

SENATE PROPOSAL OF AMENDMENT

H.120

An act relating to creating a Vermont false claims act

The Senate proposes to the House to amend the bill as follows:

First: In Sec. 1, in 32 V.S.A. § 631(c)(3), by striking out the words “the false claims law” and inserting in lieu thereof the words this subchapter

Second: In Sec. 1, in 32 V.S.A. § 632(b)(3), by striking out the words “in an electronic format determined by the Attorney General” and inserting in lieu thereof the words in accordance with the Rules of Civil Procedure

Third: In Sec. 1, in 32 V.S.A. § 633(c), by striking out the words “in an electronic format determined by the Attorney General” and inserting in lieu thereof the words in accordance with the Rules of Civil Procedure

Fourth: In Sec. 1, in 32 V.S.A. § 635(a), by striking out the following: “subsection (b) of this section” where it twicely appears and inserting in lieu thereof the following: subsection 632(b) of this chapter

Fifth: In Sec. 1, in 32 V.S.A. § 636(b), after the word “administrative” by inserting the words civil money penalty

Sixth: In Sec. 1, in 32 V.S.A. § 639(a)(2), by striking out the following: “circumstances, but in no event more than 10 years after the date on which the violation is committed; whichever occurs last.” and inserting in lieu thereof the following:

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whichever occurs last.

Seventh: In Sec. 1, in 32 V.S.A. § 639, by inserting a new subsection to be subsection (d) to read as follows:

(d) Notwithstanding any other general or special law, rule of procedure or rule of evidence to the contrary, a final judgment rendered in favor of the State in any criminal proceeding charging false statements or fraud, whether upon a verdict after trial or upon a plea of guilty or nolo contendere, shall estop the defendant from denying the essential elements of the offense in any action which involves the same transaction as in the criminal proceeding and which is brought under section 632 of this chapter.

Eighth: In Sec. 2, by striking out the catchline (effective date) and inserting in lieu thereof a new catchline to read: EFFECTIVE DATES and after the word “passage” by inserting the following: , except for 32 V.S.A. § 639(b) which shall take effect on March 15, 2016