

APPENDIX J

FALSE CLAIM STATUTES
Comparative table or chart of state statutes

STATE AND MUNICIPAL FALSE CLAIMS STATUTES				
STATE	CITATION(S)	GOV'T. CIVIL ACTIONS	QUI TAM ACTIONS	CRIMINAL PENALTIES
Alaska	Alaska Stat. § 36.30.687	Yes	No	Yes, Class C felony, plus forfeiture of claim
Arizona	Ariz. Rev. Stat. § 47-9527 Arizona also has a Medicaid FCA	No	Yes, treble damages	No
California	Cal. Gov't. Code §§ 12650 et seq. enacted 1987, as amended through Stats. 2009, c.277. California also has a Medicaid FCA	Yes, treble damages plus costs plus civil penalty up to \$10,000; must be filed within 3 years after discovery and 10 years after occurrence	Yes, and relator may receive 15 to 33% of recovery, plus attorneys' fees and costs; State AG may intervene, and may receive up to 33% of recovery	No
City of Chicago	Chicago Municipal Code §§ 1-22-010 et seq. See also: Chicago Municipal Code § 2-152-171 (Whistle blower protection) and Chicago Municipal Code § 1-21-010 et seq. (False stmts.)			

STATE	CITATION(S)	GOV'T. CIVIL ACTIONS	QUI TAM ACTIONS	CRIMINAL PENALTIES
Delaware	6 Del. Code Ann. §§ 1201 et seq. Enacted in 2000	Yes, treble damages, plus attorneys' fees and costs, plus civil penalty of up to \$11,000; must be filed within 3 years after discovery and 6 years after occurrence	Yes, and relator may receive 15 to 25% of recovery (up to 30% if alone); plus attorneys' fees, costs, and expenses; State Dept. of Justice may intervene	No
Florida	Fla. Stat. Ann. §§ 68.081 et seq. Enacted in 1994	Yes, treble damages, plus attorneys' fees, costs and expenses, plus civil penalty up to \$11,000; must be filed within 3 years after discovery and 10 years after occurrence	Yes, and relator may recover 15 to 25% (up to 30% if alone), plus attorneys' fees and costs; State Dept. of Legal Affairs or State Dept. of Financial Svcs. may intervene	No
Hawaii	Haw. Rev. Stat. Ann. §§ 661-21 et seq. (false claims–state), enacted in 2000; 46-171 et seq. (false claims–local); §§ 378-61 et seq. (whistleblowers)	Yes, treble damages plus civil penalty of up to \$10,000, plus attorneys' fees and costs; must be filed within 6 years after discovery and 10 years after occurrence	Yes, and relator may recover 15 to 25% (up to 30% if alone), plus attorneys' fees and costs; State may intervene	No
Idaho	Idaho St. §§ 6-2101 et seq.	No	Whistleblower protection for public employees only	No
Illinois	740 Ill. Comp. Stat. Ann. §§ 175/1 et seq.	Yes, treble damages, plus civil penalty of up to \$11,000, plus attorneys' fees, costs and expenses; must be filed within 3 years after discovery and 10 years after occurrence	Yes, and relator may recover 15 to 25% (up to 30% if alone), plus attorneys' fees, costs, and expenses; State may intervene	No
Indiana	Ind. Code 5-11-5.5	Yes, civil penalty of at least \$5,000 and up to treble damages, plus costs; AG and IG have concurrent jurisdiction to investigate; must be filed within 3 years after discovery and 10 years after occurrence; AG and IG may use CIDs	Yes, and relator may recover 15 to 25% (up to 30% if alone), plus attorneys' fees, costs and expenses; State may intervene	No

STATE	CITATION(S)	GOV'T. CIVIL ACTIONS	QUI TAM ACTIONS	CRIMINAL PENALTIES
Kansas	Kan. Stat. Ann. 75-7501 et seq.; enacted Laws 2009, ch. 103, § 1, eff. April 30, 2009	Yes, treble damages, plus civil penalties of up to \$11,000, plus attorneys' fees and costs; must be filed within 3 years after discovery and 10 years after occurrence; per Kan. Stat. Ann. 75-7508(a)(2), a portion of the recovery goes to the defrauded state agency	No; Kan. Stat. Ann. 75-7504 expressly rules out all private causes of action except for whistleblower retaliation suits authorized by Kan. Stat. Ann.75-7506	No
Louisiana	Two separate statutes: La. Rev. Stat. Ann. 38:2260, penalties for violation of provisions on public contracts for purchase of materials; La. Rev. Stat. Ann. 39:2151, Hurricane Relief Programs Integrity Act of 2006. Louisiana also has a Medicaid FCA.	La. Rev. Stat. Ann. 38:2260, no; La. Rev. Stat. Ann. 39:2151, yes, Treble damages, plus civil fine of up to \$10,000, plus attorneys' fees, costs and expenses; must be filed within 1 year after discovery and 10 years after occurrence	La. Rev. Stat. Ann. 38:2260, no; La. Rev. Stat. Ann. 39:2151, yes, relator may receive up to 20 percent of recovery (up to 30 percent if alone), plus attorneys' fees, costs, and expenses	La. Rev. Stat. Ann. 38:2260, yes, misdemeanor, fine of up to \$500; La. Rev. Stat. Ann. 39:2151
Massachusetts	Mass. Gen. Laws Ann. ch. 12, §§ 5 et seq., enacted in 2000. Massachusetts also has a Medicaid FCA.	Yes, treble damages (incl. consequential damages) plus civil penalty up to \$10,000, plus attorneys' fees, experts' fees, costs of investigation; State recoveries go to False Claims Prosecution Fund; must be filed within 3 years after discovery and 10 years after occurrence	Yes, and relator may recover 15 to 25% (up to 30% if alone), plus attorneys' fees and costs; State may intervene	No
Michigan	Mich. Comp. Laws §§ 15.361 et seq.	No	Whistleblower protection for public employees only	No

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Minnesota	Minn. Stat. §§ 15C.01 et seq.— NEW , effective July 1, 2010	Yes, treble damages, plus civil penalties of up to \$11,000, plus attorneys' fees, experts' fees and costs; must be filed within 3 years after discovery and 10 years after occurrence; actual damages credited to fund that sustained damages, portion of balance to false claims account for litigation expenses	Yes, and relator may recover 15 to 25% (up to 30% if alone), plus attorneys' fees, experts' fees and costs; State may intervene	No
Montana	Mont. Code Ann. 17-8-401 et seq., (false claims—state); Mont. Code Ann. § 7-6-4311 (false claims—local) Montana also has a Medicaid FCA.	Yes, treble damages, plus civil penalties of up to \$10,000, plus attorneys' fees, costs, and expenses; must be filed within 3 years after discovery and 10 years after occurrence	Yes, and relator may recover 15 to 25% (up to 30% if alone), plus attorneys' fees, costs, and expenses; State may intervene	No
Nebraska	Neb. Rev. St. § 23-135.01. Nebraska also has a Medicaid FCA.	No	No	Yes, Class IV felony
Nevada	Nev. Rev. Stat. §§ 357.010 et seq., enacted by ch. 824, Laws of 1999	Yes, treble damages, plus civil penalties of up to \$10,000 plus costs, with joint and several liability; if AG commences, 33 percent of recovery to false claims investigation fund	Yes, and relator may recover 15 to 33% (up to 50% if alone), plus attorneys' fees, experts' fees, expenses, and costs; State may intervene	No

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New Jersey	N.J. Stat. Ann. 2A:32C-1 et seq.; enacted by Laws of 2007, ch. 265, eff. March 13, 2008	Yes, treble damages, plus same civil penalties as allowed under federal FCA as adjusted for inflation, plus attorneys' fees, expenses and costs; AG receives 10% of proceeds to special fund to support false claims investigations and prosecutions; must be filed within 3 years after discovery and 10 years after occurrence; AG authorized to subpoena records and witnesses, enforceable by arrest warrants	Yes, and relator may recover 15 to 25% (up to 30% if alone), plus attorneys' fees, expenses, and costs; State may intervene	No (except that persons failing to comply with AG subpoenas may be arrested)
New Mexico	N.M. Stat. Ann. 1978 §§ 44-9-1 et seq., enacted by L. 2007 ch. 40, eff. July 1, 2007	Yes, treble damages plus civil penalties of up to \$10,000, plus attorneys' fees and costs; AG may investigate or delegate investigative authority to agency defrauded; joint and several liability; actual damages returned to fund defrauded, portion of other proceeds to AG for false claims investigations and prosecutions; no statute of limitations, except that underlying conduct must have occurred on or after July 1, 1987	Yes, and relator may recover 15 to 25% (up to 30% if alone), plus attorneys' fees and expenses; State may intervene	No
New York City	N.Y.C. Admin. Code §§ 7-801 et seq. Enacted by Local Law No. 53 of 2005			

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New York State	N.Y. State Finance Law §§ 187 et seq., enacted L. 2007 c. 58, eff. April 1, 2007	Yes, treble damages, plus civil penalties of up to \$12,000, plus attorneys' fees, expenses, and costs; must be filed within 3 years after discovery and 10 years after occurrence	Yes, and relator may recover 15 to 25% (up to 30% if alone), plus attorneys' fees, expenses, and costs; State may take over action or intervene	No
North Carolina	N.C. Gen. Stat. Ann. Art. 51 §§ 1-605 et seq. and Art. 2 §§ 108A-63.1 et seq., enacted by Session Law 2009-554, Aug. 28, 2009, eff. Jan. 1, 2010 Note: appears to reflect FERA amendments to Federal FCA. North Carolina also has a Medicaid FCA.	Yes, treble damages, plus costs, plus civil penalty of up to \$11,000; AG may retain a portion of recovery as reimbursement for costs; AG authorized to issue CIDs; must be filed within 3 years after discovery and 10 years after occurrence	Yes, and relator may recover 15 to 25% (up to 30% if alone), plus attorneys' fees, costs, and expenses, if alone); State may intervene	No
Ohio	Ohio Rev. Code Ann. §§ 4113.52 et seq. Ohio also has a Medicaid FCA.	No	Whistleblower protection only	No
Rhode Island	R.I. Stat. §§ 9-1.1-1 et seq., Enacted P.L. 2007, ch. 73, eff. Feb. 15, 2008	Yes, treble damages plus civil penalties of up to \$10,000, plus costs; must be filed within 3 years after discovery and 10 years after occurrence; AG or State Police may issue subpoenas; recoveries deposited into special State False Claims Act fund	Yes, and relator may recover 15 to 25% (up to 30% if alone), plus attorneys' fees, expenses, and costs; State may intervene	No

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Tennessee	Tenn. Code Ann. §§ 4-18-101 et seq., enacted by ch. 367 Laws of 2001 Tennessee also has a Medicaid FCA	Yes, treble damages, plus civil penalty of up to \$10,000, plus costs; AG receives 33% of recoveries to support ongoing investigation and prosecution of false claims; must be filed within 3 years after discovery and 10 years after occurrence	Yes, and relator may recover 25 to 33% (35 to 50% if alone); State may intervene	No
Virginia	Va. Code Ann. §§ 8.01-216.1 et seq., enacted by ch. 842 of the Laws of 2002, eff. Jan. 1, 2003	Yes, treble damages, civil penalty up to \$11,000, plus attorneys' fees and costs; must be filed within 3 years after discovery and 10 years after occurrence; AG may use CIDs	Yes, and relator may recover 15 to 25% (up to 30% if alone), plus attorneys' fees and costs; State may intervene	No
Washington, D.C.	D.C. Code Ann. §§ 2-308.14 et seq.			
Wyoming	Wyo. Stat. 1977 § 6-5-303	No	No	Yes, felony, prison up to 2 years, fine of up to \$2,000, or both