

Department of Planning and Budget 2011 Fiscal Impact Statement

1. Bill Number: SB1262

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Enrolled

2. Patron: Vogel

3. Committee: Passed Both Houses

4. Title: Virginia Fraud Against Taxpayers Act.

5. Summary: SB 1262 provides that a designee of the Attorney General may issue civil investigative demands. The bill also provides that information obtained by the Attorney General or his designee pursuant to the issuance of a civil investigative demand may be shared with any qui tam relator if the Attorney General or his designee determines that such information is necessary as part of any false claims investigation. In addition, the bill changes the elements of offenses that make persons liable to the Commonwealth under the Act.

Under current law, a person is civilly liable to the Commonwealth if he (i) knowingly presents to an officer or employee of the Commonwealth a false or fraudulent claim for payment or approval; (ii) knowingly makes a false record to get a false or fraudulent claim paid or approved by the Commonwealth; (iii) has possession of property used by the Commonwealth and, intending to defraud the Commonwealth, knowingly delivers less property than the amount for which the person receives a certificate or receipt; or (iv) conspires to do any act described in clauses (i) through (iii). Under the bill, a person is civilly liable to the Commonwealth if he, respectively, (a) knowingly presents a false or fraudulent claim for payment or approval (regardless of to whom the claim is made); (b) knowingly makes a false record material to a false or fraudulent claim (regardless of whether the claim was paid or approved by the Commonwealth); (c) has possession of property used by the Commonwealth and delivers less than all such money or property (regardless of whether the person intends to defraud the Commonwealth); or (d) conspires to do any act described in clauses (a) through (c).

6. Budget Amendment Necessary: No

7. No Fiscal Impact

8. Fiscal Implications: The Office of the Attorney General reports this bill has no fiscal impact on its operations.

9. Specific Agency or Political Subdivisions Affected:
Office of the Attorney General

10. Technical Amendment Necessary: No

11. Other Comments: None

Date: 3/4/2011

DPB/gdj