

SENATE BILL NO. 144

INTRODUCED BY HAZELBAKER

BY REQUEST OF THE DEPARTMENT OF REVENUE

IN THE SENATE

January 15, 1981	Introduced and referred to Committee on Judiciary.
January 30, 1981	Committee recommend bill do pass as amended. Report adopted.
January 31, 1981	Bill printed and placed on members' desks.
February 2, 1981	Second reading, do pass as amended.
February 3, 1981	Correctly engrossed.
February 4, 1981	Third reading, passed. Transmitted to House.

IN THE HOUSE

February 5, 1981	Introduced and referred to Committee on Judiciary.
March 12, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 14, 1981	Second reading, concurred in.
March 17, 1981	Third reading, concurred in as amended. Ayes, 96; Noes, 0.

IN THE SENATE

March 18, 1981

Returned from House with amendments.

March 19, 1981

Second reading, amendments concurred in.

March 21, 1981

Third reading, amendments concurred in. Ayes, 48; Noes, 0. Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. *144*
 2 INTRODUCED BY *Bayliss*
 3 BY REQUEST OF THE DEPARTMENT OF REVENUE

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE THE CRIMINAL
 6 OFFENSE OF FALSE CLAIMS TO PUBLIC AGENCIES AND TO CREATE
 7 CIVIL PENALTIES FOR PERSONS MAKING FALSE CLAIMS TO PUBLIC
 8 AGENCIES."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. False claims to public agencies. (1) A
 12 person commits an offense under this section if he knowingly
 13 presents for allowance or for payment any false or
 14 fraudulent claim, bill, account, voucher, or writing to any
 15 public agency or its contractors or to any public servant
 16 authorized to allow or pay the claim if genuine.

17 (2) (a) Except as provided in subsection (2)(b), a
 18 person convicted of an offense under this section shall be
 19 fined not to exceed \$500 or imprisoned in the county jail
 20 for a term not to exceed 6 months, or both.

21 (b) If false or fraudulent claims are submitted as
 22 part of a common scheme or if the value of the claim or the
 23 aggregate value of all claims exceeds \$150, a person
 24 convicted of an offense under this section shall be fined
 25 not to exceed \$10,000 or imprisoned in the state prison for

1 a term not to exceed 10 years, or both.

2 Section 2. Liability for false claims. (1) A person
 3 who knowingly presents or causes to be presented a false,
 4 fictitious, or fraudulent claim for allowance or payment to
 5 any state agency or its contractors forfeits the claim,
 6 including any portion that may be legitimate, and in
 7 addition is subject to a penalty of \$2,000 plus double the
 8 damages sustained by the state as a result of the false
 9 claim, including all legal costs.

10 (2) The forfeiture and the penalty may be sued for in
 11 the same suit.

12 Section 3. Codification instruction. (1) Section 1 is
 13 intended to be codified as an integral part of Title 45,
 14 chapter 7, part 2, and the provisions of Title 45, chapter
 15 7, part 2, apply to section 1.

16 (2) Section 2 is intended to be codified as an
 17 integral part of Title 17, chapter 3, part 2, and the
 18 provisions of Title 17, chapter 3, part 2, apply to section
 19 2.

-End-

INTRODUCED BILL
 SB 144

Approved by Committee
on Judiciary

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16 public servant OR CONTRACTORS authorized to allow or pay the
17 claim if genuine.

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19 person convicted of an offense under this section shall be
20 fined not to exceed \$500 or imprisoned in the county jail
21 for a term not to exceed 6 months, or both.

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23 part of a common scheme or if the value of the claim or the
24 aggregate value of all claims exceeds \$150, a person
25 convicted of an offense under this section shall be fined

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2 a term not to exceed 10 years, or both.

3 Section 2. Liability for false claims. (1) A person
4 who PURPOSELY AND knowingly presents or causes to be
5 presented a false, fictitious, or fraudulent claim for
6 allowance or payment to any state agency or its contractors
7 forfeits the claim, including any portion that may be
8 legitimate, and in addition is subject to a penalty of NOT
9 TO EXCEED \$2,000 plus double the damages sustained by the
10 state as a result of the false claim, including all legal
11 costs.

12 (2) The forfeiture and the penalty may be sued for in
13 the same suit.

14 Section 3. Codification instruction. (1) Section 1 is
15 intended to be codified as an integral part of Title 45,
16 chapter 7, part 2, and the provisions of Title 45, chapter
17 7, part 2, apply to section 1.

18 (2) Section 2 is intended to be codified as an
19 integral part of Title 17, chapter 8, part 2, and the
20 provisions of Title 17, chapter 8, part 2, apply to section
21 2.

-End-

SECOND READING

Approved by Committee
on Judiciary

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17 claim PRESENTED TO PUBLIC AGENCIES if genuine.

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19 person convicted of an offense under this section shall be
20 fined not to exceed \$500 or imprisoned in the county jail
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23 PURPOSELY AND KNOWINGLY as part of a common scheme or if the
24 value of the claim or the aggregate value of all claims
25 exceeds \$150, a person convicted of an offense under this

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4 Section 2. Liability for false claims. (1) A person
5 who PURPOSELY AND knowingly presents or causes to be
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7 allowance or payment to any state agency or its contractors
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10 TO EXCEED \$2,000 plus double the damages sustained by the
11 state as a result of the false claim, including all legal
12 costs.

13 (2) The forfeiture and the penalty may be sued for in
14 the same suit.

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18 7, part 2, apply to section 1.

19 (2) Section 2 is intended to be codified as an
20 integral part of Title 17, chapter 8, part 2, and the
21 provisions of Title 17, chapter 8, part 2, apply to section
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4 Section 2. Liability for false claims. (1) A person
5 who ~~PURPOSELY AND~~ knowingly presents or causes to be
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-End-

Respectfully report as follows: That.....SENATE..... Bill No. 144.....

BE AMENDED AS FOLLOWS:

1. Page 2, line 5.
Following: "who"
Strike: "PURPOSELY AND"