

SB1577



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1577

Introduced 2/9/2017, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

740 ILCS 175/3

from Ch. 127, par. 4103

Amends the Illinois False Claims Act. Provides that a person who commits certain acts is liable to the State for a civil penalty of not less than the minimum amount and not more than the maximum amount allowed for a civil penalty for a violation of the federal False Claims Act (31 U.S.C. 3729 et seq) as adjusted by the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461) (instead of a penalty of not less than \$5,500 and not more than \$11,000). Effective immediately.

LRB100 06362 HEP 16401 b

A BILL FOR

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois False Claims Act is amended by
5 changing Section 3 as follows:

6 (740 ILCS 175/3) (from Ch. 127, par. 4103)

7 Sec. 3. False claims.

8 (a) Liability for certain acts.

9 (1) In general, any person who:

10 (A) knowingly presents, or causes to be presented,
11 a false or fraudulent claim for payment or approval;

12 (B) knowingly makes, uses, or causes to be made or
13 used, a false record or statement material to a false
14 or fraudulent claim;

15 (C) conspires to commit a violation of
16 subparagraph (A), (B), (D), (E), (F), or (G);

17 (D) has possession, custody, or control of
18 property or money used, or to be used, by the State and
19 knowingly delivers, or causes to be delivered, less
20 than all the money or property;

21 (E) is authorized to make or deliver a document
22 certifying receipt of property used, or to be used, by
23 the State and, intending to defraud the State, makes or

1 delivers the receipt without completely knowing that
2 the information on the receipt is true;

3 (F) knowingly buys, or receives as a pledge of an
4 obligation or debt, public property from an officer or
5 employee of the State, or a member of the Guard, who
6 lawfully may not sell or pledge property; or

7 (G) knowingly makes, uses, or causes to be made or
8 used, a false record or statement material to an
9 obligation to pay or transmit money or property to the
10 State, or knowingly conceals or knowingly and
11 improperly avoids or decreases an obligation to pay or
12 transmit money or property to the State,

13 is liable to the State for a civil penalty of not less than
14 the minimum amount and not more than the maximum amount
15 allowed for a civil penalty for a violation of the federal
16 False Claims Act (31 U.S.C. 3729 et seq.) as adjusted by
17 the Federal Civil Penalties Inflation Adjustment Act of
18 1990 (28 U.S.C. 2461) \$5,500 and not more than \$11,000,
19 plus 3 times the amount of damages which the State sustains
20 because of the act of that person. The penalties in this
21 Section are intended to be remedial rather than punitive,
22 and shall not preclude, nor be precluded by, a criminal
23 prosecution for the same conduct.

24 (2) A person violating this subsection shall also be
25 liable to the State for the costs of a civil action brought
26 to recover any such penalty or damages.

1 (b) Definitions. For purposes of this Section:

2 (1) The terms "knowing" and "knowingly":

3 (A) mean that a person, with respect to
4 information:

5 (i) has actual knowledge of the information;

6 (ii) acts in deliberate ignorance of the truth
7 or falsity of the information; or

8 (iii) acts in reckless disregard of the truth
9 or falsity of the information, and

10 (B) require no proof of specific intent to defraud.

11 (2) The term "claim":

12 (A) means any request or demand, whether under a
13 contract or otherwise, for money or property and
14 whether or not the State has title to the money or
15 property, that

16 (i) is presented to an officer, employee, or
17 agent of the State; or

18 (ii) is made to a contractor, grantee, or other
19 recipient, if the money or property is to be spent
20 or used on the State's behalf or to advance a State
21 program or interest, and if the State:

22 (I) provides or has provided any portion
23 of the money or property requested or demanded;
24 or

25 (II) will reimburse such contractor,
26 grantee, or other recipient for any portion of

1 the money or property which is requested or
2 demanded; and

3 (B) does not include requests or demands for money
4 or property that the State has paid to an individual as
5 compensation for State employment or as an income
6 subsidy with no restrictions on that individual's use
7 of the money or property.

8 (3) The term "obligation" means an established duty,
9 whether or not fixed, arising from an express or implied
10 contractual, grantor-grantee, or licensor-licensee
11 relationship, from a fee-based or similar relationship,
12 from statute or regulation, or from the retention of any
13 overpayment.

14 (4) The term "material" means having a natural tendency
15 to influence, or be capable of influencing, the payment or
16 receipt of money or property.

17 (c) Exclusion. This Section does not apply to claims,
18 records, or statements made under the Illinois Income Tax Act.
19 (Source: P.A. 95-128, eff. 1-1-08; 96-1304, eff. 7-27-10.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.