

Senate Bill 58

By: Senator Karinshak of the 48th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 23-3-122 of the Official Code of Georgia Annotated, relating to
2 investigations by Attorney General, civil actions authorized, intervention by government,
3 limitation on participating in litigation, stay of discovery, alternative remedies, division of
4 recovery, and limitations, so as to eliminate the requirement that the Attorney General
5 provide written approval that allows for a private person to bring a civil action regarding
6 false taxpayer claims; to revise requirements for the dismissal of such civil action; to amend
7 Code Section 49-4-168.2 of the Official Code of Georgia Annotated, relating to role of
8 Attorney General in pursuing cases, civil actions by private persons, special procedures for
9 civil actions by private persons, limitation on participation, stay of discovery, and receipt of
10 proceeds, so as to require the release of pleadings and deposition transcripts to private
11 persons bringing a civil action regarding false Medicaid claims when the Attorney General
12 elects not to proceed with the civil action; to provide for related matters; to repeal conflicting
13 laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 Code Section 23-3-122 of the Official Code of Georgia Annotated, relating to investigations
17 by Attorney General, civil actions authorized, intervention by government, limitation on
18 participating in litigation, stay of discovery, alternative remedies, division of recovery, and
19 limitations, is amended by revising paragraph (1) of subsection (b) as follows:

20 "(b)(1) Subject to the exclusions set forth in this Code section, a civil action under this
21 article may also be brought by a private person ~~upon written approval by the Attorney~~
22 ~~General.~~ A civil action shall be brought in the name of the State of Georgia or local
23 government, as applicable. ~~The civil action may be dismissed only if the Attorney~~
24 ~~General gives written consent to the dismissal stating the reasons for consenting to such~~
25 ~~dismissal and the court enters an order approving the dismissal."~~

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SECTION 2.

27 Code Section 49-4-168.2 of the Official Code of Georgia Annotated, relating to role of
28 Attorney General in pursuing cases, civil actions by private persons, special procedures for
29 civil actions by private persons, limitation on participation, stay of discovery, and receipt of
30 proceeds, is amended by revising subsection (f) as follows:

31 "(f) If the Attorney General elects not to proceed with the civil action, the person who
32 initiated the civil action shall have the right to conduct the civil action. ~~If~~ Upon such
33 election by the Attorney General so requests, he or she such person shall be served with
34 copies of all pleadings filed in the civil action and shall be supplied with copies of all
35 deposition transcripts. When a person proceeds with the civil action, the court may
36 nevertheless permit the Attorney General to intervene at a later date for any purpose,
37 including, but not limited to, dismissal of the civil action notwithstanding the objections
38 of the person initiating the civil action if such person has been notified by the Attorney
39 General of the filing of such motion and the court has provided such person with an
40 opportunity for a hearing on such motion."

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SECTION 3.

42 All laws and parts of laws in conflict with this Act are repealed.