

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 120 entitled  
3 “An act relating to creating a Vermont false claims act” respectfully reports  
4 that it has considered the same and recommends that the Senate propose to the  
5 House that the bill be amended as follows:

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

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

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

17 Fourth: In Sec. 1, in 32 V.S.A. § 635, in subsection (a), by striking out both  
18 instances of the following: “subsection (b) of this section” and inserting in lieu  
19 thereof the following: subsection 632(b) of this chapter.

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

1        Sixth: In Sec. 1, in 32 V.S.A. § 639, in subdivision (a)(2), by striking out  
2        the following:

3        “circumstances, but in no event more than 10 years after the date on which the  
4        violation is committed; whichever occurs last.” and inserting in lieu thereof the  
5        following:

6        circumstances, but in no event more than 10 years after the date on which the  
7        violation is committed;

8        whichever occurs last.

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

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

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

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(Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

FOR THE COMMITTEE