

## **SB 311 STAFF MEASURE SUMMARY**

### **Senate Committee On Judiciary**

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**Prepared By:** Patricia Pascone, LPRO Analyst

**Meeting Dates:** 1/24, 1/31

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#### **WHAT THE MEASURE DOES:**

Increases maximum penalty in Attorney General’s civil actions for False Claims violations to \$50,000, if it is the greater alternative to twice the amount of damages incurred. Increases statute of limitations from three years to five years from the time the Attorney General discovers the violation, for claims discovered after effective date of Senate Bill 311. Provides confidentiality protections for materials or answers disclosed during discovery, with exceptions for use in False Claims investigations or case proceedings, or when deemed appropriate for disclosure to a legislative committee or subcommittee.

*REVENUE: Has minimal revenue impact*

*FISCAL: Has minimal fiscal impact*

#### **ISSUES DISCUSSED:**

- Sizes of companies and amounts of harm have grown larger
- Attorney General and agency may learn of violation at different times
- Analogous confidentiality provision in antitrust law

#### **EFFECT OF AMENDMENT:**

No amendment.

#### **BACKGROUND:**

Oregon’s False Claims Act prohibits a person from requesting payment from a government entity when the person knows it is false, or is based on false, fraudulent or concealed information, or when a person benefits from and fails to disclose a false claim when discovered. It prohibits a person from buying or receiving public property from a public employee if the person knows it is not authorized. It further prohibits the use of a false or fraudulent statement to avoid part or all of a financial obligation to a public agency.

The Attorney General is authorized to serve an investigative demand on persons for oral testimony, answers to written questions, or production of documents or physical evidence. No penalties may be awarded in a False Claim action if the defendant provided the Attorney General with all known information about the violation within 30 days of becoming aware of it, prior to the Attorney General commencing formal action, and the defendant fully cooperated in the investigation of the violation.

Senate Bill 311 would increase the maximum penalty and time for Attorney General to bring an action for a violation of Oregon’s False Claims Act, and provide confidentiality to materials or answers received.