT TO 17 CFR  
23 205.3 (d)(2), THE APPLICABLE COLORADO RULES OF PROFESSIONAL  
24 CONDUCT, OR OTHERWISE. THE COMPLAINT MUST BE FILED IN CAMERA,  
25 MUST REMAIN UNDER SEAL FOR AT LEAST SIXTY-THREE DAYS, AND MUST  
26 NOT BE SERVED ON THE DEFENDANT UNTIL THE COURT SO ORDERS. THE  
27 STATE, OR A POLITICAL SUBDIVISION WITH THE CONSENT OF THE

1 ATTORNEY GENERAL, MAY ELECT TO INTERVENE AND PROCEED WITH THE  
2 ACTION WITHIN SIXTY-THREE DAYS AFTER IT RECEIVES BOTH THE  
3 COMPLAINT AND THE MATERIAL EVIDENCE AND INFORMATION. IF BOTH  
4 THE STATE AND POLITICAL SUBDIVISION INTERVENE, THE ATTORNEY  
5 GENERAL SHALL ASSUME PRIMARY RESPONSIBILITY FOR CONDUCTING THE  
6 ACTION.

7 (II) IN DETERMINING WHETHER TO INTERVENE AND PROCEED WITH  
8 AN ACTION PURSUANT TO THIS SUBSECTION (4)(b), THE ATTORNEY  
9 GENERAL SHALL CONSIDER THE FACTORS DESCRIBED IN SUBSECTION (1)(d)  
10 OF THIS SECTION. THE ATTORNEY GENERAL'S DECISION-MAKING PROCESS  
11 CONCERNING WHETHER TO INTERVENE AND ANY RECORDS RELATED TO  
12 THE DECISION-MAKING PROCESS ARE NOT DISCOVERABLE IN ANY ACTION.

13 (c) THE STATE OR POLITICAL SUBDIVISION MAY, FOR GOOD CAUSE  
14 SHOWN, MOVE THE COURT FOR EXTENSIONS OF THE TIME DURING WHICH  
15 THE COMPLAINT REMAINS UNDER SEAL PURSUANT TO SUBSECTION (4)(b)  
16 OF THIS SECTION. THE MOTION MAY BE SUPPORTED BY AFFIDAVITS OR  
17 OTHER SUBMISSIONS IN CAMERA. THE DEFENDANT IS NOT REQUIRED TO  
18 RESPOND TO ANY COMPLAINT FILED PURSUANT TO THIS SECTION UNTIL  
19 TWENTY-ONE DAYS AFTER THE COMPLAINT IS UNSEALED AND SERVED  
20 UPON THE DEFENDANT PURSUANT TO RULE 4 OF THE COLORADO RULES OF  
21 CIVIL PROCEDURE.

22 (d) BEFORE THE EXPIRATION OF THE SIXTY-THREE-DAY PERIOD  
23 PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION AND ANY EXTENSIONS  
24 OBTAINED PURSUANT TO SUBSECTION (4)(c) OF THIS SECTION, THE STATE  
25 OR POLITICAL SUBDIVISION SHALL:

26 (I) PROCEED WITH THE ACTION, IN WHICH CASE THE STATE OR  
27 POLITICAL SUBDIVISION SHALL CONDUCT THE ACTION; OR



1           (II) NOTIFY THE COURT THAT IT DECLINES TO TAKE OVER THE  
2 ACTION, IN WHICH CASE THE PERSON WHO BROUGHT THE ACTION HAS THE  
3 RIGHT TO CONTINUE THE ACTION.

4           (e) WHEN A PERSON BRINGS AN ACTION PURSUANT TO THIS  
5 SUBSECTION (4), ONLY THE STATE, OR A POLITICAL SUBDIVISION WITH THE  
6 CONSENT OF THE ATTORNEY GENERAL, MAY INTERVENE OR BRING A  
7 RELATED ACTION BASED ON THE FACTS UNDERLYING THE PENDING  
8 ACTION.

9           (f) ANY INFORMATION PROVIDED BY A PERSON TO THE STATE OR  
10 POLITICAL SUBDIVISION PURSUANT TO THIS SUBSECTION (4) IS EXEMPT  
11 FROM DISCLOSURE PURSUANT TO THE "COLORADO OPEN RECORDS ACT",  
12 PART 2 OF ARTICLE 72 OF THIS TITLE 24.

13           (5) **Rights of parties to private actions.** (a) IF THE STATE OR A  
14 POLITICAL SUBDIVISION PROCEEDS WITH AN ACTION BROUGHT PURSUANT  
15 TO SUBSECTION (4) OF THIS SECTION, IT HAS THE PRIMARY RESPONSIBILITY  
16 FOR PROSECUTING THE ACTION AND IS NOT BOUND BY AN ACT OF THE  
17 PERSON WHO BROUGHT THE ACTION. THE PERSON HAS THE RIGHT TO  
18 CONTINUE AS A PARTY TO THE ACTION, SUBJECT TO THE LIMITATIONS SET  
19 FORTH IN SUBSECTION (4)(b) OF THIS SECTION.

20           (b) (I) THE STATE OR POLITICAL SUBDIVISION MAY, AT ANY TIME,  
21 DISMISS THE ACTION, IN WHOLE OR IN PART, NOTWITHSTANDING THE  
22 OBJECTIONS OF THE PERSON WHO BROUGHT THE ACTION IF THE PERSON  
23 HAS BEEN NOTIFIED BY THE STATE OR POLITICAL SUBDIVISION OF THE  
24 FILING OF THE MOTION AND THE COURT HAS PROVIDED THE PERSON WITH  
25 AN OPPORTUNITY FOR A HEARING ON THE MOTION.

26           (II) THE STATE OR POLITICAL SUBDIVISION MAY SETTLE THE  
27 ACTION WITH THE DEFENDANT NOTWITHSTANDING THE OBJECTIONS OF THE

1 PERSON WHO BROUGHT THE ACTION IF THE COURT DETERMINES, AFTER A  
2 HEARING, THAT THE PROPOSED SETTLEMENT IS FAIR, ADEQUATE, AND  
3 REASONABLE UNDER ALL THE CIRCUMSTANCES. UPON A SHOWING OF  
4 GOOD CAUSE, THE COURT MAY HOLD THE HEARING IN CAMERA.

5 (III) UPON A SHOWING BY THE STATE OR POLITICAL SUBDIVISION  
6 THAT UNRESTRICTED PARTICIPATION DURING THE COURSE OF THE  
7 LITIGATION BY THE PERSON WHO BROUGHT THE ACTION WOULD INTERFERE  
8 WITH OR UNDULY DELAY THE STATE'S OR POLITICAL SUBDIVISION'S  
9 PROSECUTION OF THE CASE, OR WOULD BE REPETITIOUS, IRRELEVANT, OR  
10 FOR PURPOSES OF HARASSMENT, THE COURT MAY, IN ITS DISCRETION,  
11 IMPOSE LIMITATIONS ON THE PERSON'S PARTICIPATION, INCLUDING BUT  
12 NOT LIMITED TO:

13 (A) LIMITING THE NUMBER OF WITNESSES THE PERSON MAY CALL;

14 (B) LIMITING THE LENGTH OF THE TESTIMONY OF THE WITNESSES  
15 CALLED BY THE PERSON;

16 (C) LIMITING THE PERSON'S CROSS-EXAMINATION OF WITNESSES;  
17 AND

18 (D) OTHERWISE LIMITING THE PARTICIPATION BY THE PERSON IN  
19 THE LITIGATION.

20 (IV) UPON A SHOWING BY THE DEFENDANT THAT UNRESTRICTED  
21 PARTICIPATION DURING THE COURSE OF THE LITIGATION BY THE PERSON  
22 WHO BROUGHT THE ACTION WOULD BE FOR PURPOSES OF HARASSMENT OR  
23 WOULD CAUSE THE DEFENDANT UNDUE BURDEN OR UNNECESSARY  
24 EXPENSE, THE COURT MAY LIMIT THE PARTICIPATION BY THE PERSON IN  
25 THE LITIGATION AS DESCRIBED IN SUBSECTION (5)(b)(III) OF THIS SECTION.

26 (c) THE FACT THAT THE STATE OR POLITICAL SUBDIVISION HAS  
27 ELECTED NOT TO PROCEED WITH AN ACTION IS NOT A BASIS FOR A MOTION

1 TO DISMISS, MOTION FOR DETERMINATION OF A QUESTION OF LAW, OR  
2 MOTION FOR SUMMARY JUDGMENT, NOR IS IT A BASIS TO DENY THE COURT  
3 JURISDICTION OVER THE ACTION, BUT IF THE ATTORNEY GENERAL SUBMITS  
4 TO THE COURT THE ATTORNEY GENERAL'S REASONS FOR NOT PROCEEDING  
5 WITH THE ACTION, THE COURT MAY CONSIDER THE REASONS WHEN  
6 DECIDING A MOTION OR WHETHER THE COURT HAS JURISDICTION. IF THE  
7 STATE OR POLITICAL SUBDIVISION SO REQUESTS, IT MUST BE SERVED WITH  
8 COPIES OF ALL PLEADINGS FILED IN THE ACTION AND, AT THE STATE'S OR  
9 POLITICAL SUBDIVISION'S EXPENSE, BE SUPPLIED WITH COPIES OF ALL  
10 DEPOSITION TRANSCRIPTS. WHEN THE PERSON PROCEEDS WITH THE  
11 ACTION, THE COURT, WITHOUT LIMITING THE STATUS AND RIGHTS OF THE  
12 PERSON, MAY NEVERTHELESS PERMIT THE STATE OR POLITICAL  
13 SUBDIVISION TO INTERVENE AT A LATER DATE UPON A SHOWING OF GOOD  
14 CAUSE.

15 (d) REGARDLESS OF WHETHER THE STATE OR POLITICAL  
16 SUBDIVISION PROCEEDS WITH THE ACTION, UPON A SHOWING BY THE STATE  
17 OR POLITICAL SUBDIVISION THAT CERTAIN ACTIONS OF DISCOVERY BY THE  
18 PERSON WHO BROUGHT THE ACTION WOULD INTERFERE WITH THE STATE'S  
19 OR POLITICAL SUBDIVISION'S INVESTIGATION OR PROSECUTION OF A  
20 CRIMINAL OR CIVIL MATTER ARISING OUT OF THE SAME FACTS, THE COURT  
21 MAY STAY THE DISCOVERY FOR A PERIOD OF NOT MORE THAN SIXTY-THREE  
22 DAYS. THE SHOWING BY THE STATE OR POLITICAL SUBDIVISION MUST BE  
23 CONDUCTED IN CAMERA. THE COURT MAY EXTEND THE SIXTY-THREE-DAY  
24 PERIOD UPON A FURTHER SHOWING THAT THE STATE OR POLITICAL  
25 SUBDIVISION HAS PURSUED THE CRIMINAL OR CIVIL INVESTIGATION OR  
26 PROCEEDINGS WITH REASONABLE DILIGENCE AND THAT ANY PROPOSED  
27 DISCOVERY IN THE CIVIL ACTION WILL INTERFERE WITH THE ONGOING

1 CRIMINAL OR CIVIL INVESTIGATION OR PROCEEDINGS.

2 (e) NOTWITHSTANDING SUBSECTION (4) OF THIS SECTION, THE  
3 STATE OR POLITICAL SUBDIVISION MAY ELECT TO PURSUE ITS CLAIM  
4 THROUGH ANY ALTERNATE REMEDY AVAILABLE TO THE STATE OR  
5 POLITICAL SUBDIVISION. IF AN ALTERNATE REMEDY IS PURSUED IN  
6 ANOTHER PROCEEDING, THE PERSON WHO BROUGHT THE ACTION  
7 PURSUANT TO SUBSECTION (4) OF THIS SECTION HAS THE SAME RIGHTS IN  
8 THAT PROCEEDING AS THE PERSON WOULD HAVE HAD IF THE ACTION HAD  
9 CONTINUED PURSUANT TO THIS SECTION. ANY FINDING OF FACT OR  
10 CONCLUSION OF LAW MADE IN THE OTHER PROCEEDING THAT HAS BECOME  
11 FINAL IS BINDING ON ALL PARTIES TO AN ACTION BROUGHT PURSUANT TO  
12 THIS SECTION. FOR PURPOSES OF THIS SUBSECTION (5)(e), A FINDING OR  
13 CONCLUSION IS FINAL IF IT HAS BEEN FINALLY DETERMINED ON APPEAL TO  
14 THE APPROPRIATE COURT OF THE STATE, IF ALL TIME FOR FILING SUCH AN  
15 APPEAL WITH RESPECT TO THE FINDING OR CONCLUSION HAS EXPIRED, OR  
16 IF THE FINDING OR CONCLUSION IS NOT SUBJECT TO JUDICIAL REVIEW.

17 (6) **Award to a person who brings an action.** (a) (I) SUBJECT TO  
18 SUBSECTION (6)(a)(II) OF THIS SECTION, IF THE STATE OR A POLITICAL  
19 SUBDIVISION PROCEEDS WITH AN ACTION BROUGHT BY A PERSON  
20 PURSUANT TO SUBSECTION (4) OF THIS SECTION, THE COURT SHALL AWARD  
21 THE PERSON AT LEAST FIFTEEN PERCENT BUT NOT MORE THAN  
22 TWENTY-FIVE PERCENT OF THE PROCEEDS RECEIVED FROM THE ACTION OR  
23 SETTLEMENT OF THE CLAIM, DEPENDING UPON THE EXTENT TO WHICH THE  
24 PERSON SUBSTANTIALLY CONTRIBUTED TO THE INVESTIGATION AND  
25 PROSECUTION OF THE ACTION.

26 (II) IF THE COURT FINDS THE ACTION TO BE BASED PRIMARILY ON  
27 DISCLOSURES OF SPECIFIC INFORMATION, OTHER THAN INFORMATION

1 PROVIDED BY THE PERSON WHO BROUGHT THE ACTION, RELATING TO  
2 ALLEGATIONS OR TRANSACTIONS IN A CRIMINAL, CIVIL, OR  
3 ADMINISTRATIVE HEARING; IN A LEGISLATIVE, ADMINISTRATIVE, OR  
4 FORMAL AUDIT REPORT, HEARING, OR INVESTIGATION; OR FROM THE NEWS  
5 MEDIA, THE COURT MAY AWARD TO THE PERSON SUCH SUMS AS IT  
6 CONSIDERS APPROPRIATE BUT IN NO CASE MORE THAN TEN PERCENT OF  
7 THE PROCEEDS. IN MAKING ITS DETERMINATION, THE COURT SHALL  
8 CONSIDER THE SIGNIFICANCE OF THE INFORMATION PROVIDED BY THE  
9 PERSON AND THE ROLE OF THE PERSON IN ADVANCING THE CASE TO  
10 LITIGATION.

11 (III) ANY PAYMENT TO A PERSON MADE PURSUANT TO THIS  
12 SUBSECTION (6)(a) MUST BE MADE FROM THE PROCEEDS. IN ADDITION TO  
13 AN AWARD MADE PURSUANT TO SUBSECTION (6)(a)(I) OR (6)(a)(II) OF THIS  
14 SECTION, THE COURT SHALL AWARD THE PERSON AN AMOUNT FOR  
15 REASONABLE EXPENSES THAT THE COURT FINDS TO HAVE BEEN  
16 NECESSARILY INCURRED, PLUS REASONABLE ATTORNEY FEES AND COSTS.  
17 THE COURT SHALL AWARD ALL OF THE EXPENSES, FEES, AND COSTS  
18 AGAINST THE DEFENDANT.

19 (IV) IF THE PERSON WHO BROUGHT THE ACTION IS A GOVERNMENT  
20 EMPLOYEE WHO, IN THE COURSE OF THE PERSON'S WORK FOR THE STATE OR  
21 A POLITICAL SUBDIVISION, GAINS KNOWLEDGE OF ANY INFORMATION THAT  
22 FORMS, IN WHOLE OR IN PART, THE BASIS OF THE PERSON'S CLAIM, THE  
23 COURT SHALL AWARD TO THE STATE OR POLITICAL SUBDIVISION THAT  
24 EMPLOYS THE PERSON THE AMOUNT THAT WOULD OTHERWISE BE  
25 AWARDED TO THE PERSON PURSUANT TO THIS SUBSECTION (6).

26 (b) IF THE STATE OR POLITICAL SUBDIVISION DOES NOT INTERVENE  
27 IN AND PROCEED WITH AN ACTION PURSUANT TO SUBSECTION (4)(b) OF

1 THIS SECTION, THE PERSON PREVAILING IN THE ACTION OR SETTLING THE  
2 CLAIM MUST RECEIVE AN AMOUNT THAT THE COURT DECIDES IS  
3 REASONABLE FOR COLLECTING THE CIVIL PENALTY AND DAMAGES. THE  
4 AMOUNT MUST BE AT LEAST TWENTY-FIVE PERCENT BUT NOT MORE THAN  
5 THIRTY PERCENT OF THE PROCEEDS RECEIVED FROM THE ACTION OR  
6 SETTLEMENT AND MUST BE PAID OUT OF THE PROCEEDS. THE COURT SHALL  
7 AWARD THE PERSON AN AMOUNT FOR REASONABLE EXPENSES THAT THE  
8 COURT FINDS TO HAVE BEEN NECESSARILY INCURRED, PLUS REASONABLE  
9 ATTORNEY FEES AND COSTS. THE COURT SHALL AWARD ALL OF THE  
10 EXPENSES, FEES, AND COSTS AGAINST THE DEFENDANT.

11 (c) REGARDLESS OF WHETHER THE STATE OR A POLITICAL  
12 SUBDIVISION INTERVENES IN AND PROCEEDS WITH AN ACTION PURSUANT  
13 TO SUBSECTION (4)(b) OF THIS SECTION, IF THE COURT FINDS THAT THE  
14 ACTION WAS BROUGHT BY A PERSON WHO PLANNED AND INITIATED THE  
15 VIOLATION OF SECTION 24-31-1203 UPON WHICH THE ACTION WAS  
16 BROUGHT, THE COURT MAY, TO THE EXTENT THE COURT CONSIDERS  
17 APPROPRIATE, REDUCE THE SHARE OF THE PROCEEDS OF THE ACTION THAT  
18 THE PERSON WOULD OTHERWISE RECEIVE PURSUANT TO THIS SUBSECTION  
19 (6), TAKING INTO ACCOUNT THE ROLE OF THE PERSON IN ADVANCING THE  
20 CASE TO LITIGATION AND ANY RELEVANT CIRCUMSTANCES PERTAINING TO  
21 THE VIOLATION. IF THE PERSON IS CONVICTED OF CRIMINAL CONDUCT  
22 ARISING FROM HIS OR HER ROLE IN THE VIOLATION OF SECTION  
23 24-31-1203, THE COURT SHALL DISMISS THE PERSON FROM THE CIVIL  
24 ACTION AND THE PERSON MUST NOT RECEIVE ANY SHARE OF THE  
25 PROCEEDS OF THE ACTION. SUCH DISMISSAL DOES NOT PREJUDICE THE  
26 RIGHT OF THE STATE OR POLITICAL SUBDIVISION TO CONTINUE THE ACTION.

27 (d) IF THE STATE OR A POLITICAL SUBDIVISION DOES NOT

1 INTERVENE IN AND PROCEED WITH AN ACTION PURSUANT TO SUBSECTION  
2 (4)(b) OF THIS SECTION AND THE PERSON WHO BROUGHT THE ACTION  
3 PURSUES THE ACTION, THE COURT MAY AWARD TO THE DEFENDANT  
4 REASONABLE ATTORNEY FEES AND EXPENSES IF THE DEFENDANT PREVAILS  
5 IN THE ACTION AND THE COURT FINDS THAT THE CLAIM OF THE PERSON  
6 WAS CLEARLY FRIVOLOUS, CLEARLY VEXATIOUS, OR BROUGHT PRIMARILY  
7 FOR PURPOSES OF HARASSMENT.

8 (7) **Certain actions barred.** (a) A COURT DOES NOT HAVE  
9 JURISDICTION OVER AN ACTION BROUGHT PURSUANT TO THIS SECTION:

10 (I) AGAINST A SERVING MEMBER OF THE GENERAL ASSEMBLY, A  
11 MEMBER OF THE STATE JUDICIARY, AN EXECUTIVE DIRECTOR OF A STATE  
12 AGENCY, OR AN ELECTED OFFICIAL IN THE EXECUTIVE BRANCH OF THE  
13 STATE OF COLORADO ACTING IN THE MEMBER'S, EXECUTIVE DIRECTOR'S,  
14 OR OFFICIAL'S OFFICIAL CAPACITY; OR

15 (II) IF THE ACTION IS BROUGHT BY A PERSON PURSUANT TO  
16 SUBSECTION (4) OF THIS SECTION AND IS BASED ON EVIDENCE OR  
17 INFORMATION KNOWN TO THE STATE OR POLITICAL SUBDIVISION WHEN THE  
18 ACTION WAS BROUGHT.

19 (b) A PERSON MAY NOT BRING AN ACTION PURSUANT TO  
20 SUBSECTION (4) OF THIS SECTION THAT IS BASED UPON ALLEGATIONS OR  
21 TRANSACTIONS THAT ARE THE SUBJECT OF A CIVIL SUIT IN A COURT OF THIS  
22 STATE OR AN ADMINISTRATIVE CIVIL MONEY PENALTY PROCEEDING IN  
23 WHICH THE STATE OR A POLITICAL SUBDIVISION IS ALREADY A PARTY.

24 (c) (I) A COURT SHALL DISMISS AN ACTION OR CLAIM BROUGHT  
25 PURSUANT TO SUBSECTION (4) OF THIS SECTION IF THE ACTION PURSUED BY  
26 THE PERSON IS BASED UPON SUBSTANTIALLY THE SAME ALLEGATIONS OR  
27 TRANSACTIONS PUBLICLY DISCLOSED IN A CRIMINAL, CIVIL, OR

1 ADMINISTRATIVE HEARING; IN A LEGISLATIVE, ADMINISTRATIVE, OR  
2 FORMAL AUDIT REPORT, HEARING, OR INVESTIGATION; OR FROM THE NEWS  
3 MEDIA, UNLESS:

4 (A) THE STATE OR A POLITICAL SUBDIVISION INTERVENES AND  
5 PROSECUTES THE ACTION PURSUANT TO SUBSECTION (4)(b) OF THIS  
6 SECTION;

7 (B) THE STATE OR POLITICAL SUBDIVISION OPPOSES DISMISSAL; OR

8 (C) THE PERSON WHO BROUGHT THE ACTION IS AN ORIGINAL  
9 SOURCE OF THE INFORMATION THAT IS THE BASIS FOR THE ACTION.

10 (II) AS USED IN THIS SUBSECTION (7)(c), "ORIGINAL SOURCE"  
11 MEANS AN INDIVIDUAL WHO:

12 (A) PRIOR TO PUBLIC DISCLOSURE PURSUANT TO SUBSECTION  
13 (7)(c)(I) OF THIS SECTION, HAS VOLUNTARILY DISCLOSED TO THE STATE OR  
14 POLITICAL SUBDIVISION THE INFORMATION ON WHICH THE ALLEGATIONS  
15 OR TRANSACTIONS IN A CLAIM ARE BASED; OR

16 (B) HAS KNOWLEDGE THAT IS INDEPENDENT OF AND MATERIALLY  
17 ADDS TO THE PUBLICLY DISCLOSED ALLEGATIONS OR TRANSACTIONS AND  
18 HAS VOLUNTARILY PROVIDED THE INFORMATION TO THE STATE OR  
19 POLITICAL SUBDIVISION BEFORE FILING AN ACTION PURSUANT TO  
20 SUBSECTION (4) OF THIS SECTION.

21 (8) **State or political subdivision not liable for certain**  
22 **expenses.** THE STATE OR A POLITICAL SUBDIVISION IS NOT LIABLE FOR  
23 EXPENSES THAT A PERSON INCURS IN BRINGING AN ACTION PURSUANT TO  
24 SUBSECTION (4) OF THIS SECTION.

25 (9) **Private action for retaliation.** (a) AS USED IN THIS  
26 SUBSECTION (9), UNLESS THE CONTEXT OTHERWISE REQUIRES:

27 (I) "CONFIDENTIAL INFORMATION" INCLUDES DOCUMENTS;



1 E-MAILS AND OTHER ELECTRONIC DATA; MEDICAL RECORDS; FINANCIAL  
2 RECORDS; TRADE SECRET INFORMATION; INTELLECTUAL PROPERTY; OR  
3 INFORMATION THAT IS SUBJECT TO AN EMPLOYMENT AGREEMENT,  
4 CONFIDENTIALITY AGREEMENT, OR NONDISCLOSURE AGREEMENT OR FOR  
5 WHICH THE PERSON WHO BROUGHT THE ACTION PURSUANT TO SUBSECTION  
6 (4) OF THIS SECTION HAS A FIDUCIARY OBLIGATION TO MAINTAIN AS  
7 CONFIDENTIAL. CONFIDENTIAL INFORMATION DOES NOT INCLUDE  
8 INFORMATION THAT IS PROTECTED BY THE DEFENDANT'S  
9 ATTORNEY-CLIENT PRIVILEGE UNLESS THE PRIVILEGE WAS WAIVED,  
10 INADVERTENTLY OR OTHERWISE, BY THE PERSON WHO HOLDS THE  
11 PRIVILEGE; AN EXCEPTION TO THE PRIVILEGE APPLIES; OR DISCLOSURE OF  
12 THE INFORMATION IS PERMITTED BY AN ATTORNEY PURSUANT TO 17 CFR  
13 205.3 (d)(2), THE APPLICABLE COLORADO RULES OF PROFESSIONAL  
14 CONDUCT, OR OTHERWISE.

15 (II) "LAWFUL ACTS" INCLUDES, BUT IS NOT LIMITED TO, THE  
16 FOLLOWING:

17 (A) CONDUCTING OR ASSISTING WITH AN INVESTIGATION FOR,  
18 INITIATION OF, TESTIMONY FOR, OR ASSISTANCE IN AN ACTION FILED OR TO  
19 BE FILED PURSUANT TO THIS SECTION, OR CONDUCTING OR ASSISTING WITH  
20 AN INVESTIGATION WHEN THERE IS A REASONABLE BELIEF OF A POTENTIAL  
21 VIOLATION OF THIS SECTION;

22 (B) MEETING WITH POTENTIAL OR RETAINED COUNSEL OR AGENTS  
23 OR REPRESENTATIVES OF THE STATE OR POLITICAL SUBDIVISION ABOUT  
24 THE MATTER THAT IS THE SUBJECT OF AN ACTION FILED OR TO BE FILED  
25 PURSUANT TO THIS SECTION;

26 (C) PROVIDING THE INDIVIDUAL'S COUNSEL OR AGENTS OR  
27 REPRESENTATIVES OF THE STATE OR THE POLITICAL SUBDIVISION WITH

1 CONFIDENTIAL INFORMATION; OR

2 (D) FILING AN ACTION PURSUANT TO THIS SECTION.

3 (b) AN EMPLOYEE, CONTRACTOR, OR AGENT IS ENTITLED TO ALL  
4 RELIEF NECESSARY TO MAKE THAT INDIVIDUAL WHOLE IF THE INDIVIDUAL  
5 IS DISCHARGED, DEMOTED, SUSPENDED, THREATENED, HARASSED,  
6 INTIMIDATED, SUED, DEFAMED, BLACKLISTED, OR IN ANY OTHER MANNER  
7 RETALIATED AGAINST OR DISCRIMINATED AGAINST IN THE TERMS AND  
8 CONDITIONS OF THE INDIVIDUAL'S EMPLOYMENT, CONTRACT, BUSINESS, OR  
9 PROFESSION BY THE DEFENDANT OR BY ANY OTHER PERSON BECAUSE OF  
10 LAWFUL ACTS DONE BY THE INDIVIDUAL OR ASSOCIATED OTHERS IN  
11 FURTHERANCE OF AN ACTION BROUGHT PURSUANT TO THIS SECTION OR IN  
12 FURTHERANCE OF AN EFFORT TO STOP ANY VIOLATION, OR WHAT THE  
13 INDIVIDUAL REASONABLY BELIEVES TO BE A VIOLATION, OF SECTION  
14 24-31-1203.

15 (c) (I) IF THE DISCLOSURE OF CONFIDENTIAL INFORMATION IS IN  
16 FURTHERANCE OF AN ACTION BROUGHT PURSUANT TO THIS SECTION OR IN  
17 FURTHERANCE OF AN EFFORT TO STOP ANY VIOLATION, OR WHAT THE  
18 INDIVIDUAL REASONABLY BELIEVES TO BE A VIOLATION, OF SECTION  
19 24-31-1203, AN INDIVIDUAL HAS A PRIVILEGE TO DISCLOSE THE  
20 CONFIDENTIAL INFORMATION TO:

21 (A) THE INDIVIDUAL'S COUNSEL;

22 (B) A PERSON WITH WHOM THE INDIVIDUAL HAS A STATUTORY OR  
23 COMMON LAW PRIVILEGE; OR

24 (C) AN AGENT OR AUTHORIZED REPRESENTATIVE OF THE STATE OR  
25 POLITICAL SUBDIVISION.

26 (II) THE INDIVIDUAL'S DISCLOSURE OF CONFIDENTIAL  
27 INFORMATION TO THE INDIVIDUAL'S COUNSEL OR TO AN AGENT OR

1 AUTHORIZED REPRESENTATIVE OF THE STATE OR POLITICAL SUBDIVISION  
2 DOES NOT CONSTITUTE A WAIVER BY A DEFENDANT OF ANY RIGHT OR  
3 PRIVILEGE THAT THE DEFENDANT MAY BE ENTITLED TO INVOKE.

4 (d) (I) AN INDIVIDUAL SEEKING RELIEF PURSUANT TO THIS  
5 SUBSECTION (9) MAY SEEK RELIEF BY:

6 (A) FILING A MOTION IN THE ACTION BROUGHT PURSUANT TO  
7 SUBSECTION (4) OF THIS SECTION; OR

8 (B) BRINGING A SEPARATE ACTION IN AN APPROPRIATE COURT OF  
9 THE STATE FOR THE RELIEF PROVIDED PURSUANT TO THIS SUBSECTION (9).

10 (II) AN INDIVIDUAL WHO SEEKS RELIEF PURSUANT TO THIS  
11 SUBSECTION (9) IS ENTITLED TO ALL RELIEF NECESSARY TO MAKE THE  
12 INDIVIDUAL WHOLE. THE RELIEF MUST INCLUDE, BUT IS NOT LIMITED TO:

13 (A) IF THE INDIVIDUAL IS AN EMPLOYEE, REINSTATEMENT WITH  
14 THE SAME SENIORITY STATUS THE INDIVIDUAL WOULD HAVE HAD BUT FOR  
15 THE DISCRIMINATION, TWICE THE AMOUNT OF BACK PAY, AND INTEREST ON  
16 THE BACK PAY;

17 (B) IF THE INDIVIDUAL IS A CONTRACTOR, SUBCONTRACTOR, OR  
18 INDEPENDENT CONTRACTOR, REINSTATEMENT OF A CONTRACT OR  
19 SUBCONTRACT THAT WAS CANCELED, NONRENEWED, OR MODIFIED  
20 BECAUSE OF RETALIATION, WITH ALL COMPENSATION OR CONTRACTUAL  
21 CONSIDERATION THAT THE INDIVIDUAL WOULD HAVE RECEIVED HAD THE  
22 CONTRACT OR SUBCONTRACT NOT BEEN CANCELED, NONRENEWED, OR  
23 MODIFIED; AND

24 (C) COMPENSATION FOR ANY SPECIAL DAMAGES SUSTAINED AS A  
25 RESULT OF THE DISCRIMINATION OR RETALIATION, INCLUDING LITIGATION  
26 COSTS AND REASONABLE ATTORNEY FEES.

27 (e) (I) THE COURT SHALL AWARD THE INDIVIDUAL NOT LESS THAN

1 THE DAMAGES DESCRIBED IN SUBSECTION (9)(d)(II) OF THIS SECTION IF A  
2 DEFENDANT, EMPLOYER, OR OTHER PERSON RETALIATES AGAINST AN  
3 INDIVIDUAL BY BRINGING ANOTHER ACTION AGAINST THE INDIVIDUAL FOR:

4 (A) ACTS LATER DETERMINED TO BE LAWFUL ACTS;

5 (B) DISCLOSURE OF CONFIDENTIAL INFORMATION TO COUNSEL OR  
6 AN AGENT OR REPRESENTATIVE OF THE STATE OR POLITICAL SUBDIVISION  
7 PURSUANT TO THIS SUBSECTION (9);

8 (C) VIOLATING AN EMPLOYMENT CONTRACT, CONFIDENTIALITY  
9 AGREEMENT, NONDISCLOSURE AGREEMENT, OR OTHER AGREEMENT; OR

10 (D) COMMITTING ANY OTHER TORT OR BREACH OF DUTY AND THE  
11 COURT HEARING THE ACTION DETERMINES BY A PREPONDERANCE OF THE  
12 EVIDENCE THAT THE DEFENDANT, EMPLOYER, OR OTHER PERSON BROUGHT  
13 THE LAWSUIT AGAINST THE INDIVIDUAL ██████ FOR THE PURPOSE OF  
14 RETALIATING AGAINST THE INDIVIDUAL.

15 (II) IN ADDITION TO ANY OTHER REMEDY OR SHARE OF THE  
16 PROCEEDS OF THE ACTION TO WHICH THE INDIVIDUAL IS ENTITLED  
17 PURSUANT TO THIS SUBSECTION (9) AND REGARDLESS OF WHETHER THE  
18 INDIVIDUAL IS DETERMINED TO BE ENTITLED TO SHARE IN THE PROCEEDS  
19 OF THE ACTION OR CLAIM FILED PURSUANT TO SUBSECTION (4) OF THIS  
20 SECTION, IN ADDITION TO ANY OTHER CONSEQUENTIAL DAMAGES  
21 PERMITTED BY LAW, THE DAMAGES FOR A VIOLATION OF THIS SUBSECTION  
22 (9)(e) MUST BE NOT LESS THAN:

23 (A) TWICE THE INDIVIDUAL'S ACTUAL ATTORNEY FEES AND COSTS  
24 IF THE DEFENDANT, EMPLOYER, OR OTHER PERSON BROUGHT THE LAWSUIT  
25 AGAINST THE INDIVIDUAL IN A COURT IN THE STATE OF COLORADO; OR

26 (B) THREE TIMES THE INDIVIDUAL'S ACTUAL ATTORNEY FEES AND  
27 COSTS IF THE DEFENDANT, EMPLOYER, OR OTHER PERSON BROUGHT THE

1 LAWSUIT IN A JURISDICTION OUTSIDE OF COLORADO.

2 (f) (I) THE COURT HEARING THE ACTION BROUGHT PURSUANT TO  
3 SUBSECTION (4) OF THIS SECTION HAS JURISDICTION TO HEAR A PRIVATE  
4 ACTION OR MOTION FOR RETALIATION BROUGHT PURSUANT TO THIS  
5 SUBSECTION (9).

6 (II) UPON MOTION BY THE INDIVIDUAL, THE VENUE OF AN ACTION  
7 FILED IN ANOTHER COURT OF THE STATE OF COLORADO AGAINST THE  
8 INDIVIDUAL BY THE DEFENDANT, THE EMPLOYER OF THE PERSON WHO  
9 BROUGHT THE ACTION PURSUANT TO SUBSECTION (4) OF THIS SECTION, OR  
10 OTHER PERSON ARISING OUT OF THE SUBJECT MATTER OF THE ACTION  
11 BROUGHT PURSUANT TO SUBSECTION (4) OF THIS SECTION MUST BE  
12 CHANGED TO THE COURT HEARING THE ACTION BROUGHT PURSUANT TO  
13 SUBSECTION (4) OF THIS SECTION.

14 (10) **Discovery in other actions.** (a) If a PERSON WHO BRINGS AN  
15 ACTION PURSUANT TO SUBSECTION (4) OF THIS SECTION IS A PARTY TO OR  
16 WITNESS IN AN ACTION OTHER THAN AN ACTION BROUGHT PURSUANT TO  
17 SUBSECTION (4) OF THIS SECTION, REFERRED TO IN THIS SUBSECTION (10)  
18 AS AN "OTHER ACTION", AND A PARTY IN THE OTHER ACTION SEEKS  
19 DISCOVERY FROM THE PERSON OF INFORMATION ABOUT OTHER LAWSUITS,  
20 WHICH DISCOVERY WOULD REQUIRE THE PERSON TO DISCLOSE  
21 INFORMATION ABOUT AN ACTION FILED PURSUANT TO SUBSECTION (4) OF  
22 THIS SECTION WHILE THAT ACTION IS STILL UNDER SEAL, THE PERSON  
23 SHALL:

24 (I) WITHIN A REASONABLE TIME, NOTIFY THE STATE OR POLITICAL  
25 SUBDIVISION INVESTIGATING THE ACTION BROUGHT PURSUANT TO  
26 SUBSECTION (4) OF THIS SECTION OF THE PENDING DISCOVERY REQUEST;  
27 AND

1 (II) RESPOND TO THE DISCOVERY REQUEST BY STATING ONLY THAT  
2 THE MATTER IS CONFIDENTIAL, WITHOUT FURTHER ELABORATION, AND  
3 SHALL MAINTAIN THAT RESPONSE UNTIL THE STATE OR POLITICAL  
4 SUBDIVISION ELECTS TO PROCEED OR NOT PROCEED WITH THE ACTION  
5 BROUGHT PURSUANT TO SUBSECTION (4) OF THIS SECTION OR UNTIL THE  
6 COURT LIFTS THE SEAL.

7 (b) IF NECESSARY, IN ANY OTHER ACTION, A PERSON WHO  
8 BROUGHT THE ACTION PURSUANT TO SUBSECTION (4) OF THIS SECTION,  
9 THE ATTORNEY GENERAL, OR THE PROSECUTING AUTHORITY MAY FILE AN  
10 EX PARTE MOTION, IN CAMERA AND UNDER SEAL, SEEKING A PROTECTIVE  
11 ORDER OR AN EXTENSION OF TIME FOR THE PERSON TO RESPOND TO A  
12 DISCOVERY REQUEST. IF A PARTY IN THE OTHER ACTION MOVES TO COMPEL  
13 AN ANSWER TO THE DISCOVERY, THE PERSON WHO BROUGHT THE ACTION  
14 PURSUANT TO SUBSECTION (4) OF THIS SECTION SHALL FILE, EX PARTE AND  
15 IN CAMERA, A RESPONSE TO THE MOTION TO COMPEL, IN WHICH THE  
16 ATTORNEY GENERAL OR PROSECUTING AUTHORITY MAY JOIN. THE  
17 RESPONSE TO THE MOTION TO COMPEL MUST REMAIN UNDER SEAL UNTIL  
18 SUCH TIME AS THE STATE OR POLITICAL SUBDIVISION ELECTS TO PROCEED  
19 OR NOT PROCEED WITH THE ACTION OR UNTIL SUCH TIME AS THE COURT  
20 LIFTS THE SEAL.

21 (c) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (10)  
22 TO THE CONTRARY, INFORMATION ABOUT AN ACTION FILED PURSUANT TO  
23 SUBSECTION (4) OF THIS SECTION THAT IS PROTECTED BY THE  
24 DEFENDANT'S ATTORNEY-CLIENT PRIVILEGE IS NOT DISCOVERABLE IN ANY  
25 OTHER ACTION UNLESS THE PRIVILEGE WAS WAIVED, INADVERTENTLY OR  
26 OTHERWISE, BY THE PERSON WHO HOLDS THE PRIVILEGE; AN EXCEPTION  
27 TO THE PRIVILEGE APPLIES; OR DISCLOSURE OF THE INFORMATION IS

1 PERMITTED BY AN ATTORNEY PURSUANT TO 17 CFR 205.3 (d)(2), THE  
2 APPLICABLE COLORADO RULES OF PROFESSIONAL CONDUCT, OR  
3 OTHERWISE.

4 **24-31-1205. False claims action procedures - limitation on**  
5 **action - standard of proof.** (1) A CIVIL ACTION PURSUANT TO SECTION  
6 24-31-1204 MAY NOT BE BROUGHT AFTER THE LATER OF:

7 (a) MORE THAN SIX YEARS AFTER THE DATE ON WHICH THE  
8 VIOLATION OF SECTION 24-31-1203 IS COMMITTED OR THE DATE ON WHICH  
9 THE LAST IN A SERIES OF SUCH ACTS OR PRACTICES OCCURRED,  
10 WHICHEVER IS LATER; OR

11 (b) MORE THAN THREE YEARS AFTER THE DATE ON WHICH FACTS  
12 MATERIAL TO THE RIGHT OF ACTION ARE KNOWN OR REASONABLY SHOULD  
13 HAVE BEEN KNOWN BY THE OFFICIAL OF THE STATE OR A POLITICAL  
14 SUBDIVISION CHARGED WITH RESPONSIBILITY TO ACT IN THE  
15 CIRCUMSTANCES, BUT IN NO EVENT MORE THAN TEN YEARS AFTER THE  
16 DATE ON WHICH THE VIOLATION OF SECTION 24-31-1203 WAS COMMITTED.

17 (2) (a) IF THE STATE OR A POLITICAL SUBDIVISION ELECTS TO  
18 INTERVENE AND PROCEED WITH AN ACTION BROUGHT PURSUANT TO  
19 SECTION 24-31-1204, THE STATE OR POLITICAL SUBDIVISION MAY FILE ITS  
20 OWN COMPLAINT OR AMEND THE ORIGINAL COMPLAINT TO:

21 (I) CLARIFY AND ADD DETAIL, AND ADD ADDITIONAL DEFENDANTS,  
22 TO THE CLAIMS IN WHICH THE STATE OR POLITICAL SUBDIVISION IS  
23 INTERVENING; AND

24 (II) ADD ANY ADDITIONAL CLAIMS AND DEFENDANTS WITH  
25 RESPECT TO WHICH THE STATE OR POLITICAL SUBDIVISION CONTENDS IT IS  
26 ENTITLED TO RELIEF.

27 (b) FOR STATUTE OF LIMITATIONS PURPOSES, ANY PLEADINGS BY

1 THE STATE OR POLITICAL SUBDIVISION RELATE BACK TO THE FILING DATE  
2 OF THE ORIGINAL COMPLAINT FILED BY A PERSON PURSUANT TO SECTION  
3 24-31-1204 (4), TO THE EXTENT THAT THE STATE'S OR POLITICAL  
4 SUBDIVISION'S CLAIM ARISES OUT OF THE CONDUCT, TRANSACTIONS, OR  
5 OCCURRENCES SET FORTH, OR ATTEMPTED TO BE SET FORTH, IN THE  
6 ORIGINAL COMPLAINT.

7 (3) IN AN ACTION BROUGHT PURSUANT TO SECTION 24-31-1204,  
8 THE STATE, POLITICAL SUBDIVISION, OR PERSON WHO BROUGHT THE  
9 ACTION PURSUANT TO SECTION 24-31-1204 (4) MUST PROVE ALL  
10 ESSENTIAL ELEMENTS OF THE CAUSE OF ACTION, INCLUDING DAMAGES, BY  
11 A PREPONDERANCE OF THE EVIDENCE.

12 (4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE  
13 COLORADO RULES OF CRIMINAL PROCEDURE, OR THE COLORADO RULES OF  
14 EVIDENCE, A FINAL JUDGMENT RENDERED IN FAVOR OF THE STATE OR A  
15 POLITICAL SUBDIVISION IN A CRIMINAL PROCEEDING CHARGING FRAUD OR  
16 FALSE STATEMENTS, WHETHER UPON A VERDICT AFTER TRIAL OR UPON A  
17 PLEA OF GUILTY OR NOLO CONTENDERE, SHALL ESTOP THE DEFENDANT  
18 FROM DENYING THE ESSENTIAL ELEMENTS OF THE OFFENSE IN ANY ACTION  
19 THAT INVOLVES THE SAME TRANSACTION AS IN THE CRIMINAL PROCEEDING  
20 AND THAT IS BROUGHT PURSUANT TO SECTION 24-31-1204.

21 **24-31-1206. Jurisdiction.** AN ACTION DESCRIBED IN THIS PART 12  
22 MAY BE BROUGHT IN ANY JUDICIAL DISTRICT IN WHICH THE DEFENDANT  
23 OR, IN THE CASE OF MULTIPLE DEFENDANTS, ANY ONE DEFENDANT CAN BE  
24 FOUND, RESIDES, OR TRANSACTS BUSINESS, OR IN WHICH AN ACT  
25 PROSCRIBED BY SECTION 24-31-1203 OCCURRED. A PERSON BRINGING AN  
26 ACTION PURSUANT TO THIS PART 12 SHALL FILE THE COMPLAINT IN A  
27 DISTRICT COURT OR A FEDERAL COURT WITH JURISDICTION OVER THE



1 ACTION AND SHALL NOT FILE THE COMPLAINT IN ANY OTHER COURT. THE  
2 APPROPRIATE DISTRICT COURT SHALL ISSUE A SUMMONS AS REQUIRED BY  
3 THE COLORADO RULES OF CIVIL PROCEDURE AND SERVE THE SUMMONS AT  
4 ANY PLACE.

5 **24-31-1207. False claims civil investigation demands.**

6 (1) WHEN THE ATTORNEY GENERAL HAS REASONABLE CAUSE TO BELIEVE  
7 THAT ANY PERSON, WHETHER IN THIS STATE OR ELSEWHERE, HAS ENGAGED  
8 IN OR IS ENGAGING IN ANY VIOLATION OF SECTION 24-31-1203, THE  
9 ATTORNEY GENERAL MAY:

10 (a) REQUEST THE PERSON FILE A STATEMENT OR REPORT IN  
11 WRITING UNDER OATH OR OTHERWISE, ON FORMS PRESCRIBED BY THE  
12 ATTORNEY GENERAL, AS TO ALL FACTS AND CIRCUMSTANCES CONCERNING  
13 THE ALLEGED VIOLATIONS BY THE PERSON AND ANY OTHER DATA AND  
14 INFORMATION THE ATTORNEY GENERAL DEEMS NECESSARY; EXCEPT THAT  
15 THE PERSON IS NOT REQUIRED TO DISCLOSE ANY INFORMATION THAT IS  
16 PROTECTED BY THE PERSON'S ATTORNEY-CLIENT PRIVILEGE UNLESS THE  
17 PRIVILEGE WAS WAIVED, INADVERTENTLY OR OTHERWISE, BY THE PERSON  
18 WHO HOLDS THE PRIVILEGE; AN EXCEPTION TO THE PRIVILEGE APPLIES; OR  
19 DISCLOSURE OF THE INFORMATION IS PERMITTED BY AN ATTORNEY  
20 PURSUANT TO 17CFR 205.3 (d)(2), THE APPLICABLE COLORADO RULES OF  
21 PROFESSIONAL CONDUCT, OR OTHERWISE.

22 (b) EXAMINE UNDER OATH ANY PERSON IN CONNECTION WITH THE  
23 ALLEGED VIOLATIONS;

24 (c) EXAMINE ANY PROPERTY OR SAMPLE THEREOF, OR ANY  
25 NONPRIVILEGED RECORD, BOOK, DOCUMENT, ACCOUNT, OR PAPER THE  
26 ATTORNEY GENERAL DEEMS NECESSARY;

27 (d) MAKE TRUE COPIES, AT THE EXPENSE OF THE ATTORNEY

1 GENERAL, OF ANY NONPRIVILEGED RECORD, BOOK, DOCUMENT, ACCOUNT,  
2 OR PAPER EXAMINED PURSUANT TO SUBSECTION (1)(c) OF THIS SECTION,  
3 WHICH COPIES MAY BE OFFERED INTO EVIDENCE IN LIEU OF THE ORIGINALS  
4 THEREOF IN AN ACTION BROUGHT PURSUANT TO THIS PART 12; AND

5 (e) PURSUANT TO ANY ORDER OF ANY DISTRICT COURT, IMPOUND  
6 ANY SAMPLE OF PROPERTY THAT IS MATERIAL TO ANY ALLEGED VIOLATION  
7 OF THIS PART 12 AND RETAIN THE SAME IN THE ATTORNEY GENERAL'S  
8 POSSESSION UNTIL COMPLETION OF ALL PROCEEDINGS UNDERTAKEN  
9 PURSUANT TO THIS PART 12. A DISTRICT COURT SHALL NOT ISSUE AN  
10 ORDER DESCRIBED IN THIS SUBSECTION (1)(e) WITHOUT GIVING FULL  
11 OPPORTUNITY TO THE ACCUSED TO BE HEARD AND UNLESS THE ATTORNEY  
12 GENERAL HAS PROVEN BY CLEAR AND CONVINCING EVIDENCE THAT THE  
13 ORDER WILL NOT IMPAIR THE BUSINESS ACTIVITIES OF THE PERSON TO  
14 WHOM THE ORDER IS DIRECTED.

15 (2) WHEN THE ATTORNEY GENERAL HAS REASONABLE CAUSE TO  
16 BELIEVE THAT A PERSON, WHETHER IN THIS STATE OR ELSEWHERE, HAS  
17 ENGAGED IN OR IS ENGAGING IN A VIOLATION OF SECTION 24-31-1203, THE  
18 ATTORNEY GENERAL MAY ISSUE SUBPOENAS TO REQUIRE THE  
19 ATTENDANCE OF WITNESSES OR THE PRODUCTION OF DOCUMENTS,  
20 ADMINISTER OATHS, CONDUCT HEARINGS IN AID OF ANY INVESTIGATION OR  
21 INQUIRY, AND PRESCRIBE SUCH FORMS AS MAY BE NECESSARY TO  
22 ADMINISTER THIS PART 12.

23 (3) THE ATTORNEY GENERAL MAY ISSUE SUBPOENAS TO ANY  
24 PUBLIC OR PRIVATE CORPORATION OR PARTNERSHIP OR ASSOCIATION OR  
25 GOVERNMENTAL ENTITY TO PRODUCE WITNESSES TO APPEAR AND GIVE  
26 ORAL TESTIMONY AT INVESTIGATIVE HEARINGS. THE SUBPOENAS MAY  
27 DESIGNATE WITH REASONABLE PARTICULARITY THE MATTERS ON WHICH

1 EXAMINATION IS REQUESTED. IN RESPONSE TO THE SUBPOENA, THE ENTITY  
2 SHALL DESIGNATE ONE OR MORE OFFICERS, DIRECTORS, OR MANAGING  
3 AGENTS, OR DESIGNATE OTHER PERSONS, TO TESTIFY ON ITS BEHALF.

4 (4) A NOTICE OR SUBPOENA MAY BE SERVED IN THE MANNER  
5 PRESCRIBED BY LAW OR AS PROVIDED IN RULE 4 OF THE COLORADO RULES  
6 OF CIVIL PROCEDURE.

7 (5) (a) IF THE RECORDS OF A PERSON WHO HAS BEEN ISSUED A  
8 SUBPOENA ARE LOCATED OUTSIDE THIS STATE, THE PERSON SHALL EITHER:

9 (I) MAKE THEM AVAILABLE TO THE ATTORNEY GENERAL EITHER  
10 ELECTRONICALLY OR AT A CONVENIENT LOCATION WITHIN THIS STATE; OR

11 (II) PAY THE REASONABLE AND NECESSARY EXPENSES FOR THE  
12 ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S DESIGNEE, TO  
13 EXAMINE THE RECORDS AT THE PLACE WHERE THEY ARE MAINTAINED.

14 (b) THE ATTORNEY GENERAL MAY DESIGNATE REPRESENTATIVES,  
15 INCLUDING COMPARABLE OFFICIALS OF THE STATE IN WHICH THE RECORDS  
16 ARE LOCATED, TO INSPECT THE RECORDS ON BEHALF OF THE ATTORNEY  
17 GENERAL.

18 (6) IF ANY PERSON FAILS TO COOPERATE WITH ANY INVESTIGATION  
19 PURSUANT TO THIS SECTION OR FAILS TO OBEY ANY SUBPOENA ISSUED  
20 PURSUANT TO THIS SECTION, THE ATTORNEY GENERAL MAY APPLY TO THE  
21 APPROPRIATE DISTRICT COURT FOR AN APPROPRIATE ORDER TO  
22 EFFECTUATE THE PURPOSES OF THIS PART 12. AT THE REQUEST OF THE  
23 ATTORNEY GENERAL, THE APPLICATION MAY BE FILED IN CAMERA AND  
24 KEPT CONFIDENTIAL TO MAINTAIN THE CONFIDENTIALITY OF THE  
25 ATTORNEY GENERAL'S INVESTIGATION. THE APPLICATION MUST STATE  
26 THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THE ORDER  
27 APPLIED FOR IS NECESSARY TO INVESTIGATE A VIOLATION OF THIS PART 12.

1 IF THE COURT IS SATISFIED THAT REASONABLE GROUNDS EXIST, THE COURT  
2 IN ITS ORDER MAY:

- 3 (a) GRANT APPROPRIATE INJUNCTIVE RELIEF;
- 4 (b) REQUIRE ATTENDANCE OF OR THE PRODUCTION OF DOCUMENTS  
5 BY THE PERSON, OR BOTH;
- 6 (c) GRANT OTHER OR FURTHER RELIEF AS MAY BE NECESSARY TO  
7 OBTAIN COMPLIANCE BY THE PERSON.

8 **24-31-1208. Rule-making.** THE ATTORNEY GENERAL MAY  
9 PROMULGATE RULES NECESSARY TO IMPLEMENT THIS PART 12.

10 **24-31-1209. Use of recoveries - false claims recovery cash fund**  
11 **- creation.** (1) THE STATE TREASURER SHALL TRANSFER ALL PROCEEDS  
12 RETAINED BY THE STATE FROM A FALSE CLAIMS ACTION BROUGHT  
13 PURSUANT TO THIS PART 12 TO THE FALSE CLAIMS RECOVERY CASH FUND,  
14 WHICH IS HEREBY CREATED.

15 (2) ANY MONEY IN THE FUND NOT EXPENDED FOR THE PURPOSE OF  
16 THIS SECTION MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED  
17 BY LAW. ALL INTEREST AND INCOME DERIVED FROM INVESTMENT AND  
18 DEPOSIT OF MONEY IN THE FUND SHALL BE CREDITED TO THE FUND.

19 (3) (a) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL  
20 ASSEMBLY, THE DEPARTMENT MAY EXPEND MONEY FROM THE FUND FOR  
21 NECESSARY ACTUAL COSTS OF CARRYING OUT ITS DUTIES PURSUANT TO  
22 THIS PART 12.

23 (b) (I) WHEN PROCEEDS RETAINED BY THE STATE FROM A FALSE  
24 CLAIMS ACTION ARE DEPOSITED INTO THE FUND, THE ATTORNEY GENERAL  
25 SHALL DETERMINE THE AMOUNT OF THE PROCEEDS THAT SHOULD REMAIN  
26 IN THE FUND FOR USE BY THE DEPARTMENT FOR THE COSTS OF CARRYING  
27 OUT ITS DUTIES PURSUANT TO THIS PART 12 AND THE AMOUNT OF ANY

1 PROCEEDS DEPOSITED INTO THE FUND THAT ARE ATTRIBUTABLE TO A  
2 POLITICAL SUBDIVISION.

3 (II) IF THE AMOUNT OF THE PROCEEDS IS EQUAL TO OR EXCEEDS  
4 THE AMOUNT OF THE FALSE CLAIM PLUS THE DEPARTMENT'S COSTS, THE  
5 ATTORNEY GENERAL SHALL DIRECT THE STATE TREASURER TO TRANSFER  
6 TO THE ORIGINAL FUND FROM WHICH THE FALSE CLAIM WAS PAID AN  
7 AMOUNT EQUAL TO THE FALSE CLAIM. IF ALL OR PART OF THE PROCEEDS  
8 ARE ATTRIBUTABLE TO A POLITICAL SUBDIVISION, THE ATTORNEY  
9 GENERAL SHALL DIRECT THE TREASURER TO PAY TO THE POLITICAL  
10 SUBDIVISION, AS DESCRIBED IN SUBSECTION (3)(c) OF THIS SECTION, AN  
11 AMOUNT EQUAL TO THE FALSE CLAIM.

12 (III) IF THE AMOUNT OF THE PROCEEDS IS LESS THAN THE AMOUNT  
13 OF THE FALSE CLAIM PLUS THE DEPARTMENT'S COSTS, THE ATTORNEY  
14 GENERAL SHALL DIRECT THE STATE TREASURER TO TRANSFER TO THE  
15 ORIGINAL FUND FROM WHICH THE FALSE CLAIM WAS PAID A PRO-RATED  
16 AMOUNT BASED ON THE ACTUAL RECOVERY. IF ALL OR PART OF THE  
17 PROCEEDS ARE ATTRIBUTABLE TO A POLITICAL SUBDIVISION, THE  
18 ATTORNEY GENERAL SHALL DIRECT THE TREASURER TO PAY TO THE  
19 POLITICAL SUBDIVISION, AS DESCRIBED IN SUBSECTION (3)(c) OF THIS  
20 SECTION, A PRO-RATED AMOUNT BASED ON THE ACTUAL RECOVERY.

21 (c) NO LATER THAN SEVEN DAYS AFTER THE ATTORNEY GENERAL  
22 DIRECTS THE STATE TREASURER TO MAKE A PAYMENT TO A POLITICAL  
23 SUBDIVISION PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION, THE  
24 STATE TREASURER SHALL ISSUE A WARRANT TO BE PAID UPON DEMAND  
25 FROM THE FUND TO THE POLITICAL SUBDIVISION IN THE AMOUNT SPECIFIED  
26 BY THE ATTORNEY GENERAL.

27 (4) ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING

1 IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND  
2 AND SHALL NOT BE CREDITED OR TRANSFERRED TO ANOTHER FUND.

3 **24-31-1210. No limitations on common law authority -**  
4 **medicaid fraud control.** NOTHING IN THIS PART 12 AFFECTS, LIMITS, OR  
5 SUPPLANTS THE COMMON LAW AUTHORITY OF THE ATTORNEY GENERAL OR  
6 THE DEPARTMENT TO INVESTIGATE AND PROSECUTE MEDICAID FRAUD  
7 PURSUANT TO PART 8 OF THIS ARTICLE 31.

8 **24-31-1211. False claims act report.** (1) ON OR BEFORE  
9 JANUARY 15, 2024, AND ON OR BEFORE EACH JANUARY 15 THEREAFTER,  
10 THE ATTORNEY GENERAL SHALL SUBMIT A WRITTEN REPORT TO THE HOUSE  
11 OF REPRESENTATIVES BUSINESS AFFAIRS AND LABOR COMMITTEE, THE  
12 HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE, THE SENATE  
13 BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE, AND THE SENATE  
14 JUDICIARY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, CONCERNING  
15 CLAIMS BROUGHT PURSUANT TO THIS PART 12 DURING THE PREVIOUS  
16 FISCAL YEAR. THE REPORT MUST INCLUDE, BUT IS NOT LIMITED TO:

17 (a) THE NUMBER OF ACTIONS BROUGHT BY THE ATTORNEY  
18 GENERAL AND THE DISPOSITION OF THE ACTIONS;

19 (b) THE AMOUNT OF PROCEEDS RECOVERED BY THE STATE  
20 THROUGH SETTLEMENT OR JUDGMENT IN AN ACTION BROUGHT PURSUANT  
21 TO THIS PART 12, INCLUDING:

22 (I) THE CASE NUMBER AND PARTIES FOR EACH ACTION IN WHICH  
23 PROCEEDS WERE RECOVERED;

24 (II) THE AMOUNT OF PROCEEDS RECOVERED IN EACH CASE,  
25 CATEGORIZED BY THE AMOUNT RECOVERED AS DAMAGES, PENALTIES, AND  
26 LITIGATION COSTS; AND

27 (III) IF APPLICABLE, THE PERCENTAGE OF THE PROCEEDS

1 RECOVERED AND THE TOTAL AMOUNT AWARDED TO A PRIVATE PERSON  
2 WHO BROUGHT THE ACTION.

3 (c) THE NUMBER OF ACTIONS BROUGHT BY A PERSON OTHER THAN  
4 THE ATTORNEY GENERAL IN WHICH THE ATTORNEY GENERAL DID NOT  
5 INTERVENE, WHETHER THE ACTIONS WERE CONTINUED BY THE OTHER  
6 PERSON, AND THE DISPOSITION OF THE ACTIONS;

7 (d) THE AMOUNT OF PROCEEDS, INCLUDING ANY LITIGATION COSTS  
8 AND ATTORNEY FEES, RECOVERED THROUGH SETTLEMENT OR JUDGMENT  
9 IN ACTIONS BROUGHT BY A PERSON OTHER THAN THE ATTORNEY GENERAL;  
10 AND

11 (e) THE AMOUNT EXPENDED BY THE STATE FOR INVESTIGATION  
12 AND LITIGATION OF FALSE CLAIMS PURSUANT TO THIS PART 12 AND ALL  
13 OTHER COSTS RELATED TO THIS PART 12.

14 (2) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE  
15 REPORTING REQUIREMENT DESCRIBED IN THIS SECTION CONTINUES  
16 INDEFINITELY.

17 **SECTION 3.** In Colorado Revised Statutes, 2-3-109, **add** (3) as  
18 follows:

19 **2-3-109. Emergency reports.** (3) IF THE STATE AUDITOR IN THE  
20 COURSE OF AN AUDIT FINDS EVIDENCE OF APPARENTLY FALSE CLAIMS  
21 RELATED TO PUBLIC FUNDS OR PROPERTY, THE STATE AUDITOR SHALL  
22 IMMEDIATELY REPORT SUCH TRANSACTIONS TO THE COMMITTEE AND  
23 SHALL FILE A WRITTEN COPY OF THE REPORT WITH THE ATTORNEY  
24 GENERAL.

25 **SECTION 4.** In Colorado Revised Statutes, 2-3-110.5, **amend**  
26 (3)(a)(II) as follows:

27 **2-3-110.5. Fraud hotline - investigations - confidentiality -**

1     **access to records - definitions.** (3) (a) (II) The state auditor shall  
2 forward all hotline calls alleging fraud by a medicaid recipient to the  
3 department of health care policy and financing, ~~and~~ all calls alleging  
4 fraud by a medicaid provider or contractor to the medicaid fraud control  
5 unit of the office of the attorney general, AND ALL CALLS ALLEGING FRAUD  
6 IN VIOLATION OF THE "COLORADO FALSE CLAIMS ACT", PART 12 OF  
7 ARTICLE 31 OF TITLE 24, TO THE ATTORNEY GENERAL UNLESS THE  
8 ALLEGATION RELATES TO A STATE EMPLOYEE IN THE PERFORMANCE OF  
9 THE EMPLOYEE'S DUTIES.

10             **SECTION 5. Act subject to petition - effective date.** This act  
11 takes effect at 12:01 a.m. on the day following the expiration of the  
12 ninety-day period after final adjournment of the general assembly; except  
13 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
14 of the state constitution against this act or an item, section, or part of this  
15 act within such period, then the act, item, section, or part will not take  
16 effect unless approved by the people at the general election to be held in  
17 November 2022 and, in such case, will take effect on the date of the  
18 official declaration of the vote thereon by the governor.