

SENATE, No. 1269

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:
Senator JOSEPH F. VITALE
District 19 (Middlesex)

SYNOPSIS

Clarifies the effective date of the “New Jersey False Claims Act.”

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning false claims and amending P.L.2007, c.265.

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3 **BE IT ENACTED** by the Senate and General Assembly of the State
4 of New Jersey:

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6 1. Section 11 of P.L.2007, c.265 (C.2A:32C-11) is amended to
7 read as follows:

8 11. a. A civil action under **[this act]** P.L.2007, c.265
9 (C.2A:32C-1 et seq.) may not be brought:

10 **[a.]** (1) More than six years after the date on which the violation
11 of the act is committed; or

12 **[b.]** (2) More than three years after the date when facts material
13 to the right of action are known or reasonably should have been
14 known by the State official charged with responsibility to act in the
15 circumstances, but in no event more than 10 years after the date on
16 which the violation is committed, whichever occurs last.

17 b. P.L.2007, c.265 (C.2A:32C-1 et seq.) shall apply to all
18 violations committed before March 14, 2008 provided that:

19 (1) the civil action filed pursuant to the “New Jersey False
20 Claims Act,” P.L.2007, c.265 (C.2A:32C-1 et seq.) is brought
21 within the applicable statute of limitations set out in subsection a. of
22 this section; and

23 (2) the violation that is the basis of the claim was not previously
24 the subject of an action involving the “New Jersey Medical
25 Assistance and Health Services Act,” P.L.1968, c.413 (C.30:4D-1 et
26 seq.), filed by the same claimant under the “New Jersey False
27 Claims Act,” P.L.2007, c.265 (C.2A:32C-1 et seq.) or the federal
28 False Claims Act, 31 U.S.C. s.3729 et seq., prior to the enactment
29 of P.L. , c. (pending before the Legislature as this bill).

30 (cf: P.L.2007, c.265, s.11)

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32 2. This act shall take effect immediately.

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STATEMENT

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37 This bill would provide that the “New Jersey False Claims Act,”
38 P.L.2007, c.265 (C.2A:32C-1 et seq.), would apply to certain
39 violations committed before its effective date, March 14, 2008.

40 Under the “New Jersey False Claims Act,” penalties can be
41 imposed, based on actions initiated by the Attorney General or a
42 private individual, against any person who submits a request or
43 demand (i.e., a “claim”) for money, property, or services to the
44 State that the person knows is false. The bill would permit actions

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 on false claims submitted to the State before March 14, 2008,
2 provided that two conditions apply:

3 (1) the action filed concerning the false claim was brought
4 within six years of the violation, or within three years after the date
5 when facts material to the right of action became known or
6 reasonably should have been known, but in no event more than 10
7 years after the violation occurred (the same statute of limitations
8 periods applied to current false claims actions); and

9 (2) the violation that is the basis of the claim was not previously
10 the subject of an action involving the “New Jersey Medical
11 Assistance and Health Services Act,” P.L.1968, c.413 (C.30:4D-
12 1 et seq.), filed by the same claimant under the “New Jersey False
13 Claims Act” or the federal False Claims Act,
14 31 U.S.C. s.3729 et seq.