

2016 Regular Session

SENATE BILL NO. 327

BY SENATOR LUNEAU

CIVIL PROCEDURE. Provides for Louisiana False Claims Act. (8/1/16)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

AN ACT

To enact Chapter 21 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:4501 through 4517, relative to false claims; to provide for certain terms, definitions, language, conditions, procedures, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 21 of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:4501 through 4517 is hereby enacted to read as follows:

**CHAPTER 21. LOUISIANA FALSE CLAIMS ACT**

**§4501. Short Title**

**This Chapter may be cited as the Louisiana False Claims Act.**

**§4502. Legislative intent and purpose**

**A. This Chapter is enacted to combat and prevent fraud and abuse committed by any person against state government and to negate the adverse effects such activities have on the state's fiscal integrity and monetary resources.**

**B. The legislature intends the attorney general to be the agent of the state with the ability, authority, and resources to pursue civil monetary penalties,**

1 liquidated damages, or other remedies to protect the fiscal and programmatic  
2 integrity of the state government's monetary resources from persons who  
3 engage in fraud, misrepresentation, abuse, or other ill practices, as set forth in  
4 this Chapter, to obtain payments to which these persons are not entitled.

5 C. In any litigation commenced under this Chapter, or under any other  
6 statute or theory of liability seeking monetary or equitable relief for or relating  
7 to a state funded project or program, the state of Louisiana shall be deemed to  
8 be the real party in interest.

9 §4503. Definitions

10 As used in this Chapter, the following terms shall have the following  
11 meanings:

12 (1) "Agency" means any official, officer, commission, board, authority,  
13 council, committee, or department of any government body within the state.

14 (2) "Claim" means any request or demand, whether under a contract or  
15 otherwise, for money or property and whether or not the state has title to the  
16 money or property, that is either of the following:

17 (a) Presented to an officer, employee, or agent of the state.

18 (b) Made to a contractor, grantee, or other recipient, if the money or  
19 property is to be spent or used on the state's behalf or to advance a state  
20 program or interest, and if the state government does either of the following:

21 (i) Provides or has provided any portion of the money or property  
22 requested or demanded.

23 (ii) Will reimburse such contractor, grantee, or other recipient for any  
24 portion of the money or property that is requested or demanded.

25 (c) "Claim" does not include requests or demands for money or property  
26 that the state has paid to an individual as compensation for state employment  
27 or as an income subsidy with no restrictions on that individual's use of the  
28 money or property.

29 (3) "Knowing" and "knowingly" means that a person, with respect to

1 information, has actual knowledge of the information and acts in deliberate  
2 ignorance of the truth or falsity of the information. Proof of specific intent to  
3 defraud is not required.

4 (4) "Obligation" means an established duty, whether or not fixed, arising  
5 from an express or implied contractual grantor, grantee or licensor-licensee  
6 relationship, from a fee-based or similar relationship, from statute or  
7 regulation, or from the retention of an overpayment.

8 (5) "State government" and "state" means the government of the state  
9 or any department, commission, board, district, authority, agency, or other  
10 instrumentality of the state. This includes any contractor of the state and any  
11 of the contractor's subcontractors when the claims to the contractor are in  
12 relation to a state contract, program or any other program funded in whole or  
13 in part by state funds.

14 (6) "Material" means having a natural tendency to influence, or be  
15 capable of influencing, the payment or receipt of money or property.

16 (7) "Person" includes any natural person, corporation, firm, association,  
17 organization, partnership, limited liability company, business, or trust.

18 §4504. Settlement

19 The attorney general may agree to settle a matter for which recovery  
20 may be sought on behalf of the state for a violation of this Chapter. The terms  
21 of the settlement shall be reduced to writing and signed by the parties to the  
22 agreement. The terms of the settlement shall be public record.

23 §4505. Injunctive relief; lis pendens; disclosure of property and liabilities

24 A.(1) Concurrently with a withholding of payment, a sanction being  
25 imposed, or the institution of a criminal, civil, or departmental proceeding  
26 against any person from whom a recovery under the provisions of this Chapter  
27 is sought, the attorney general may bring an action for a temporary restraining  
28 order or injunction under Code of Civil Procedure Articles 3601 through 3613  
29 to prevent the transfer of property of any person from whom recovery is sought

1 to other persons.

2 (2) To obtain such relief, the attorney general shall demonstrate all  
3 necessary requirements for the relief to be granted.

4 (3) If an injunction is granted, the court may appoint a receiver to  
5 protect the property and business of the person from whom recovery may be  
6 sought. The court shall assess the cost of the receiver to the nonprevailing party.

7 B. Pursuant to Code of Civil Procedure Articles 3751 through 3753, the  
8 attorney general may place a notice of pendency of action, lis pendens, on the  
9 property of the person from whom recovery may be due during the pendency  
10 of a civil, criminal or administrative proceeding.

11 C. When requested the court or the attorney general, a person from  
12 whom recovery may be sought shall have an affirmative duty to fully disclose  
13 all property and liabilities to the requester.

14 §4506. Forfeiture of property for payment of recovery

15 A. In accordance with the provisions of Subsection B of this Section, the  
16 court may order the forfeiture of property to satisfy recovery under the  
17 following circumstances:

18 (1) The court may order the person from whom recovery is due to forfeit  
19 property that constitutes or was derived directly or indirectly from gross  
20 proceeds traceable to the violation which forms the basis for the recovery.

21 (2) If the attorney general shows that property was transferred to a third  
22 party to avoid paying of recovery, or in an attempt to protect the property from  
23 forfeiture, the court may order the third party to forfeit the transferred  
24 property.

25 B. Prior to the forfeiture of property, a contradictory hearing shall be  
26 held during which the attorney general shall prove, by clear and convincing  
27 evidence, that the property in question is subject to forfeiture pursuant to  
28 Subsection A of this Section. No such contradictory hearing shall be required  
29 if the owner of the property in question agrees to the forfeiture.

1           C. If property is transferred to another person within six months prior  
2           to the occurrence or after the occurrence of the violation for which recovery is  
3           due or within six months prior to or after the institution of a criminal, civil, or  
4           departmental investigation or proceeding, it shall be prima facie evidence that  
5           the transfer was to avoid paying recovery or was an attempt to protect the  
6           property from forfeiture.

7           D. The person from whom recovery is due shall have an affirmative duty  
8           to fully disclose all property and liabilities and all transfers of property which  
9           meet the criteria of Subsection C of this Section to the court and the attorney  
10           general.

11           §4507. Venue

12           An action instituted pursuant to the Louisiana False Claims Act may be  
13           brought in any of the following courts:

14           (1) The Nineteenth Judicial District Court for the parish of East Baton  
15           Rouge.

16           (2) A district court in the parish in which a person from whom recovery  
17           may be sought has its principal place of business or is domiciled.

18           §4508. Privilege; nondischargeability

19           A. Recovery shall be granted a privilege under state law as to all  
20           property owned by the person from whom recovery is due and shall be effective  
21           as to third parties only if notice of pendency, lis pendens, is placed on the  
22           property, if recorded and reinscribed in accordance with Civil Code Articles  
23           3320 through 3327, or if the conditions of Subsection C of this Section are  
24           applicable.

25           B. As to the property owned by the person from whom recovery due, the  
26           privilege provided in Subsection A of this Section shall rank ahead of any other  
27           privilege, mortgage, or secured interest except the first mortgage executed upon  
28           the property.

29           C. If property is transferred to a third party to avoid paying of recovery,

1 or in an attempt to protect the property from forfeiture, the privilege provided  
2 in Subsection A of this Section shall rank ahead of any other privilege,  
3 mortgage, or secured interest on the transferred property obtained or possessed  
4 by the person who obtains an ownership interest in the transferred property.

5 D. Recovery for a violation of the Louisiana False Claims Act shall be  
6 considered a nondischargeable liability under the provisions of Title 11, U.S.C.  
7 Chapters 7, 11, and 13.

8 §4509. Civil actions authorized

9 A. The attorney general may institute a civil action in the courts of this  
10 state to seek recovery from persons who violate the provisions of this Chapter.

11 B. An action to recover costs, expenses, fees, and attorney fees shall be  
12 ancillary to and shall be brought and heard in the same court as the civil action  
13 brought under the provision of Subsection A of this Section.

14 C. (1) A prevailing defendant may only seek recovery for costs, expenses,  
15 fees, and attorney fees if the court finds, following a contradictory hearing, that  
16 either of the following applies:

17 (a) The action was instituted by the attorney general pursuant to  
18 Subsection A of this Section after it should have been determined by the  
19 attorney general to be frivolous, vexatious, or brought primarily for the purpose  
20 of harassment.

21 (b) The attorney general proceeded with the action instituted pursuant  
22 to Subsection A of this Section after it should have been determined by the  
23 attorney general that proceeding would be frivolous, vexatious, or for the  
24 purpose of harassment.

25 (2) Recovery awarded to a prevailing defendant shall be awarded only  
26 for those reasonable, necessary, and proper costs, expenses, fees, and attorney  
27 fees actually incurred by the prevailing defendant.

28 D. An action to recover costs, expenses, fees, and attorney fees may be  
29 brought no later than sixty days after the rendering of judgment by the district

1 court, unless the district court decision is appealed. If the district court decision  
2 is appealed, such action may be brought no later than sixty days after the  
3 rendering of the final opinion on appeal by the court of appeal or, if applicable,  
4 by the supreme court.

5 §4510. False or fraudulent claim; misrepresentation

6 A. No person shall knowingly present or cause to be presented a false or  
7 fraudulent claim.

8 B. No person shall knowingly engage in misrepresentation to obtain, or  
9 attempt to obtain, payment from the state or a political subdivision.

10 C. No person shall knowingly make, use or cause to be made or used a  
11 false record or statement to obtain or attempt to obtain payment from the state.

12 D. No person shall knowingly make, use, or cause to be made or used, a  
13 false record or statement to conceal, avoid, or decrease an obligation to pay or  
14 transmit money or property to the state or a political subdivision.

15 E. No person shall conspire to defraud the state or a political subdivision.

16 F. No person shall defraud or attempt to defraud the state or a political  
17 subdivision through misrepresentation.

18 G. No person shall knowingly submit a claim for goods, services, or  
19 supplies which were of substandard quality or quantity.

20 H. Each violation of this Section may be treated as a separate violation  
21 or may be combined into one violation at the option of the attorney general.

22 I. This Chapter shall not apply to any person providing services  
23 pursuant to R.S. 40:2009.2 and 42 USC §1396r.

24 §4511. Recovery, assessment of civil fine and civil monetary penalty;  
25 disgorgement

26 A. In any action brought under the provisions of this Chapter, the  
27 attorney general shall recover all of the following:

28 (1) Actual damages.

29 (2) A civil fine in an amount of three times the actual damages sustained

1 by the state.

2 (3) A civil monetary penalty of not less than five thousand dollars but not  
3 more than eleven thousand dollars for each false or fraudulent claim,  
4 misrepresentation, or other prohibited act as contained in this Chapter.

5 (4) Payment of interest on the amount of the civil fine imposed pursuant  
6 to Paragraph (A)(2) of this Section at the maximum rate of legal interest  
7 provided by R.S. 13:4202 from the date the damage occurred to the date of  
8 repayment.

9 (5) Disgorgement of all profits obtained through a violation of R.S.  
10 21:4510.

11 B. In addition to the recovery awarded by Subsection A of this Section,  
12 any person who is found to have violated this Chapter shall be liable for all  
13 costs, expenses, and fees related to investigations and proceedings associated  
14 with the violation, including attorney fees.

15 (1) All awards of costs, expenses, fees, and attorney fees are subject to  
16 review by the court using a reasonable, necessary, and proper standard of  
17 review.

18 (2) The attorney general shall promptly remit awards for those costs,  
19 expenses, and fees incurred by the various clerks of court or sheriffs involved  
20 in the investigations or proceedings to the appropriate clerk or sheriff.

21 §4512. Burden of proof; prima facie evidence; standard of review

22 A. The burden of proof in an action instituted pursuant to this Chapter  
23 shall be on the state and by a preponderance of the evidence, except that the  
24 defendant shall carry the burden of proving that goods, services, or supplies  
25 were actually provided in the quantity and quality submitted on a claim. In all  
26 other aspects, the burden of proof shall be as set forth in the Code of Civil  
27 Procedure and other applicable laws.

28 B. Proof by a preponderance of the evidence of a false or fraudulent  
29 claim shall be deemed to exist under the following circumstances:



1           (1) If the defendant has pled guilty to, been convicted of, or entered a  
2           nolo contendere plea to a criminal charge in any federal or state court to  
3           charges arising out of the same circumstances as would be a violation of the  
4           Louisiana False Claims Act.

5           (2) If an order has been rendered against a defendant finding the  
6           defendant to have violated the Louisiana False Claims Act.

7           C.(1) The submission of a certified or true copy of an order, civil  
8           judgment, or criminal conviction or plea shall be prima facie evidence of the  
9           same.

10          (2) The submission of the bill of information or of the indictment and the  
11          minutes of the court shall be prima facie evidence as to the circumstances  
12          underlying a criminal conviction or plea.

13          §4513. Disposition of recovery

14           A. After compliance with the requirements of Article VII, Section 9(B)  
15           of the Constitution of Louisiana relative to the Bond Security and Redemption  
16           Fund, and prior to monies being placed in the state general fund, all monies  
17           received by the state pursuant to a civil award granted or settled under the  
18           provisions of this Chapter, except for the amount to make the state whole, may  
19           be designated by the attorney general to be placed in the Legal Support Fund.

20           B. To the extent that a recovery under Louisiana False Claims Act  
21           relates to the medical assistance programs, the attorney general may designate  
22           a portion of the recovery, except for the amount to make the medical assistance  
23           programs whole, to be deposited in the Medical Assistance Programs Fraud  
24           Detection Fund.

25          §4514. Qui tam action; civil action filed by private person

26           A. A private person may institute a civil action in the courts of this state  
27           on behalf of state government and himself to seek recovery for a violation of  
28           R.S. 38:4510 pursuant to the provisions of this Chapter. The institutor shall be  
29           known as a "qui tam plaintiff" and the civil action shall be known as a "qui tam

1 action".

2 B. No qui tam action shall be instituted no more than ten years after the  
3 date on which the violation is committed.

4 C. The burden of proof in a qui tam action instituted pursuant to this  
5 Chapter shall be the same as that set forth in R.S. 38:4512.

6 D. (1) Unless the action is brought by the attorney general or the person  
7 bringing the action is an original source of the information, the court shall  
8 dismiss an action or claim in accordance with this Section, unless opposed by  
9 the government, if substantially the same allegations or transactions as alleged  
10 in the action or claim were publicly disclosed in any of the following:

11 (a) A criminal, civil, or administrative hearing in which the government  
12 or its agent is a party.

13 (b) A congressional or government accountability office or other federal  
14 or state report, hearing, audit, or investigation.

15 (c) The news media.

16 (2) For the purposes of this Subsection, "original source" means an  
17 individual who, prior to a public disclosure in accordance with this Subsection,  
18 has voluntarily disclosed to the government the information on which  
19 allegations or transactions in a claim are based or who has knowledge that is  
20 independent of and materially adds to the publicly disclosed allegations or  
21 transactions, and who has voluntarily provided the information to the  
22 government before filing an action in accordance with this Chapter.

23 E. Any employee, contractor, or agent shall be entitled to all relief  
24 necessary to make that employee, contractor, or agent whole, if the employee,  
25 contractor, or agent is discharged, demoted, suspended, threatened, harassed,  
26 or in any other manner discriminated against in the terms and conditions of  
27 employment because of lawful acts done by the employee, contractor, agent, or  
28 associated others in furtherance of an action in accordance with this Chapter  
29 or other efforts to stop one or more violations of this Chapter.

1           (1) Relief in accordance with this Subsection shall include reinstatement  
2           with the same seniority status the employee, contractor, or agent would have  
3           had but for the discrimination, two times the amount of back pay, interest on  
4           the back pay, and compensation for any special damages sustained as a result  
5           of the discrimination, including litigation costs and reasonable attorney fees. An  
6           action in accordance with this Section may be brought in the appropriate  
7           district court of competent jurisdiction for the relief provided in this Section.

8           (2) A civil action in accordance with this Section may not be brought  
9           more than three years after the date the retaliation occurred.

10           F. The court shall allow the attorney general to intervene and proceed  
11           with the qui tam action in the district court at any time during the qui tam  
12           action proceedings.

13           G. Notwithstanding any other law to the contrary, a qui tam complaint  
14           and information filed with the attorney general shall not be subject to discovery  
15           or become public record until judicial service of the qui tam action is made on  
16           any of the defendants, except that the information contained therein may be  
17           given to other governmental entities or their authorized agents for review and  
18           investigation. The entities and their authorized agents shall maintain the  
19           confidentiality of the information provided to them under this Chapter.

20           §4515. Qui tam action procedures

21           A. The following procedures shall be applicable to a qui tam action:

22           (1) The complaint shall be captioned: "State of Louisiana: [insert name  
23           of qui tam plaintiff(s)] v. [insert name of defendant(s)]". The qui tam complaint  
24           shall be filed with the appropriate state or federal district court.

25           (2) A copy of the qui tam complaint and written disclosure of  
26           substantially all material evidence and information each qui tam plaintiff  
27           possesses shall be served upon the attorney general in accordance with the  
28           applicable rules of civil procedure.

29           (3) When a person brings an action in accordance with this Chapter, no

1 person other than the attorney general may intervene or bring a related action  
2 based on the same facts underlying the pending action.

3 (4)(a) The complaint and information filed with the court shall be made  
4 under seal, shall remain under seal for at least ninety days from the date of  
5 filing, and shall be served on the defendant when the seal is removed.

6 (b) For good cause shown, the attorney general may move the court for  
7 extensions of time during which the petition remains under seal. Any such  
8 motions may be supported by affidavits or other submissions in camera and  
9 under seal.

10 B.(1) If the attorney general elects to intervene in the action, the attorney  
11 general shall not be bound by any act of a qui tam plaintiff. The attorney  
12 general shall control the qui tam action proceedings on behalf of the state and  
13 the qui tam plaintiff may continue as a party to the action. For prescription  
14 purposes, any government complaint in intervention, whether filed separately  
15 or as an amendment to the relator's complaint, shall relate back to the filing  
16 date of the complaint, to the extent that the claim of the government arises out  
17 of the conduct, transactions, or occurrences set forth, or attempted to be set  
18 forth, in the relator's complaint.

19 (2) The qui tam plaintiff and his counsel shall cooperate fully with the  
20 attorney general during the pendency of the qui tam action.

21 (3) If requested by the attorney general and notwithstanding the  
22 objection of the qui tam plaintiff, the court may dismiss the qui tam action  
23 provided the qui tam plaintiff has been notified by the attorney general of the  
24 filing of the motion to dismiss and the court has provided the qui tam plaintiff  
25 a contradictory hearing on the motion.

26 (4)(a) If the attorney general does not intervene, the qui tam plaintiff  
27 may proceed with the qui tam action unless the attorney general shows that  
28 proceeding would adversely affect the prosecution of any pending criminal  
29 actions or criminal investigations into the activities of the defendant. Such a

1 showing shall be made to the court in camera and neither the qui tam plaintiff  
2 nor the defendant shall be informed of the information revealed in camera. In  
3 which case, the qui tam action shall be stayed for not more than one year.

4 (b) When a qui tam plaintiff proceeds with the action, the court, without  
5 limiting the status and rights of the qui tam plaintiff, may nevertheless permit  
6 the attorney general to intervene at a later date upon a showing of good cause.

7 (5) If the qui tam plaintiff objects to a settlement of the qui tam action  
8 proposed by the attorney general, the court may authorize the settlement only  
9 after a hearing to determine whether the proposed settlement is fair, adequate,  
10 and reasonable under the circumstances.

11 C. A defendant shall have thirty days from the time a qui tam complaint  
12 is served on him to file a responsive pleading.

13 D. The qui tam plaintiff and the defendant shall serve all pleadings and  
14 papers filed, as well as discovery, in the qui tam action on the attorney general.

15 E.(1) Whether or not the attorney general proceeds with the action, upon  
16 showing by the attorney general that certain actions of discovery by the qui tam  
17 plaintiff or defendant would interfere with a criminal, civil, or departmental  
18 investigation or proceeding arising out of the same facts, the court shall stay the  
19 discovery for a period of not more than ninety days.

20 (2) Upon a further showing that federal or state authorities have pursued  
21 the criminal, civil, or departmental investigation or proceeding with reasonable  
22 diligence and any proposed discovery in the qui tam action would unduly  
23 interfere with the criminal, civil, or departmental investigation or proceeding,  
24 the court may stay the discovery for an additional period, not to exceed one  
25 year.

26 (3) Such showings shall be conducted in camera and neither the  
27 defendant nor the qui tam plaintiff shall be informed of the information  
28 presented to the court.

29 (4) If discovery is stayed pursuant to this Subsection, the trial and any

1 motion for summary judgment in the qui tam action shall likewise be stayed.

2 §4516. Qui tam action procedures; alternative remedies

3 Notwithstanding any other provision of this Chapter to the contrary, the  
4 attorney general may elect to refer the matter to the appropriate department  
5 for an administrative action, or the attorney general may elect to pursue a civil  
6 action against a qui tam defendant through any alternative remedy available to  
7 the attorney general. If an alternate remedy is pursued in another proceeding,  
8 the person initiating the action shall have the same rights he would have had if  
9 the action had continued in accordance with this Chapter. Any finding of fact  
10 or conclusion of law made in the other proceeding that has become final shall  
11 be conclusive on all parties to an action in accordance with this Chapter. A  
12 finding or conclusion is final if it has been finally determined on appeal, if all  
13 delays for the filing of an appeal regarding the finding or conclusion have  
14 expired, or if the finding or conclusion is not subject to judicial review.

15 §4517. Recovery awarded to a qui tam plaintiff

16 A. (1) Except as provided by Subsection D of this Section and  
17 Paragraph(A)(3) of this Section, if the attorney general intervenes in the action  
18 brought by a qui tam plaintiff, the qui tam plaintiff shall receive at least fifteen  
19 percent, but not more than twenty-five percent, of recovery.

20 (2) In making a determination of award to the qui tam plaintiff, the court  
21 shall consider the extent to which the qui tam plaintiff substantially contributed  
22 to the prosecution of the action.

23 (3) If the court finds the allegations in the qui tam action to be based  
24 primarily on disclosures of specific information, other than information  
25 provided by the qui tam plaintiff, relating to allegations or transactions in  
26 criminal, civil, or administrative hearings, or from the news media, the court  
27 may award such sum it considers appropriate, but in no case may the court  
28 award more than ten percent of the proceeds, considering the significance of the  
29 information and the role of the person bringing the action in advancing the case

1 to litigation. Any payment to a person in accordance with this Subsection shall  
2 be made from the proceeds recovered.

3 B. Except as provided by Subsection D of this Section, if the attorney  
4 general does not intervene in the qui tam action, the qui tam plaintiff shall  
5 receive an amount, not less than twenty-five percent but not more than thirty  
6 percent of recovery, which the court decides is reasonable for the qui tam  
7 plaintiff pursuing the action to judgment or settlement.

8 C. (1) In addition to all other recovery to which he is entitled and if he  
9 prevails in the qui tam action through litigation or settlement, the qui tam  
10 plaintiff shall be entitled to an award against the defendant for costs, expenses,  
11 fees, and attorney fees, subject to review by the court using a reasonable,  
12 necessary, and proper standard of review.

13 (2) If the attorney general does not intervene and the qui tam plaintiff  
14 conducts the action, the court shall award costs, expenses, fees, and attorney  
15 fees to a prevailing defendant if the court finds that the allegations made by the  
16 qui tam plaintiff were meritless or brought primarily for the purposes of  
17 harassment. A finding by the court that qui tam allegations were meritless or  
18 brought primarily for the purposes of harassment may be used by the  
19 prevailing defendant in the qui tam action or any other civil proceeding to  
20 recover losses or damages sustained as a result of the qui tam plaintiff filing and  
21 pursuing such a qui tam action.

22 D. Whether or not the attorney general intervenes, if the court finds that  
23 the action was brought by a person who planned and initiated the violation  
24 which is the subject of the action, then the court may, to the extent the court  
25 considers appropriate, reduce the share of the proceeds of the action which the  
26 qui tam plaintiff would otherwise receive under Subsection A or B of this  
27 Section, taking into account the role the qui tam plaintiff played in advancing  
28 the case to judgment or settlement and any relevant circumstances pertaining  
29 to the qui tam plaintiff's participation in the violation.

1                    **E. When more than one party serves as a qui tam plaintiff, the share of**  
 2                    **recovery each receives shall be determined by the court. In no case, however,**  
 3                    **shall the total award to multiple qui tam plaintiffs be greater than the total**  
 4                    **award allowed to a single qui tam plaintiff under Subsection A or B of this**  
 5                    **Section.**

6                    **F. In no instance shall the attorney general, or the state be liable for any**  
 7                    **costs, expenses, fees, or attorney fees incurred by the qui tam plaintiff or for any**  
 8                    **award entered against the qui tam plaintiff.**

9                    **G. The percentage of the share awarded to or settled for by the qui tam**  
 10                   **plaintiff shall be determined using the total amount of the award or settlement.**

The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Ben Huxen.

DIGEST

SB 327 Engrossed

2016 Regular Session

Luneau

Proposed law creates the Louisiana False Claims Act which combats and prevents fraud and abuse committed by any person against state government and negates the adverse effects such activities have on the state's fiscal integrity and monetary resources. Provides certain definitions and procedures, including actions by the attorney general seeking injunctive relief preventing transfer of property by persons from whom recovery is sought. Authorizes certain other actions by the attorney general to recover amounts from persons making false or fraudulent claims seeking payments from the state or a political subdivision. Provides for recovery of certain amounts, including civil fines and penalties. Provides for disposition of recovery and for a qui tam action filed by a private person.

Effective August 1, 2016.

(Adds R.S. 38:4501-4517)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the  
original bill

1. Makes technical amendments and removes nursing home operators.