

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2051 Session of
2025

INTRODUCED BY GROVE, JAMES, M. JONES, GILLEN AND KLUNK,
NOVEMBER 19, 2025

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 19, 2025

AN ACT

1 Amending Title 71 (State Government) of the Pennsylvania
2 Consolidated Statutes, providing for liability for false
3 claims, for adoption of congressional intent of the Federal
4 False Claims Act, for damages, costs and civil penalties, for
5 powers of Attorney General, for qui tam actions and for civil
6 investigative demands.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Title 71 of the Pennsylvania Consolidated
10 Statutes is amended by adding a part to read:

11 PART XXVII

12 FINANCES OF STATE GOVERNMENT

13 Chapter

14 61. (Reserved)

15 63. False Claims Against Commonwealth

16 CHAPTER 61

17 (Reserved)

18 CHAPTER 63

19 FALSE CLAIMS AGAINST COMMONWEALTH

20 Subchapter

1 A. Preliminary Provisions

2 B. False Claims

3 SUBCHAPTER A

4 PRELIMINARY PROVISIONS

5 Sec.

6 6301. Short title of chapter.

7 6302. Declaration of policy.

8 6303. Definitions.

9 § 6301. Short title of chapter.

10 This chapter shall be known and may be cited as the
11 Commonwealth Fraud Prevention Act.

12 § 6302. Declaration of policy.

13 The General Assembly declares that this chapter adopts the
14 intent of the United States Congress in enacting the Federal
15 False Claims Act (Public Law 97-258, 31 U.S.C. § 3729 et seq.).

16 § 6303. Definitions.

17 The following words and phrases when used in this chapter
18 shall have the meanings given to them in this section unless the
19 context clearly indicates otherwise:

20 "Claim." As follows:

21 (1) A request or demand for money or property, whether
22 under contract or otherwise and regardless of whether the
23 Commonwealth has title to the money or property, that is
24 presented, submitted or otherwise made to:

25 (i) An employee, officer or agent of the
26 Commonwealth.

27 (ii) A contractor, grantee or other recipient, and
28 any portion of the money or property will be spent or
29 used on the Commonwealth's behalf or to advance a program
30 or interest of the Commonwealth, and the Commonwealth:

1 (A) provides or has provided any portion of the
2 money or property requested or demanded; or

3 (B) will reimburse the contractor, grantee or
4 other recipient for any portion of the money or
5 property which is requested or demanded.

6 (2) The term does not include requests or demands for
7 money or property that the Commonwealth has paid to an
8 individual as compensation for employment or as an income
9 subsidy with no restrictions on the individual's use of the
10 money or property.

11 (3) To the extent it is not connected to a request or
12 demand for money or property, a filing with a Commonwealth
13 agency pursuant to the Commonwealth's insurance laws shall
14 not constitute a claim.

15 "Designated district attorney." A district attorney
16 designated by the Attorney General under section 6312(a)(2)
17 (relating to Attorney General investigations and prosecutions
18 and civil actions).

19 "Designee." Any of the following individuals designated by
20 the Attorney General to perform duties under this chapter:

21 (1) An attorney of the Office of Attorney General.

22 (2) A designated district attorney.

23 (3) An attorney from a designated district attorney's
24 office.

25 "Knowing" or "knowingly." As follows:

26 (1) When a person, with respect to information, does any
27 of the following:

28 (i) Has actual knowledge of the information.

29 (ii) Acts in deliberate ignorance of the truth or
30 falsity of the information.

1 (iii) Acts in reckless disregard of the truth or
2 falsity of the information.

3 (2) Proof of specific intent to defraud is not required.

4 "Legal claim." A claim for relief at law or equity, whether
5 contemplated or asserted, including any claim, demand, account,
6 note or any other cause of action or liability.

7 "Material." A natural tendency to influence, or be capable
8 of influencing, the payment or receipt of money or property.

9 "Obligation." An established duty, whether or not fixed,
10 arising from any of the following:

11 (1) An express or implied contractual relationship.

12 (2) An express or implied grantor-grantee relationship.

13 (3) An express or implied licensor-licensee
14 relationship.

15 (4) A fee-based or similar relationship.

16 (5) A statute or regulation.

17 (6) The retention of an overpayment.

18 "Official use." A use that is consistent with the law and
19 the regulations and policies of the Office of Attorney General,
20 including the following:

21 (1) Use in connection with internal memoranda and
22 reports of the Office of Attorney General or designated
23 district attorney.

24 (2) Communications between the Office of Attorney
25 General or designated district attorney and a Federal, State
26 or local government agency or a contractor of a Federal,
27 State or local government agency, undertaken in furtherance
28 of an investigation or prosecution of an action.

29 (3) Interviews of a qui tam plaintiff or other witness.

30 (4) Oral examinations.

1 (5) Depositions.

2 (6) Preparation for and response to civil discovery
3 requests.

4 (7) Introduction into the record of an action or
5 proceeding.

6 (8) Applications, motions, memoranda and briefs
7 submitted to a court or other tribunal.

8 (9) Communications with investigators, auditors,
9 consultants and experts, the counsel of other parties,
10 arbitrators and mediators, concerning an investigation,
11 action, case or proceeding.

12 "Original source." A qui tam plaintiff who:

13 (1) prior to a public disclosure under section 6312(f)
14 (2), has voluntarily disclosed to the Commonwealth the
15 information on which the allegations or transactions in a
16 claim are based; or

17 (2) has knowledge that is independent of and materially
18 adds to the publicly disclosed allegations or transactions
19 and who has voluntarily provided the information to the
20 Commonwealth before filing an action under section 6312(b).

21 "Person." A natural person, corporation, firm, association,
22 organization, partnership, limited liability company, business,
23 trust, business trust, estate or foundation.

24 "Qui tam plaintiff." A person bringing a civil action under
25 section 6312(b).

26 "State." In reference to a jurisdiction, the term includes
27 the District of Columbia, the Commonwealth of Puerto Rico, the
28 Virgin Islands and all other insular territories of the United
29 States.

30 SUBCHAPTER B

FALSE CLAIMS

Sec.

6311. Acts subjecting persons to liability and damages.

6312. Attorney General investigations and prosecutions and
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6313. Civil investigative demands.

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6320. Actions and remedies under other laws.

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§ 6311. Acts subjecting persons to liability and damages.

(a) Liability.--Except as provided in subsection (b), a
person shall be liable to the Commonwealth for three times the
amount of damages that the Commonwealth sustains, plus a civil
penalty in an amount determined under subsection (d) for each
violation, if the person commits any of the following acts:

(1) Knowingly presents or causes to be presented a false
or fraudulent claim for payment or approval.

(2) Knowingly makes, uses or causes to be made or used,

1 a false record or statement material to a false or fraudulent
2 claim.

3 (3) Has possession, custody or control of property or
4 money used or to be used by the Commonwealth and knowingly
5 delivers or causes to be delivered less than all of the money
6 or property.

7 (4) Is authorized to make or deliver a document
8 certifying receipt of property used or to be used by the
9 Commonwealth and, intending to defraud the Commonwealth,
10 makes or delivers a receipt without completely knowing that
11 the information on the receipt is true.

12 (5) Knowingly buys or receives as a pledge of an
13 obligation or debt, public property from an officer or
14 employee of the Commonwealth who lawfully may not sell or
15 pledge the property.

16 (6) Knowingly makes, uses or causes to be made or used a
17 false record or statement material to an obligation to pay or
18 transmit money or property to the Commonwealth or knowingly
19 conceals, or knowingly and improperly avoids or decreases, an
20 obligation to pay or transmit money or property to the
21 Commonwealth.

22 (7) Knowingly fails to disclose a fact, event or
23 occurrence material to an obligation to pay or transmit money
24 or property to the Commonwealth.

25 (8) Is a beneficiary of an inadvertent submission of a
26 false claim, subsequently discovers the falsity of the claim
27 and fails to disclose the false claim to the Commonwealth
28 within a reasonable time after discovery of the false claim.

29 (9) Conspires to commit a violation of paragraph (1),
30 (2), (3), (4), (5), (6), (7) or (8).

1 (b) Damages limitation.--Notwithstanding the damages
2 provision of subsection (a), the court may assess not less than
3 two times the amount of damages the Commonwealth sustains from a
4 violation of subsection (a) if the court finds all of the
5 following:

6 (1) The person committing the violation furnished the
7 Commonwealth officials who are responsible for investigating
8 false claims violations with all information known to that
9 person about the violation within 30 days after the date on
10 which the person first obtained the information.

11 (2) The person fully cooperated with an investigation by
12 the Commonwealth.

13 (3) At the time the person furnished the Commonwealth
14 with information about the violation, no criminal
15 prosecution, civil action or administrative action had
16 commenced with respect to the violation, and the person did
17 not have actual knowledge of the existence of an
18 investigation into the violation.

19 (c) Commonwealth costs.--A person who is liable for damages
20 or penalties under subsection (a) shall also be liable to the
21 Commonwealth for the reasonable costs of investigating and
22 prosecuting violations of subsection (a), including reasonable
23 costs to the Office of Attorney General and, if applicable, to a
24 designated district attorney under section 6312(a)(2) (relating
25 to Attorney General investigations and prosecutions and civil
26 actions).

27 (d) Adjustment of penalties.--

28 (1) The upper and lower limits on civil penalties
29 imposed under subsection (b) shall be equal to, and shall
30 adjust consistently with, the civil penalty limits imposed

1 under 31 U.S.C. § 3729(a)(1) (relating to false claims), as
2 the limits under that provision are periodically adjusted by
3 the Federal Civil Penalties Inflation Adjustment Act of 1990
4 (Public Law 101-410, 28 U.S.C. § 2461 note).

5 (2) The Office of Attorney General shall transmit a
6 notice of any adjustment under this subsection to the
7 Legislative Reference Bureau for publication in the next
8 available issue of the Pennsylvania Bulletin.

9 (e) Exemption from disclosure.--The Office of Attorney
10 General and, if applicable, a designated district attorney's
11 office shall be exempt from disclosing information under the act
12 of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know
13 Law, that is furnished under subsection (b) or accessed or
14 shared under section 6314(a) (relating to access to and sharing
15 of information).

16 § 6312. Attorney General investigations and prosecutions and
17 civil actions.

18 (a) Responsibilities.--

19 (1) The Attorney General shall represent the
20 Commonwealth with respect to all matters arising under this
21 chapter and may investigate a violation of section 6311
22 (relating to acts subjecting persons to liability and
23 damages). If the Attorney General finds that a person has
24 violated or is violating section 6311, the Attorney General
25 may bring a civil action under this section against that
26 person for violating section 6311.

27 (2) The Attorney General may enter into an agreement
28 with a district attorney to designate the district attorney
29 to serve as the Attorney General's designee, investigate a
30 violation of section 6311 and bring a civil action under this

1 section against a person that has violated or is violating
2 section 6311. The Attorney General at any time may rescind
3 the designation made under this paragraph.

4 (3) Nothing in section 1407 of the act of June 13, 1967
5 (P.L.31, No.21), known as the Human Services Code, shall be
6 construed to limit the Attorney General's authority to
7 investigate or prosecute violations of section 6311.

8 (b) Action by qui tam plaintiff.--

9 (1) A qui tam plaintiff may bring a civil action for a
10 violation of section 6311 for the qui tam plaintiff and for
11 the Commonwealth in the name of the Commonwealth. Once filed,
12 the action may be dismissed only if the court and the
13 Attorney General give written consent to the dismissal and
14 their reasons for consenting.

15 (2) A copy of the complaint and written disclosure of
16 substantially all material evidence and information the qui
17 tam plaintiff possesses shall be served promptly on the
18 Attorney General as provided for in the Pennsylvania Rules of
19 Civil Procedure or applicable court rule. The complaint shall
20 be filed in camera and shall remain under seal for at least
21 120 days and shall not be served on the defendant until the
22 court orders the service. The Commonwealth may elect to
23 intervene and proceed with the action within 120 days after
24 the Commonwealth receives the complaint and the material
25 evidence and information.

26 (3) Upon motion of the Commonwealth, the court, for good
27 cause shown, shall extend the time during which the complaint
28 remains sealed under paragraph (2). The motion may be
29 supported by affidavits or other submissions in camera. The
30 defendant shall not be required to respond to a complaint

1 filed under this section until the complaint is unsealed and
2 served upon the defendant under the Pennsylvania Rules of
3 Civil Procedure or applicable court rule.

4 (4) Before the expiration of the 120-day period or any
5 extensions obtained under paragraph (3), the Commonwealth
6 shall do either of the following:

7 (i) Proceed with the action.

8 (ii) Notify the court that the Commonwealth declines
9 to take over the action, in which case the qui tam
10 plaintiff shall have the right to conduct the action.

11 (c) Intervention restricted to Commonwealth.--When a qui tam
12 plaintiff brings an action under subsection (b), no person other
13 than the Commonwealth may intervene or bring a related action
14 based on the facts underlying the pending action.

15 (d) Rights of parties to qui tam actions.--

16 (1) If the Commonwealth proceeds with the action, the
17 Commonwealth shall have the primary responsibility for
18 prosecuting the action and shall not be bound by an act of
19 the qui tam plaintiff. The qui tam plaintiff shall have the
20 right to continue as a party to the action, subject to the
21 limitations specified in paragraphs (2), (3), (4) and (5).

22 (2) The Commonwealth may move to dismiss the action
23 despite the qui tam plaintiff's objections if the
24 Commonwealth notifies the qui tam plaintiff of the filing.
25 The court may dismiss the action if the court has provided
26 the qui tam plaintiff with an opportunity to oppose the
27 motion at a hearing.

28 (3) The Commonwealth may settle the action with the
29 defendant despite the qui tam plaintiff's objections if the
30 court determines, after a hearing, that the proposed

1 settlement is fair, adequate and reasonable under the
2 circumstances. Upon a showing of good cause, the hearing may
3 be held in camera. Upon motion of the Commonwealth, the
4 court, for good cause shown, shall order a partial lifting of
5 the seal to facilitate the investigative process or
6 settlement.

7 (4) Upon the Commonwealth's showing that the qui tam
8 plaintiff's unrestricted participation during the course of
9 the action would interfere with or unduly delay the
10 Commonwealth's prosecution of the case or would be
11 repetitious, irrelevant or for purposes of harassment, the
12 court may, in its discretion, impose limitations on the qui
13 tam plaintiff's participation by:

14 (i) limiting the number of witnesses the qui tam
15 plaintiff may call;

16 (ii) limiting the length of witness testimony;

17 (iii) limiting the qui tam plaintiff's cross-
18 examination of witnesses; or

19 (iv) otherwise limiting the qui tam plaintiff's
20 participation in the action.

21 (5) Upon the defendant's showing that the qui tam
22 plaintiff's unrestricted participation in the action would be
23 for purposes of harassment or would cause the defendant undue
24 burden or unnecessary expense, the court may limit the qui
25 tam plaintiff's participation in the action.

26 (6) If the Commonwealth elects not to proceed with the
27 action, the qui tam plaintiff shall have the right to conduct
28 the action. If the Commonwealth requests, the Commonwealth
29 shall be served with copies of all pleadings filed in the
30 action and shall be supplied, at the Commonwealth's expense,

1 with copies of all deposition transcripts and other discovery
2 produced in the action. Without limiting the qui tam
3 plaintiff's status and rights, the court shall permit the
4 Commonwealth to intervene at a later date upon a showing of
5 good cause.

6 (7) Whether or not the Commonwealth proceeds with the
7 action, upon the Commonwealth's showing, in camera, that
8 certain actions of discovery by the qui tam plaintiff would
9 interfere with the Commonwealth's investigation or
10 prosecution of a criminal or civil matter arising out of the
11 same facts, the court may stay the discovery for a period of
12 not more than 60 days. The court may extend the 60-day period
13 upon the Commonwealth's further showing, in camera, that the
14 Commonwealth has pursued the criminal or civil investigation
15 or proceedings with reasonable diligence and that the
16 discovery proposed in the civil action will interfere with
17 the ongoing criminal or civil investigations or proceedings.

18 (8) Notwithstanding subsection (b), the Commonwealth may
19 elect to pursue its legal claims through an alternate remedy
20 available to the Commonwealth, including an administrative
21 proceeding to determine a civil money penalty. If the
22 alternate remedy is pursued in another proceeding, the qui
23 tam plaintiff shall have the same rights in the proceeding as
24 if the action had continued under this section. A finding of
25 fact or conclusion of law made in the other proceeding that
26 has become final shall be conclusive on all parties to an
27 action under this section. A finding or conclusion is final
28 if it has been finally determined on appeal to the
29 appropriate court of the Commonwealth, if the time for filing
30 the appeal regarding the finding or conclusion has expired

1 without an appeal having been filed or if the finding or
2 conclusion is not subject to judicial review.

3 (e) Award to qui tam plaintiff.--

4 (1) If the Commonwealth proceeds with an action brought
5 by a qui tam plaintiff, the qui tam plaintiff shall, subject
6 to the provisions of this subsection, receive at least 15%
7 but not more than 25% of the proceeds of the action or
8 settlement of the legal claim, depending upon the extent to
9 which either or both the qui tam plaintiff and the qui tam
10 plaintiff's counsel substantially contributed to the
11 prosecution of the action.

12 (2) If the court finds that the action is based
13 primarily on disclosures of specific information, other than
14 information provided by the qui tam plaintiff, relating to
15 allegations or transactions in a criminal, civil or
16 administrative hearing to which the Commonwealth is a party,
17 or in a Federal, State or local legislative or other
18 governmental hearing, audit or investigation or from the news
19 media, the court may award a sum it considers appropriate,
20 taking into account the information's significance and the
21 qui tam plaintiff's role in advancing the action, but in no
22 case more than 10% of the proceeds of the action or
23 settlement.

24 (3) If the Commonwealth does not proceed with an action
25 under this section, the qui tam plaintiff shall receive at
26 least 25% but not more than 30% of the proceeds of the action
27 or settlement of the legal claim, as the court deems
28 reasonable.

29 (4) Whether or not the Commonwealth proceeds with the
30 action, if the court finds that the qui tam plaintiff planned

1 and initiated the violation of section 6311 upon which the
2 action was brought, the following shall apply:

3 (i) Subject to subparagraph (ii), the court may, to
4 the extent it considers appropriate, reduce the share of
5 the proceeds of the action or settlement of the legal
6 claim which the qui tam plaintiff would otherwise receive
7 under paragraph (1), (2) or (3), taking into account the
8 qui tam plaintiff's role in advancing the action and any
9 relevant circumstances pertaining to the violation.

10 (ii) If the qui tam plaintiff is convicted of
11 criminal conduct arising from the qui tam plaintiff's
12 role in the violation, the qui tam plaintiff shall be
13 dismissed from the civil action and shall not receive a
14 share of the proceeds of the action. The dismissal shall
15 not prejudice the Commonwealth's right to continue the
16 action.

17 (5) An award to a qui tam plaintiff shall be made from
18 the proceeds of the action or settlement of the legal claim.
19 The qui tam plaintiff also shall receive an amount for
20 reasonable expenses which the court finds were necessarily
21 incurred, plus reasonable attorney fees and costs. The
22 expenses, fees and costs shall be awarded against the
23 defendant.

24 (6) If the Commonwealth does not proceed with the action
25 and the qui tam plaintiff conducts the action, the court may
26 award to the defendant reasonable attorney fees and expenses
27 if the defendant prevails in the action and the court finds
28 that the qui tam plaintiff's legal claim was clearly
29 frivolous, clearly vexatious or brought primarily for
30 purposes of harassment.

1 (f) Certain actions barred.--

2 (1) A court does not have jurisdiction over an action
3 filed under this section against the Governor, the Lieutenant
4 Governor, the Attorney General, the Auditor General, the
5 Treasurer, a cabinet member, a deputy secretary, a member of
6 the General Assembly or a member of the judiciary if the
7 action is based on evidence or information known to the
8 Commonwealth when the action was brought.

9 (2) Subject to paragraph (3), the court shall dismiss an
10 action or legal claim brought under subsection (b) if
11 substantially the same allegations or transactions alleged in
12 the action or legal claim were publicly disclosed in:

13 (i) the news media;

14 (ii) a criminal, civil or administrative hearing in
15 which the Commonwealth is or was a party; or

16 (iii) a Federal, State or local legislative or other
17 governmental hearing, report, audit or investigation.

18 (3) The court may not dismiss an action under paragraph
19 (2) if:

20 (i) the Attorney General or a designated district
21 attorney brought action;

22 (ii) the Commonwealth opposes dismissal; or

23 (iii) the qui tam plaintiff is an original source of
24 the information publicly disclosed.

25 (4) A qui tam plaintiff may not bring an action under
26 this section which is based upon allegations or transactions
27 that are the subject of a civil suit or an administrative
28 civil money penalty proceeding in which the Commonwealth is
29 already a party.

30 (g) Commonwealth not liable for certain expenses.--The

1 Commonwealth is not liable for expenses that a qui tam plaintiff
2 incurs in bringing an action under this section.

3 (h) (Reserved).

4 (i) Cooperation by agencies.--Commonwealth agencies shall
5 cooperate in the investigation and prosecution of false claims
6 under this section, whether the investigation is conducted or a
7 suit is brought by the Attorney General, a designated district
8 attorney or a qui tam plaintiff.

9 (j) Nature of action.--An action under this section is an
10 action brought by the Commonwealth, as provided in section
11 204(c) of the act of October 15, 1980 (P.L.950, No.164), known
12 as the Commonwealth Attorneys Act.

13 § 6313. Civil investigative demands.

14 (a) Issuance and service.--

15 (1) If the Attorney General or, for purposes of this
16 subsection, the Attorney General's designee, has reason to
17 believe that a person may be in possession, custody or
18 control of documentary material or information relevant to a
19 false claims investigation under this chapter, the Attorney
20 General or designee may, before commencing a civil action
21 under section 6312(a) (relating to Attorney General
22 investigations and prosecutions and civil actions) or making
23 an election whether to intervene in an action brought under
24 section 6312(b), issue in writing and cause to be served upon
25 the person a civil investigative demand requiring the person
26 to:

27 (i) produce documentary material for inspection and
28 copying;

29 (ii) answer in writing written interrogatories with
30 respect to documentary material or information;

1 (iii) give oral testimony concerning documentary
2 material or information; or

3 (iv) furnish any combination of materials, answers
4 or testimony.

5 (2) If a civil investigative demand is an express demand
6 for a product of discovery, the Attorney General or designee
7 shall:

8 (i) Cause to be served in any manner authorized by
9 this subsection a copy of the demand upon the person from
10 whom or which the discovery was obtained.

11 (ii) Notify the demand issuee of the date on which
12 the copy was served.

13 (b) Contents and deadlines.--

14 (1) A civil investigative demand shall state the nature
15 of the conduct constituting the alleged violation of this
16 chapter that is under investigation and the applicable
17 provisions of this chapter alleged to be violated.

18 (2) If the civil investigative demand is for the
19 production of documentary material, the demand shall:

20 (i) Describe each class of documentary material to
21 be produced with definiteness and certainty as to permit
22 the material to be fairly identified.

23 (ii) Prescribe a return date for each class that
24 will provide a reasonable time period within which the
25 material so demanded may be assembled and made available
26 for inspection and copying.

27 (iii) Identify the false claims investigator to whom
28 the material shall be available.

29 (3) If the civil investigative demand is for answers to
30 written interrogatories, the demand shall:

1 (i) Describe with specificity the written
2 interrogatories to be answered.

3 (ii) Prescribe dates on which the answers to the
4 written interrogatories shall be submitted.

5 (iii) Identify the false claims investigator to whom
6 the answers shall be submitted.

7 (4) If the civil investigative demand is for oral
8 testimony, the demand shall:

9 (i) Prescribe a date, time and place at which the
10 oral testimony shall be given.

11 (ii) Identify a false claims investigator who shall
12 conduct the examination and the custodian to whom the
13 transcript of the examination shall be submitted.

14 (iii) Specify that attendance and testimony are
15 necessary to the conduct of the false claims
16 investigation.

17 (iv) Describe the general purpose for which the
18 demand is being issued and general nature of the
19 testimony, including the primary areas of inquiry, which
20 will be taken under the demand.

21 (5) A civil investigative demand shall contain the
22 following statement printed at the beginning of the demand:
23 "You have the right to seek the assistance of an attorney,
24 who may represent you in all phases of the investigation of
25 which this civil investigative demand is a part."

26 (6) A civil investigative demand that is an express
27 demand for a product of discovery shall not be returned or
28 returnable until 20 days after a copy of the demand has been
29 served upon the person from whom or which the discovery was
30 obtained.

1 (7) The date prescribed for commencement of oral
2 testimony under a civil investigative demand shall not be
3 less than seven days after the date on which the demand is
4 served, unless the Attorney General or designee determines
5 that exceptional circumstances exist and warrant commencing
6 testimony within a lesser time period.

7 (8) The Attorney General, or designee, may not authorize
8 the issuance of more than one civil investigative demand for
9 the same person's oral testimony unless:

10 (i) the person requests otherwise; or

11 (ii) the Attorney General or designee notifies the
12 person in writing that an additional demand for oral
13 testimony is necessary.

14 (c) Protected material or information.--

15 (1) A civil investigative demand may not require the
16 production of documentary material, the submission of answers
17 to written interrogatories or the giving of oral testimony if
18 the material, answers or testimony would be protected from
19 disclosure under the standards applicable to:

20 (i) subpoenas or subpoenas duces tecum issued by a
21 court of this Commonwealth to aid in a grand jury
22 investigation; or

23 (ii) discovery under the Pennsylvania Rules of Civil
24 Procedure or other applicable court rule, to the extent
25 that the application of the standards to a demand is
26 appropriate and consistent with the provisions and
27 purposes of this section.

28 (2) Except if a statute explicitly precludes the
29 superseding effect imposed by this paragraph, a civil
30 investigative demand that is an express demand for a product

1 of discovery supersedes an inconsistent order, rule or
2 provision of law, other than in this section, that prevents
3 or restrains disclosure of the product of discovery to any
4 person.

5 (3) A person's disclosure of a product of discovery
6 under an express demand does not constitute a waiver of any
7 right or privilege to resist discovery of trial preparation
8 materials that the person may be entitled to invoke.

9 (d) Service and jurisdiction.--Except as otherwise provided,
10 the following apply to civil investigative demands issued under
11 this section and petitions filed under subsection (j):

12 (1) A civil investigative demand may be served by a
13 false claims investigator, a law enforcement officer or
14 another individual authorized by law to serve process in the
15 jurisdiction where the demand is served.

16 (2) A petition may be served by any person authorized to
17 serve process under the Pennsylvania Rules of Civil Procedure
18 or other applicable court rule.

19 (3) A civil investigative demand or petition may be
20 served upon a person consistent with and in the manner
21 prescribed by 42 Pa.C.S. Ch. 53 (relating to bases of
22 jurisdiction and interstate and international procedure) and
23 the Pennsylvania Rules of Civil Procedure or other applicable
24 court rule, for personal service inside or outside this
25 Commonwealth.

26 (4) To the extent that the courts of this Commonwealth
27 can assert jurisdiction over a person outside this
28 Commonwealth, a court with jurisdiction over an action filed
29 under this chapter shall have the same jurisdiction to take
30 action respecting the person's compliance with this section

1 that it would have if the person resided within the court's
2 jurisdiction.

3 (5) A civil investigative demand or petition may be
4 served upon a legal entity by:

5 (i) delivering an executed copy of the demand or
6 petition to a partner, executive officer, managing agent
7 or general agent of the legal entity, or to an employee
8 designated or agent authorized by appointment or law to
9 receive service of process on behalf of the legal entity;

10 (ii) delivering an executed copy of the demand or
11 petition to the legal entity's principal office or place
12 of business;

13 (iii) depositing an executed copy of the demand or
14 petition in the United States mail by registered or
15 certified mail with a return receipt requested, addressed
16 to the legal entity at its principal office or place of
17 business; or

18 (iv) any other method provided by the Pennsylvania
19 Rules of Civil Procedure or other applicable court rule.

20 (6) A civil investigative demand or petition may be
21 served upon a natural person by:

22 (i) delivering an executed copy of the demand or
23 petition to the person;

24 (ii) depositing an executed copy of the demand or
25 petition in the United States mail by registered or
26 certified mail with a return receipt requested, addressed
27 to the person at the person's residence or principal
28 office or place of business; or

29 (iii) any other method provided by the Pennsylvania
30 Rules of Civil Procedure or other applicable court rule.

1 (7) A verified return by the individual serving a civil
2 investigative demand or a petition, specifying the manner of
3 service, shall be proof of service. In the case of service by
4 registered or certified mail, the return post office receipt
5 of the demand or petition's delivery shall accompany the
6 verified return.

7 (e) Documentary material.--

8 (1) The production of documentary material shall be made
9 under a written and verified certificate, in the form a civil
10 investigative demand designates:

11 (i) if the demand issuee is a natural person, by the
12 demand issuee; or

13 (ii) if the demand issuee is not a natural person,
14 by an individual who has knowledge of facts and
15 circumstances relating to the production and is
16 authorized to act on the demand issuee's behalf.

17 (2) The certificate shall state that all the documentary
18 material required by the demand and in the demand issuee's
19 possession, custody or control has been produced and made
20 available to the false claims investigator identified in the
21 demand.

22 (3) A demand issuee shall make demanded material
23 available for inspection and copying to the false claims
24 investigator identified in the demand:

25 (i) at the demand issuee's principal place of
26 business;

27 (ii) at another place as the false claims
28 investigator and the demand issuee thereafter may agree
29 and prescribe in writing; or

30 (iii) as the court may direct under this section.

1 (4) The documentary material shall be made available on
2 the return date specified in the demand or on a later date as
3 the false claims investigator may prescribe in writing. The
4 demand issuee may, upon written agreement with the false
5 claims investigator, substitute copies for originals of all
6 or any part of the material.

7 (5) If the demand issuee objects to the production of
8 any portion of the required documentary material or otherwise
9 withholds any portion of the material, the demand issuee
10 shall with particularity state the reasons for the objection
11 or withholding and identify all withheld material.

12 (f) Interrogatories.--

13 (1) Each interrogatory in a civil investigative demand
14 shall be answered separately and fully in writing under oath
15 and shall be submitted under a verified certificate, in the
16 form the demand designates, stating that all information
17 required by the demand and in the demand issuee's possession,
18 custody, control or knowledge has been submitted:

19 (i) if the demand issuee is a natural person, by the
20 demand issuee; or

21 (ii) if the demand issuee is not a natural person,
22 by the individuals responsible for answering each
23 interrogatory.

24 (2) If the demand issuee objects to an interrogatory or
25 any portion of an interrogatory, or otherwise withholds
26 information, the demand issuee shall state with particularity
27 the reasons for the objection or withholding and identify all
28 withheld information.

29 (g) Oral examinations.--

30 (1) The examination of a person under a civil

1 investigative demand for oral testimony shall be taken before
2 an officer authorized to administer oaths and affirmations by
3 the laws of this Commonwealth or of the place where the
4 examination is held.

5 (2) The officer shall put the witness on oath or
6 affirmation and, personally or by someone acting under the
7 officer's direction and in the officer's presence, shall
8 record the witness's testimony.

9 (3) The testimony shall be stenographically transcribed.

10 (4) When the transcribing is complete, the officer shall
11 promptly transmit a copy of the transcript to the custodian.

12 (5) This subsection shall not preclude the taking of
13 testimony by any means authorized by, and in a manner
14 consistent with, the Pennsylvania Rules of Civil Procedure or
15 other applicable court rule.

16 (6) The false claims investigator conducting the
17 examination shall exclude from the place where the
18 examination is held all persons except the following:

19 (i) The person giving the testimony.

20 (ii) The attorney for the person giving the
21 testimony.

22 (iii) An attorney for the Commonwealth.

23 (iv) The officer before whom the testimony is to be
24 taken.

25 (v) The court reporter taking the testimony.

26 (vi) The custodian, if identified in the demand as
27 attending.

28 (vii) Any other person upon which the person giving
29 the testimony agreed and the attorney for the
30 Commonwealth.

1 (7) A person's oral testimony taken under a civil
2 investigative demand shall be taken in the county or city
3 within which the person resides, is found or transacts
4 business, or in a place to which the false claims
5 investigator and the person otherwise agree.

6 (8) When the transcript of testimony is completed, the
7 false claims investigator or the officer before whom the
8 testimony is taken shall afford the witness, who may be
9 accompanied by counsel, a reasonable opportunity to examine
10 and read the transcript, unless the witness waives the
11 reading and examination.

12 (9) The officer or false claims investigator shall enter
13 and identify on the transcript any changes in form or
14 substance that the witness desires to make with a statement
15 of the reasons the witness gives for making the changes.

16 (10) The witness shall sign the transcript after the
17 changes, if any, are made, unless the witness waives the
18 signing in writing, is ill, cannot be found or refuses to
19 sign. If the witness does not sign the transcript within 30
20 days after being afforded a reasonable opportunity to sign
21 it, the officer or false claims investigator shall sign the
22 transcript and state on the record the fact of the witness's
23 waiver, illness, absence or refusal to sign, together with
24 the reasons, if any, given for why the witness did not sign
25 the transcript.

26 (11) The officer before whom the testimony is taken
27 shall certify on the transcript that the witness was sworn by
28 the officer and the transcript is a true record of the
29 witness's testimony, and the officer shall promptly deliver
30 the transcript or send the transcript by registered or

1 certified mail to the custodian.

2 (12) Upon receiving payment of reasonable charges, the
3 false claims investigator shall furnish a copy of the
4 transcript to the witness only, except that the Attorney
5 General or the Attorney General's designee may, for good
6 cause, limit the witnesses to inspecting the official
7 transcript.

8 (13) A person compelled to appear for oral testimony may
9 be accompanied, represented and advised by counsel. Counsel
10 may advise the person in confidence with respect to any
11 question asked of the person.

12 (14) The person or the person's counsel may object on
13 the record to any question, in whole or in part, and shall
14 briefly state for the record the reason for the objection. An
15 objection may be made, received and entered upon the record
16 when it is asserted that the person is entitled to refuse to
17 answer on the grounds of a constitutional or legal right or
18 privilege, including the privilege against self-
19 incrimination. The person may not otherwise object to or
20 refuse to answer any question and may not directly or through
21 counsel otherwise interrupt the oral examination. If a person
22 refuses to answer a question, a petition may be filed with
23 the court under this section for an order compelling the
24 person to answer the question.

25 (15) A person appearing for oral testimony under a civil
26 investigative demand shall be entitled to the same fees and
27 allowances that are paid to witnesses in the courts of common
28 pleas.

29 (h) Refusal to comply on self-incrimination privilege
30 grounds.--The Attorney General or, with the Attorney General's

1 authorization, a designated district attorney may invoke the
2 provisions of 42 Pa.C.S. § 5947 (relating to immunity of
3 witnesses) if a person, on the grounds of privilege against
4 self-incrimination, refuses to:

5 (1) furnish documentary material in response to a civil
6 investigative demand;

7 (2) answer an interrogatory in response to a civil
8 investigative demand;

9 (3) answer a question asked during oral examination made
10 under a civil investigative demand; or

11 (4) otherwise comply with a civil investigative demand.

12 (i) Custody of documents, answers and transcripts.--

13 (1) Unless the Attorney General or, if applicable, a
14 designated district attorney designates another person, the
15 false claims investigator identified on a civil investigative
16 demand shall serve as custodian of documentary material,
17 interrogatory answers and oral testimony transcripts received
18 under this section. The Attorney General or, if applicable, a
19 designated district attorney may designate additional persons
20 as the Attorney General determines to be necessary to serve
21 as deputy, alternative or successor custodians.

22 (2) A false claims investigator who receives documentary
23 material, interrogatory answers or oral testimony transcripts
24 under this section shall:

25 (i) if serving as custodian, take possession of the
26 material, answers or transcripts and be responsible for
27 their usage and for the return of documentary material;
28 or

29 (ii) if not serving as custodian, transmit the
30 materials, answers or transcripts to the custodian, who

1 shall take possession and responsibility for the
2 materials, answers or transcripts.

3 (3) The custodian may cause the preparation of copies of
4 documentary material, interrogatory answers or oral testimony
5 transcripts as may be required for official use by a false
6 claims investigator or another officer or employee of the
7 Office of Attorney General authorized to use the materials,
8 answers or transcripts in connection with the taking of oral
9 testimony under this section.

10 (4) Under reasonable terms and conditions as the
11 Attorney General, or a designated district attorney
12 authorized by the Attorney General, prescribes, a custodian
13 possessing documentary material, interrogatory answers or
14 oral testimony transcripts shall make the material, answers
15 and transcripts available for examination by the person that
16 produced them or by the person's representative.

17 (5) Notwithstanding 18 Pa.C.S. Ch. 91 (relating to
18 criminal history record information), a designee who is
19 designated or called to appear before a court, grand jury or
20 Commonwealth agency in a case or proceeding may, in
21 connection with the case or proceeding, obtain from the
22 custodian and use any documentary material, interrogatory
23 answers or oral testimony transcripts that the designee
24 determines is required.

25 (6) Upon the case or proceeding's completion, an
26 attorney shall return to the custodian documentary material,
27 interrogatory answers or oral testimony transcripts that have
28 not passed into the court's, grand jury's or agency's control
29 through introduction into the case or proceeding's record.

30 (7) Subject to paragraphs (8) and (9), upon the written

1 request of a person that produced documentary material in
2 connection with a false claims investigation, the custodian
3 shall return the material.

4 (8) The custodian shall return the material only if:

5 (i) all cases or proceedings arising out of the
6 false claims investigation have been completed; or

7 (ii) no case or proceeding in which the material may
8 be used has been commenced within a reasonable time after
9 completion of the examination and analysis of all
10 documentary material and other information assembled in
11 the course of the false claims investigation.

12 (9) The custodian shall not be required to return either
13 of the following:

14 (i) material that has passed into a court, grand
15 jury or Commonwealth agency's control through
16 introduction into a case or proceeding's record; or

17 (ii) copies furnished to the false claims
18 investigator or made for the Attorney General, or
19 designee, under this subsection.

20 (j) Judicial proceedings.--

21 (1) The Commonwealth may file and serve upon a person a
22 petition for a court order enforcing a civil investigative
23 demand if:

24 (i) the person fails to comply with a demand served
25 upon the person; or

26 (ii) satisfactory copying or reproduction of the
27 material requested in the demand cannot be done and the
28 person refuses to surrender the material.

29 (2) A demand issuee who has received a civil
30 investigative demand may file and serve upon the false claims

1 investigator identified in the demand a petition for a court
2 order modifying or setting aside the demand.

3 (3) If a demand is an express demand for a product of
4 discovery, the person from whom discovery was obtained may,
5 upon receipt of the demand, file and serve upon the false
6 claims investigator identified in the demand a petition for a
7 court order modifying or setting aside those portions of the
8 demand requiring production of the product of discovery.

9 (4) A petition under paragraph (2) must be filed within:

10 (i) the earlier of 20 days after the civil
11 investigative demand is served on the person or any time
12 before the return date specified in the demand; or

13 (ii) a longer period if the false claims
14 investigator so prescribes in writing in the demand.

15 (5) A petition under paragraph (2) shall specify each
16 ground the petitioner relies on in seeking relief and may be
17 based on either of the following:

18 (i) failure of the civil investigative demand, or
19 any portion thereof, to comply with this section's
20 provisions; or

21 (ii) a constitutional or other legal right or
22 privilege of the petitioner.

23 (6) During the pendency of a petition under paragraph
24 (2), the following shall apply:

25 (i) The court may stay, as the court deems proper,
26 compliance with all or part of the demand and the running
27 of time allowed for compliance with the demand.

28 (ii) The petitioner must comply with any portion of
29 the demand that is not sought to be modified or set
30 aside, or otherwise subject to a stay issued by the

1 court.

2 (7) At any time a custodian possesses or is in custody
3 or control of documentary material, interrogatory answers or
4 transcripts of oral testimony given under a civil
5 investigative demand, the following persons may file and
6 serve upon the custodian a petition for a court order
7 requiring the custodian to perform a duty imposed on the
8 custodian by this section:

9 (i) the demand issuee that furnished the material,
10 answers or testimony; or

11 (ii) in the case of an express demand for a product
12 of discovery, the person from whom discovery was
13 obtained.

14 (8) The court shall have jurisdiction to hear and
15 determine a petition filed under this section and, after a
16 hearing at which all parties have the opportunity to be
17 heard, to enter orders as may be required to carry out the
18 provisions of this section.

19 (9) A final order entered by Commonwealth Court under
20 this section shall be subject to appeal to the Supreme Court
21 under 42 Pa.C.S. § 723(a) (relating to appeals from
22 Commonwealth Court).

23 (k) Exemption from disclosure.--The Office of Attorney
24 General and, if applicable, a designated district attorney's
25 office, shall be exempt from disclosing under the act of
26 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law,
27 documentary material, interrogatory answers and oral testimony
28 provided under a civil investigative demand.

29 (l) Definitions.--For purposes of this section, the
30 following words and phrases shall have the meanings given to

1 them in this subsection unless the context clearly indicates
2 otherwise:

3 "Custodian." The false claims investigator or other
4 custodian or a deputy or alternate custodian designated by the
5 Attorney General under subsection (i).

6 "Demand issuee." A person to whom or which a civil
7 investigative demand is issued or directed.

8 "Documentary material." Includes the original or a copy of a
9 book, record, report, memorandum, paper, communication,
10 tabulation, chart or other document or data compilation stored
11 or accessible through computer or other information retrieval
12 systems, together with appropriate and succinct instructions and
13 all other materials necessary to use or interpret the data
14 compilations, and a product of discovery.

15 "False claims investigation." An inquiry conducted by a
16 false claims investigator for the purposes of ascertaining
17 whether a person is or has been engaged in a violation of this
18 chapter.

19 "False claims investigator." An individual charged with the
20 duty of enforcing or carrying out the provisions of this chapter
21 who is:

22 (1) an attorney or investigator employed by the Office
23 of Attorney General or, if applicable, by a designated
24 district attorney; or

25 (2) an officer or employee of the Commonwealth acting
26 under the attorney or investigator's direction and
27 supervision in connection with a false claims investigation.

28 "Legal entity." A person other than a natural person.

29 "Person." As defined in 1 Pa.C.S. § 1991 (relating to
30 definitions).

1 "Product of discovery." The term includes:

2 (1) the original or duplicate of a deposition
3 interrogatory, document, thing, result of the inspection of
4 land or other property, examination or admission that is
5 obtained by any method of discovery in a judicial or
6 administrative proceeding of an adversarial nature;

7 (2) a digest, analysis, selection, compilation or
8 derivation of an item listed in paragraph (1); and

9 (3) an index or other manner of access to an item listed
10 in paragraph (1).

11 "Verified." Supported by oath or affirmation and averred
12 subject to the penalties of 18 Pa.C.S. § 4904 (relating to
13 unsworn falsification to authorities).

14 § 6314. Access to and sharing of information.

15 (a) Criminal information.--

16 (1) Subject to paragraph (2) and section 6324 (relating
17 to implementation), and as necessary for official use, the
18 provisions of 18 Pa.C.S. Ch. 91 (relating to criminal history
19 record information) shall not impair the ability of the
20 Attorney General to access and share data, records, documents
21 or other information obtained during the course of a criminal
22 investigation or prosecution with the following:

23 (i) A section, unit, subunit or individual employee
24 or agent of the Office of Attorney General authorized by
25 the Attorney General to enforce this chapter, including a
26 designated district attorney.

27 (ii) An official of the United States, other states,
28 the Commonwealth or a political subdivision thereof
29 charged with the responsibility for enforcing Federal,
30 state or local laws respecting fraud or false claims upon

1 Federal, state or local governments.

2 (iii) A qui tam plaintiff.

3 (2) A recipient under paragraph (1) who is subject to
4 the jurisdiction of the Commonwealth shall be subject to the
5 provisions of 18 Pa.C.S. Ch. 91 relating to further
6 disclosure, dissemination and sharing of the information with
7 noncriminal justice agencies, departments and individuals,
8 except as permitted under paragraph (1).

9 (b) Civil investigative information.--

10 (1) Except as otherwise provided in this section or
11 section 6313 (relating to civil investigative demands), and
12 as necessary for official use, documentary material,
13 interrogatory answers and oral testimony transcripts or
14 copies of the foregoing may not be accessed by, shared with
15 or made available for examination by an individual other than
16 a false claims investigator or other officer or employee of
17 the Office of Attorney General or, if applicable, of a
18 designated district attorney.

19 (2) The prohibition in paragraph (1) shall not apply if
20 the person that produced the material, answers or
21 transcripts, or, in the case of a product of discovery
22 produced under an express demand for the material, the person
23 from whom or which the discovery is obtained, consents.

24 (3) Nothing in this subsection shall be construed to
25 prevent disclosure to the General Assembly, or a committee or
26 subcommittee thereof, or to a Commonwealth agency for the
27 agency's use in furtherance of its statutory or
28 constitutional responsibilities, except that disclosure shall
29 be subject to 18 Pa.C.S. Ch. 91.

30 (4) Except as otherwise prohibited by law, the Attorney

1 General or, with the Attorney General's authorization, a
2 designee, may share information obtained under section 6311
3 (relating to acts subjecting persons to liability and
4 damages) with a qui tam plaintiff, if the Attorney General or
5 authorized designee determines it is necessary as part of a
6 false claims investigation or action conducted under this
7 article.

8 § 6315. Deposit of Commonwealth's share of proceeds.

9 (a) Distribution and division.--The Commonwealth's share of
10 the proceeds of an action or settlement under this chapter, not
11 including the enforcement costs and less any amount legally
12 required to be paid from the Commonwealth's share, shall be
13 distributed in the following manner:

14 (1) An amount equal to 20% of the total enforcement
15 costs shall be distributed from the Commonwealth's share to
16 the Office of Attorney General and, if applicable, to a
17 designated district attorney, in proportions equal to each
18 office's percentage of the enforcement costs.

19 (2) After distribution under paragraph (1), the
20 remainder of the Commonwealth's share shall be distributed to
21 the Commonwealth agencies that sustained damages from the
22 violation of section 6311 (relating to acts subjecting
23 persons to liability and damages) in proportions equal to
24 each agency's percentage of the damages. A Commonwealth
25 agency that has distributed money under this paragraph shall
26 use the money to reimburse the agency-administered programs
27 whose funds were diminished because of the violation.

28 (b) Definition.--As used in this section, the term
29 "enforcement costs" means the costs awarded under section
30 6311(d) to the Attorney General and, if applicable, to a

1 designated district attorney.

2 § 6316. Annual report.

3 (a) Report required.--The Attorney General shall prepare an
4 annual report concerning actions taken under this chapter by
5 December 31 each year, beginning December 31, 2025. The report
6 shall be submitted to the following:

7 (1) The Governor.

8 (2) The Department of Auditor General.

9 (3) The Independent Fiscal Office.

10 (4) The Office of Inspector General.

11 (5) The members of the General Assembly.

12 (6) The Legislative Budget and Finance Committee.

13 (b) Contents.--The report shall include the following:

14 (1) The number of actions filed under this chapter by
15 the Attorney General.

16 (2) The number of actions filed under this chapter by
17 the Attorney General that were completed.

18 (3) The amount that was recovered in actions filed under
19 this chapter by the Attorney General through settlement or
20 through a judgment and, if known, the amount recovered for
21 damages, penalties and litigation costs.

22 (4) The number of actions filed under section 6312
23 (relating to Attorney General investigations and prosecutions
24 and civil actions) by a person other than the Attorney
25 General.

26 (5) The number of actions filed under section 6312 by a
27 person other than the Attorney General that were completed.

28 (6) The amounts that were recovered in actions filed
29 under section 6312 by a person other than the Attorney
30 General through settlement or through a judgment and, if

1 known, the amounts recovered for damages, penalties and
2 litigation costs and the amounts recovered by the
3 Commonwealth and the person.

4 (7) The amount expended by the Commonwealth for
5 investigation, litigation and all other costs for legal
6 claims under this chapter.

7 (8) A narrative describing the most notable or prevalent
8 violations of section 6311 (relating to acts subjecting
9 persons to liability and damages) and recommendations on how
10 Commonwealth agencies may prevent similar violations from
11 occurring.

12 (9) Legislative recommendations the Attorney General may
13 have for amendments to this chapter and any other law as it
14 relates to this chapter.

15 § 6317. Statute of limitations, burden of proof and estoppel.

16 (a) Statute of limitations.--

17 (1) Subject to paragraph (2), a civil action under
18 section 6312 (relating to Attorney General investigations and
19 prosecutions and civil actions) may not be brought more than
20 10 years after the date on which the violation was committed.

21 (2) If a violation is part of a continuing course of
22 conduct, a civil action under section 6312 may not be brought
23 more than 10 years after the date on which the last violation
24 in the continuing course of conduct was committed.

25 (3) If the Commonwealth elects to intervene and proceed
26 with an action brought under section 6312(b), the following
27 shall apply:

28 (i) The Commonwealth may file its own complaint or
29 amend the qui tam plaintiff's complaint in order to
30 clarify or add detail to the legal claims and add any

1 additional legal claims with respect to which the
2 Commonwealth contends that the Commonwealth is entitled
3 to relief.

4 (ii) The Commonwealth's pleading shall relate back
5 to the filing date of the qui tam plaintiff's complaint
6 to the extent that the Commonwealth's legal claims arise
7 out of the conduct, transactions or occurrences
8 specified, or attempted to be specified, in the qui tam
9 plaintiff's complaint.

10 (b) Burden of proof.--In an action brought under section
11 6312, the Commonwealth or the qui tam plaintiff shall be
12 required to prove all essential elements of the cause of action,
13 including damages, by a preponderance of the evidence.

14 (c) Estoppel.--Notwithstanding any other provision of law, a
15 final judgment rendered in the Commonwealth's favor in a
16 criminal proceeding charging false statements or fraud, whether
17 upon a verdict after trial or upon a plea of guilty or nolo
18 contendere, shall estop the defendant from denying the essential
19 elements of the offense in an action brought under section 6312
20 that involves the same transaction as in the criminal
21 proceeding.

22 § 6318. Certain rules, policies and agreements prohibited.

23 (a) Prohibitions on employer.--An employer may not:

24 (1) make, adopt or enforce a rule, regulation or policy
25 preventing an employee, contractor or agent from disclosing
26 information to a government agency or law enforcement agency
27 related to, or from acting to stop, a violation of section
28 6311 (relating to acts subjecting persons to liability and
29 damages); or

30 (2) require, as a condition of employment, during the

term of employment or at or upon the termination of
employment, that an employee, contractor or agent agree to,
accept or execute an agreement that limits or denies the
employee, contractor or agent's ability to:

(i) disclose to a government agency or law
enforcement agency information related to an alleged or
actual violation of section 6311; or

(ii) bring an action under section 6312(b) (relating
to Attorney General investigations and prosecutions and
civil actions) or 6319(b) (relating to relief from
retaliatory actions).

(b) Void effect.--A rule, regulation, policy or agreement
that violates subsection (a) is void to the extent of the
violation.

(c) Construction.--Subsection (a)(2)(ii) shall not be
construed to prohibit, as a term of good-faith settlement of a
disputed legal claim, the release and discharge of an employee,
contractor or agent's legal claim under section 6319.

§ 6319. Relief from retaliatory actions.

(a) Relief.--An employee, contractor or agent shall be
entitled to all relief necessary to make the employee,
contractor or agent whole, if the employee, contractor or agent
is discharged, demoted, suspended, threatened, harassed or in
any other manner discriminated against in the terms and
conditions of employment, contract or agency because of lawful
acts done by the employee, contractor, agent or associated
others in furtherance of an action under this chapter or other
efforts to stop a violation of this chapter.

(b) Relief.--Relief under subsection (a) shall include
reinstatement with the same seniority status that the employee,

contractor or agent would have had but for the discrimination,
two times the amount of back pay, interest on the back pay and
compensation for special damages sustained as a result of the
discrimination, including litigation costs and reasonable
attorney fees.

(c) Burden of proof.--In an action under this section, the
plaintiff must prove all essential elements of the cause of
action, including damages, by a preponderance of the evidence.

(d) Limitation.--An action under this section may not be
brought more than three years after the date on which the
retaliation occurred.

§ 6320. Actions and remedies under other laws.

(a) Actions and remedies not exclusive.--The provisions of
this chapter are not exclusive and the actions and remedies
provided for in this chapter shall be in addition to any other
actions and remedies provided for in any other law or available
under the common law.

(b) Construction.--The availability of an action or remedy
provided for in any other law or available under the common law
shall not be construed to exclude, impair or limit the
availability or use of the provisions of this chapter.

(c) Existing privileges and immunities unaffected.--This
chapter shall not abrogate or modify any existing statutory or
common law privilege or immunity.

§ 6321. Qualification of chapter for increased share of
recoveries.

(a) Submission.--Within 30 days after the effective date of
this subsection, the Attorney General shall submit a copy of
this chapter and any other relevant information to the Office of
Inspector General, United States Department of Health and Human

1 Services and request a determination that this chapter meets the
2 requirements of section 1909(b) of the Social Security Act of
3 1935 (49 Stat. 620, 42 U.S.C. § 1396h(b)) (relating to State
4 false claims act requirements for increased State share of
5 recoveries), in order to qualify the Commonwealth for an
6 increased share of amounts recovered under this chapter with
7 respect to false or fraudulent claims submitted to the medical
8 assistance program.

9 (b) Review and recommendations.--If the Office of Inspector
10 General, United States Department of Health and Human Services
11 determines that this chapter does not meet the requirements of
12 section 1909(b) of the Social Security Act of 1935, the Attorney
13 General shall prepare and transmit to the officials designated
14 in section 6316 (relating to annual report), a report explaining
15 the reasons for the denial and suggested revisions to this
16 chapter which would cause this chapter to meet the requirements
17 of section 1909(b) of the Social Security Act of 1935.

18 § 6322. Rules of procedure.

19 Except as otherwise specified in, or where clearly
20 inconsistent with, this chapter, original proceedings under this
21 chapter shall be governed by the Pennsylvania Rules of Civil
22 Procedure or other applicable court rule.

23 § 6323. Trial by jury.

24 A party to an action under this chapter shall be entitled to
25 trial by jury.

26 § 6324. Implementation.

27 (a) Regulations.--The Attorney General may promulgate
28 regulations as necessary to carry out the purposes of this
29 chapter.

30 (b) Temporary regulations.--

1 (1) In order to facilitate the speedy implementation of
2 this chapter, the Attorney General may adopt temporary
3 regulations within three years after the effective date of
4 this section. A temporary regulation promulgated under this
5 section shall not be subject to review under any of the
6 following:

7 (i) Section 612 of the act of April 9, 1929
8 (P.L.177, No.175), known as The Administrative Code of
9 1929.

10 (ii) Sections 201, 202, 203, 204 and 205 of the act
11 of July 31, 1968 (P.L.769, No.240), referred to as the
12 Commonwealth Documents Law.

13 (iii) Sections 204(b) and 301(10) of the act of
14 October 15, 1980 (P.L.950, No.164), known as the
15 Commonwealth Attorneys Act.

16 (iv) The act of June 25, 1982 (P.L.633, No.181),
17 known as the Regulatory Review Act.

18 (2) The Attorney General may adopt necessary amendments
19 to a temporary regulation at any time before the temporary
20 regulation's expiration.

21 (3) The Attorney General shall transmit temporary
22 regulations and amendments to the Legislative Reference
23 Bureau for publication in the next available issue of the
24 Pennsylvania Bulletin.

25 (4) A temporary regulation or amendment shall take
26 effect upon transmission to the Legislative Reference Bureau,
27 unless the Attorney General designates a later date.

28 (5) Except as otherwise provided in paragraph (2),
29 temporary regulations and amendments shall expire the earlier
30 of three years after the effective date of this section, or a

1 date the Attorney General designates.

2 (6) At any time before a temporary regulation expires
3 under paragraph (5), the Attorney General may promulgate a
4 final version of the temporary regulation, in which case the
5 temporary regulation shall expire when the final version
6 takes effect, is finally disapproved or is withdrawn by the
7 Attorney General.

8 (c) Mandatory provisions.--The Attorney General, whether by
9 regulation or policy, shall implement provisions to:

10 (1) Control a person's disclosure, dissemination,
11 sharing or use of information that is protected under 18
12 Pa.C.S. Ch. 91 (relating to criminal history record
13 information) and that the person lawfully obtains in
14 connection with the enforcement of section 6311 (relating to
15 acts subjecting persons to liability and damages).

16 (2) In accordance with section 6313 (relating to civil
17 investigative demands), prevent unauthorized further
18 disclosure, dissemination, sharing or use of protected
19 information.

20 (d) Construction.--This section is not intended to impair
21 the Attorney General's discretion to adopt policies as necessary
22 to implement this chapter.

23 § 6325. Jurisdiction and Attorney General as relator in false
24 claims actions.

25 (a) Jurisdiction.--An action or petition under this chapter
26 shall be filed in a court of competent jurisdiction. The
27 following shall apply:

28 (1) Commonwealth Court shall have original jurisdiction
29 of an action under section 6312 (relating to Attorney General
30 investigations and prosecutions and civil actions) or

1 petition under section 6313 (relating to civil investigative
2 demands). The courts of common pleas shall have original
3 jurisdiction of any action under section 6319 (relating to
4 relief from retaliatory actions).

5 (2) A court exercising jurisdiction of an action under
6 this chapter shall have ancillary jurisdiction over a legal
7 claim asserted under the laws of the United States or a state
8 or local government which arises from the same transaction or
9 occurrence.

10 (b) Attorney General as relator.--To the extent permitted by
11 Federal law the Attorney General may bring an action as a
12 relator under 31 U.S.C. § 3730 (relating to civil actions for
13 false claims) with respect to any act for which a person may be
14 held liable under 31 U.S.C. Ch. 37 (relating to claims).

15 (c) Service on other authorities.--With respect to the
16 Federal Government or a state or local government that is named
17 as a coplaintiff with the Commonwealth in an action brought
18 under this chapter, the following shall apply to a seal on the
19 action ordered by the court under section 6312(b):

20 (1) The seal shall not preclude the Commonwealth or the
21 qui tam plaintiff from:

22 (i) serving the complaint or other pleadings or
23 filings upon officials who are charged with the
24 responsibility of enforcing the law of that Federal,
25 State or local government respecting fraud or false
26 claims upon the Federal Government; or

27 (ii) disclosing to the officials substantially all
28 material evidence and information the Commonwealth or the
29 qui tam plaintiff possesses.

30 (2) The seal shall apply to the officials so served to

1 the same extent as the seal applies to other parties in the
2 action.

3 (d) Definition.--For purposes of this section, the term
4 "state" includes the District of Columbia, the Commonwealth of
5 Puerto Rico, the Virgin Islands and all insular territories of
6 the United States.

7 § 6326. Expiration.

8 (a) General rule.--Except as provided in paragraph (2), this
9 chapter shall expire 20 years after the effective date of this
10 section.

11 (b) Exception.--The expiration of this chapter shall not
12 apply to or otherwise affect the following:

13 (1) A violation of this chapter that occurred before the
14 expiration date.

15 (2) An investigation of an alleged violation of this
16 chapter that commenced, but was not completed, before the
17 expiration date.

18 Section 2. This act shall take effect in 60 days.