

ASSEMBLY, No. 2165

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED JANUARY 30, 2012

Sponsored by:
Assemblyman HERB CONAWAY, JR.
District 7 (Burlington)

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
13 material to the right of action are known or reasonably should have
14 been known by the State official charged with responsibility to act
15 in the circumstances, but in no event more than 10 years after the
16 date on which the violation is committed, whichever occurs last.

17 b. P.L.2007, c.265 (C.2A:32C-1 et seq.) shall apply, subject to
18 the limitations set forth in subsection a. of this section, to any act
19 which occurred prior to, on, or subsequent to the effective date of
20 the “New Jersey False Claims Act,” P.L.2007, c.265 (C.2A:32C-1
21 et seq.), except that P.L.2007, c.265 (C.2A:32C-1 et seq.) shall not
22 apply to any act in violation of the “New Jersey Medical Assistance
23 and Health Services Act,” P.L.1968, c.413 (C.30:4D-1 et seq.)
24 which occurred prior to the effective date of the “New Jersey False
25 Claims Act,” P.L.2007, c.265 (C.2A:32C-1 et seq.) and as to which
26 a complaint had not been filed prior to the effective date of P.L. ,
27 c. (C.) (pending before the Legislature as this bill).
28 (cf: P.L.2007, c.265, s.11)

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30 2. This act shall take effect immediately.

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STATEMENT

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35 This bill would clarify the effective date of the “New Jersey
36 False Claims Act,” P.L.2007, c.265 (C.2A:32C-1 et seq.).

37 The False Claims Act imposes civil penalties on any person who
38 submits a claim to the State that he knows or should know is false.
39 The False Claims Act also authorizes the Attorney General, on
40 behalf of the State, to bring a civil action against the person to
41 recover any funds fraudulently obtained. In addition, the False
42 Claims Act allows a private individual who has knowledge of the
43 fraud to bring the civil action. Depending on the circumstances, the
44 private individual may be entitled to receive a percentage of the
45 funds collected.

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.

A2165 CONAWAY

1 The False Claims Act, which was signed on January 13, 2008,
2 took effect on March 13, 2008. This bill would clarify that the
3 False Claims Act was intended to apply to circumstances that
4 existed at the time of, and prior to, enactment, subject to the statute
5 of limitations set forth in N.J.S.A.2A:32C-11.

6 The statute of limitations in the False Claims Act, which would
7 not be changed by this bill, provides that the civil action may not be
8 brought:

- 9 1) More than six years after the date on which the violation is
10 committed; or
- 11 2) More than three years after the date when facts material to
12 the right of action are known or reasonable should have been
13 known by the State official charged with responsibility to act
14 in the circumstances, but in no event more than 10 years
15 after the date on which the violation is committed,
16 whichever occurs last.

17 The bill also provides that False Claims Act does not apply to
18 any act in violation of the "New Jersey Medical Assistance and
19 Health Services Act," N.J.S.A.30:4D-1 et seq., which occurred prior
20 to the effective date of the False Claims Act and as to which a
21 complaint had not been filed prior to the effective date of this bill.