



Rep. Fred Crespo

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LRB102 22605 KTG 37188 a

1 AMENDMENT TO HOUSE BILL 5049

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5049 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Attorney General Act is amended by adding  
5 Section 6.7 as follows:

6 (15 ILCS 205/6.7 new)

7 Sec. 6.7. Medicaid Fraud Control Unit.

8 (a) Transfer of functions and powers. On October 1, 2023,  
9 all functions performed by the Medicaid Fraud Control Unit  
10 within the Illinois State Police, together with all of the  
11 powers, duties, rights, and responsibilities of the Medicaid  
12 Fraud Control Unit relating to those functions, are  
13 transferred from the Illinois State Police to the Office of  
14 the Attorney General.

15 The Illinois State Police and the Office of the Attorney  
16 General shall cooperate to ensure that the transfer of

1 functions is completed.

2 (b) Effect of transfer. Neither the functions of the  
3 Medicaid Fraud Control Unit, nor the powers, duties, rights,  
4 and responsibilities relating to those functions, that are  
5 transferred from the Illinois State Police to the Office of  
6 the Attorney General under this Section are affected by this  
7 amendatory Act of the 102nd General Assembly, except that all  
8 such functions, powers, duties, rights, and responsibilities  
9 shall be performed or exercised within the Office of the  
10 Attorney General on and after October 1, 2023.

11 (c) Personnel transferred. The status and rights of the  
12 employees in the Illinois State Police engaged in the  
13 performance of functions relating to the Medicaid Fraud  
14 Control Unit shall not be affected by the transfer of those  
15 functions from the Illinois State Police to the Office of the  
16 Attorney General under this Section. The rights of those  
17 employees as derived from the State of Illinois and its  
18 agencies under the Personnel Code, the applicable collective  
19 bargaining agreements, or any pension, retirement, or annuity  
20 plan shall not be affected by this Section.

21 (d) Books and records transferred. All books, records,  
22 papers, documents, contracts, and pending business pertaining  
23 to the Medicaid Fraud Control Unit within the Illinois State  
24 Police, including, but not limited to, material in electronic  
25 or magnetic format, shall be transferred to the Office of the  
26 Attorney General. The transfer of that information shall not,

1 however, violate any applicable confidentiality constraints.

2 (e) Unexpended moneys transferred. All unexpended  
3 appropriation balances and other funds otherwise available to  
4 the Illinois State Police for use in connection with the  
5 Medicaid Fraud Control Unit shall be transferred and made  
6 available to the Office of the Attorney General for use in  
7 connection with the Medicaid Fraud Control Unit.

8 (f) Exercise of transferred powers; savings provisions.  
9 The powers, duties, rights, and responsibilities relating to  
10 the Medicaid Fraud Control Unit transferred from the Illinois  
11 State Police to the Office of the Attorney General under this  
12 Section are vested in and shall be exercised by the Office of  
13 the Attorney General. Each act done in exercise of those  
14 powers, duties, rights, and responsibilities shall have the  
15 same legal effect as if done by the Illinois State Police or  
16 its divisions, officers, or employees.

17 (g) Officers and others; duties; penalties. Every  
18 employee, agent, or officer of the Office of the Attorney  
19 General is subject to the same obligations and duties, and has  
20 the same rights, as are prescribed by law in connection with  
21 the exercise of any power, duty, right, or responsibility  
22 transferred under this Section.

23 Every employee, agent, or officer of the Office of the  
24 Attorney General is subject to the same penalty or penalties,  
25 civil or criminal, as are prescribed by law for the same  
26 offense by any employee, agent, or officer whose powers,

1 duties, rights, or responsibilities are transferred under this  
2 Section.

3 (h) Reports, notices, or papers. Whenever reports or  
4 notices are required to be made or given or papers or documents  
5 furnished or served by any person to or upon the Illinois State  
6 Police in connection with any of the functions relating to the  
7 Medicaid Fraud Control Unit, the same shall be made, given,  
8 furnished, or served in the same manner to or upon the Office  
9 of the Attorney General.

10 (i) Acts and actions unaffected by transfer. This Section  
11 does not affect any act completed, ratified, or canceled, or  
12 any right occurring or established, before October 1, 2023 in  
13 connection with any function transferred under this Section.  
14 This Section does not affect any action or proceeding had or  
15 commenced before October 1, 2023 in an administrative, civil,  
16 or criminal cause regarding any function transferred under  
17 this Section, but any such action or proceeding may be  
18 continued by the Office of the Attorney General.

19 (j) For the purposes of the Successor Agency Act, the  
20 Office of the Attorney General is declared to be the successor  
21 agency of the Illinois State Police, but only with respect to  
22 the functions that are transferred to the Office of the  
23 Attorney General under this Section.

24 Section 10. The Illinois Act on the Aging is amended by  
25 changing Section 4.04a as follows:

1 (20 ILCS 105/4.04a)

2 Sec. 4.04a. Illinois Long-Term Care Council.

3 (a) Purpose. The purpose of this Section is to ensure that  
4 consumers over the age of 60 residing in facilities licensed  
5 or regulated under the Nursing Home Care Act, Skilled Nursing  
6 and Intermediate Care Facilities Code, Sheltered Care  
7 Facilities Code, and the Illinois Veterans' Homes Code receive  
8 high quality long-term care through an effective Illinois  
9 Long-Term Care Council.

10 (b) Maintenance and operation of the Illinois Long-Term  
11 Care Council.

12 (1) The Department shall develop a fair and impartial  
13 process for recruiting and receiving nominations for  
14 members for the Illinois Long-Term Care Council from the  
15 State Long-Term Care Ombudsman, the area agencies on  
16 aging, regional ombudsman programs, provider agencies, and  
17 other public agencies, using a nomination form provided by  
18 the Department.

19 (2) The Department shall appoint members to the  
20 Illinois Long-Term Care Council in a timely manner.

21 (3) The Department shall consider and act in good  
22 faith regarding the Illinois Long-Term Care Council's  
23 annual report and its recommendations.

24 (4) The Director shall appoint to the Illinois  
25 Long-Term Care Council at least 18 but not more than 25

1 members.

2 (c) Responsibilities of the State Long-Term Care  
3 Ombudsman, area agencies on aging, regional long-term care  
4 ombudsman programs, and provider agencies. The State Long-Term  
5 Care Ombudsman and each area agency on aging, regional  
6 long-term care ombudsman program, and provider agency shall  
7 solicit names and recommend members to the Department for  
8 appointment to the Illinois Long-Term Care Council.

9 (d) Powers and duties. The Illinois Long-Term Care Council  
10 shall do the following:

11 (1) Make recommendations and comment on issues  
12 pertaining to long-term care and the State Long-Term Care  
13 Ombudsman Program to the Department.

14 (2) Advise the Department on matters pertaining to the  
15 quality of life and quality of care in the continuum of  
16 long-term care.

17 (3) Evaluate, comment on reports regarding, and make  
18 recommendations on, the quality of life and quality of  
19 care in long-term care facilities and on the duties and  
20 responsibilities of the State Long-Term Care Ombudsman  
21 Program.

22 (4) Prepare and circulate an annual report to the  
23 Governor, the General Assembly, and other interested  
24 parties concerning the duties and accomplishments of the  
25 Illinois Long-Term Care Council and all other related  
26 matters pertaining to long-term care and the protection of

1 residents' rights.

2 (5) Provide an opportunity for public input at each  
3 scheduled meeting.

4 (6) Make recommendations to the Director, upon his or  
5 her request, as to individuals who are capable of serving  
6 as the State Long-Term Care Ombudsman and who should make  
7 appropriate application for that position should it become  
8 vacant.

9 (e) Composition and operation. The Illinois Long-Term Care  
10 Council shall be composed of at least 18 but not more than 25  
11 members concerned about the quality of life in long-term care  
12 facilities and protecting the rights of residents, including  
13 members from long-term care facilities. The State Long-Term  
14 Care Ombudsman shall be a permanent member of the Long-Term  
15 Care Council. Members shall be appointed for a 4-year term  
16 with initial appointments staggered with 2-year, 3-year, and  
17 4-year terms. A lottery will determine the terms of office for  
18 the members of the first term. Members may be reappointed to a  
19 term but no member may be reappointed to more than 2  
20 consecutive terms. The Illinois Long-Term Care Council shall  
21 meet a minimum of 3 times per calendar year.

22 (f) Member requirements. All members shall be individuals  
23 who have demonstrated concern about the quality of life in  
24 long-term care facilities. A minimum of 3 members must be  
25 current or former residents of long-term care facilities or  
26 the family member of a current or former resident of a

1 long-term care facility. A minimum of 2 members shall  
2 represent current or former long-term care facility resident  
3 councils or family councils. A minimum of 4 members shall be  
4 selected from recommendations by organizations whose members  
5 consist of long-term care facilities. A representative of  
6 long-term care facility employees must also be included as a  
7 member. A minimum of 2 members shall be selected from  
8 recommendations of membership-based senior advocacy groups or  
9 consumer organizations that engage solely in legal  
10 representation on behalf of residents and immediate families.  
11 There shall be non-voting State agency members on the  
12 Long-Term Care Council from the following agencies: (i) the  
13 Department of Veterans' Affairs; (ii) the Department of Human  
14 Services; (iii) the Department of Public Health; (iv) the  
15 Department on Aging; (v) the Department of Healthcare and  
16 Family Services; (vi) the Office of the Attorney General  
17 ~~Illinois State Police~~ Medicaid Fraud Control Unit; and (vii)  
18 others as appropriate.

19 (Source: P.A. 95-331, eff. 8-21-07.)

20 Section 15. The Illinois Public Aid Code is amended by  
21 changing Section 8A-7 as follows:

22 (305 ILCS 5/8A-7) (from Ch. 23, par. 8A-7)

23 Sec. 8A-7. Civil Remedies. (a) A person who receives  
24 financial aid by means of a false statement, willful



1 misrepresentation or by his failure to notify the county  
2 department or local governmental unit, as the case may be, of a  
3 change in his status as required by Sections 11-18 and 11-19,  
4 for the purpose of preventing the denial, cancellation or  
5 suspension of his grant, or a variation in the amount thereof,  
6 or by other fraudulent device, or a person who knowingly aids  
7 or abets any person in obtaining financial aid for which he is  
8 not eligible, shall be answerable to the county department or  
9 the local governmental unit, as the case may be, for refunding  
10 the entire amount of aid received. If the refund is not made,  
11 it shall be recoverable in a civil action from the person who  
12 received the aid, or from anyone who willfully aided such  
13 person to obtain the aid. If an act which would be unlawful  
14 under Section 8A-2 is proven, the court may as a penalty assess  
15 an additional sum of money, not to exceed the entire amount of  
16 aid provided, against the recipient or against any person who  
17 willfully aided the recipient. If assessed, the penalty shall  
18 be included in any judgment entered for the aid received, and  
19 paid to the county department or the local governmental unit,  
20 as the case may be. Upon entry of the judgment a lien shall  
21 attach to all property and assets of such person until the  
22 judgment is satisfied.

23 (b) Any person, firm, corporation, association, agency,  
24 institution or other legal entity, other than an individual  
25 recipient, that willfully, by means of a false statement or  
26 representation, or by concealment of any material fact or by

1 other fraudulent scheme or device on behalf of himself or  
2 others, obtains or attempts to obtain benefits or payments  
3 under this Code to which he or it is not entitled, or in a  
4 greater amount than that to which he or it is entitled, shall  
5 be liable for repayment of any excess benefits or payments  
6 received and, in addition to any other penalties provided by  
7 law, civil penalties consisting of (1) the interest on the  
8 amount of excess benefits or payments at the maximum legal  
9 rate in effect on the date the payment was made to such person,  
10 firm, corporation, association, agency, institution or other  
11 legal entity for the period from the date upon which payment  
12 was made to the date upon which repayment is made to the State,  
13 (2) an amount not to exceed 3 times the amount of such excess  
14 benefits or payments, and (3) the sum of \$2,000 for each  
15 excessive claim for benefits or payments. Upon entry of a  
16 judgment for repayment of any excess benefits or payments, or  
17 for any civil penalties assessed by the court, a lien shall  
18 attach to all property and assets of such person, firm,  
19 corporation, association, agency, institution or other legal  
20 entity until the judgment is satisfied.

21 (c) Civil recoveries provided for in this Section may be  
22 recoverable in court proceedings initiated by the Attorney  
23 General or, in actions involving a local governmental unit, by  
24 the State's Attorney.

25 (d) Any person who commits the offense of vendor fraud or  
26 recipient fraud as defined in Section 8A-2 and Section 8A-3 of

1 this Article shall forfeit, according to the provisions of  
2 this subsection, any monies, profits or proceeds, and any  
3 interest or property which the sentencing court determines he  
4 has acquired or maintained, directly or indirectly, in whole  
5 or in part as a result of such offense. Such person shall also  
6 forfeit any interest in, securities of, claim against, or  
7 contractual right of any kind which affords him a source of  
8 influence over, any enterprise which he has established,  
9 operated, controlled, conducted, or participated in  
10 conducting, where his relationship to or connection with any  
11 such thing or activity directly or indirectly, in whole or in  
12 part, is traceable to any thing or benefit which he has  
13 obtained or acquired through vendor fraud or recipient fraud.

14 Proceedings instituted pursuant to this subsection shall  
15 be subject to and conducted in accordance with the following  
16 procedures:

17 (1) The sentencing court shall, upon petition by the  
18 Attorney General or State's Attorney at any time following  
19 sentencing, conduct a hearing to determine whether any  
20 property or property interest is subject to forfeiture under  
21 this subsection. At the forfeiture hearing the People shall  
22 have the burden of establishing, by a preponderance of the  
23 evidence, that the property or property interests are subject  
24 to such forfeiture.

25 (2) In any action brought by the People of the State of  
26 Illinois under this Section, in which any restraining order,

1 injunction or prohibition or any other action in connection  
2 with any property or interest subject to forfeiture under this  
3 subsection is sought, the circuit court presiding over the  
4 trial of the person charged with recipient fraud or vendor  
5 fraud as defined in Sections 8A-2 or 8A-3 of this Article shall  
6 first determine whether there is probable cause to believe  
7 that the person so charged has committed the offense of  
8 recipient fraud or vendor fraud and whether the property or  
9 interest is subject to forfeiture under this subsection. To  
10 make such a determination, prior to entering any such order,  
11 the court shall conduct a hearing without a jury, at which the  
12 People shall establish that there is (i) probable cause that  
13 the person so charged has committed the offense of recipient  
14 fraud or vendor fraud and (ii) probable cause that any  
15 property or interest may be subject to forfeiture pursuant to  
16 this subsection. Such hearing may be conducted simultaneously  
17 with a preliminary hearing, if the prosecution is commenced by  
18 information or complaint, or by motion of the People at any  
19 stage in the proceedings. The court may accept a finding of  
20 probable cause at a preliminary hearing following the filing  
21 of an information charging the offense of recipient fraud or  
22 vendor fraud as defined in Sections 8A-2 or 8A-3 or the return  
23 of an indictment by a grand jury charging the offense of  
24 recipient fraud or vendor fraud as defined in Sections 8A-2 or  
25 8A-3 of this Article as sufficient evidence of probable cause  
26 as provided in item (i) above. Upon such a finding, the circuit

1 court shall enter such restraining order, injunction or  
2 prohibition, or shall take such other action in connection  
3 with any such property or other interest subject to forfeiture  
4 under this Act as is necessary to insure that such property is  
5 not removed from the jurisdiction of the court, concealed,  
6 destroyed or otherwise disposed of by the owner of that  
7 property or interest prior to a forfeiture hearing under this  
8 subsection. The Attorney General or State's Attorney shall  
9 file a certified copy of such restraining order, injunction or  
10 other prohibition with the recorder of deeds or registrar of  
11 titles of each county where any such property of the defendant  
12 may be located. No such injunction, restraining order or other  
13 prohibition shall affect the rights of any bonafide purchaser,  
14 mortgagee, judgement creditor or other lien holder arising  
15 prior to the date of such filing. The court may, at any time,  
16 upon verified petition by the defendant, conduct a hearing to  
17 determine whether all or portions of any such property or  
18 interest which the court previously determined to be subject  
19 to forfeiture or subject to any restraining order, injunction,  
20 or prohibition or other action, should be released. The court  
21 may in its discretion release such property to the defendant  
22 for good cause shown.

23 (3) Upon conviction of a person under this Article, the  
24 court shall authorize the Director of the Illinois State  
25 Police to seize all property or other interest declared  
26 forfeited under this subsection upon such terms and conditions

1 as the court shall deem proper.

2 (4) The Director of the Illinois State Police is  
3 authorized to sell all property forfeited and seized pursuant  
4 to this subsection, unless such property is required by law to  
5 be destroyed or is harmful to the public. After the deduction  
6 of all requisite expenses of administration and sale, the  
7 court shall order the Director to distribute to the Illinois  
8 Department an amount from the proceeds of the forfeited  
9 property, or monies forfeited or seized, which will satisfy  
10 any unsatisfied court order of restitution entered pursuant to  
11 a conviction under this Article. If the proceeds are less than  
12 the amount necessary to satisfy the order of restitution, the  
13 Director shall distribute to the Illinois Department the  
14 entire amount of the remaining proceeds. The Director shall  
15 distribute any remaining proceeds of such sale, along with any  
16 monies forfeited or seized, in accordance with the following  
17 schedules:

18 (a) 25% shall be distributed to the unit of local  
19 government whose officers or employees conducted the  
20 investigation into recipient fraud or vendor fraud and caused  
21 the arrest or arrests and prosecution leading to the  
22 forfeiture. Amounts distributed to units of local government  
23 shall be used solely for enforcement matters relating to  
24 detection, investigation or prosecution of recipient fraud or  
25 vendor fraud as defined in Section 8A-2 or 8A-3 of this  
26 Article. Where the investigation, arrest or arrests leading to

1 the prosecution and forfeiture is undertaken solely by the  
2 Office of the Attorney General ~~Illinois State Police~~, the  
3 portion provided hereunder shall be paid into the Medicaid  
4 Fraud and Abuse Prevention Fund, which is hereby created in  
5 the State treasury. Monies from this fund shall be used by the  
6 Office of the Attorney General ~~Illinois State Police~~ for the  
7 furtherance of enforcement matters relating to detection,  
8 investigation or prosecution of recipient fraud or vendor  
9 fraud. Monies directed to this fund shall be used in addition  
10 to, and not as a substitute for, funds annually appropriated  
11 to the Office of the Attorney General ~~Illinois State Police~~  
12 for medicaid fraud enforcement.

13 (b) 25% shall be distributed to the county in which the  
14 prosecution and petition for forfeiture resulting in the  
15 forfeiture was instituted, and deposited in a special fund in  
16 the county treasury and appropriated to the State's Attorney  
17 for use solely in enforcement matters relating to detection,  
18 investigation or prosecution of recipient fraud or vendor  
19 fraud; however, if the Attorney General brought the  
20 prosecution resulting in the forfeiture, the portion provided  
21 hereunder shall be paid into the Medicaid Fraud and Abuse  
22 Prevention Fund, to be used by the Medicaid Fraud Control Unit  
23 of the Office of the Attorney General ~~Illinois State Police~~  
24 for enforcement matters relating to detection, investigation  
25 or prosecution of recipient fraud or vendor fraud. Where the  
26 Attorney General and a State's Attorney have jointly

1 participated in any portion of the proceedings, 12.5% shall be  
2 distributed to the county in which the prosecution resulting  
3 in the forfeiture was instituted, and used as specified  
4 herein, and 12.5% shall be paid into the Medicaid Fraud and  
5 Abuse Prevention Fund, and used as specified herein.

6 (c) 50% shall be transmitted to the State Treasurer for  
7 deposit in the General Revenue Fund.

8 (Source: P.A. 102-538, eff. 8-20-21.)

9 Section 20. The Illinois False Claims Act is amended by  
10 changing Sections 2, 4, 6, and 8 as follows:

11 (740 ILCS 175/2) (from Ch. 127, par. 4102)

12 Sec. 2. Definitions. As used in this Act:

13 (a) "State" means the State of Illinois; any agency of  
14 State government; the system of State colleges and  
15 universities, any school district, community college district,  
16 county, municipality, municipal corporation, unit of local  
17 government, and any combination of the above under an  
18 intergovernmental agreement that includes provisions for a  
19 governing body of the agency created by the agreement.

20 (b) "Guard" means the Illinois National Guard.

21 (c) "Investigation" means any inquiry conducted by any  
22 investigator for the purpose of ascertaining whether any  
23 person is or has been engaged in any violation of this Act.

24 (d) "Investigator" means a person who is charged by the



1 Attorney General ~~or the Illinois State Police~~ with the duty of  
2 conducting any investigation under this Act, or any officer or  
3 employee of the State acting under the direction and  
4 supervision of the Attorney General ~~or the Illinois State~~  
5 ~~Police~~, in the course of an investigation.

6 (e) "Documentary material" includes the original or any  
7 copy of any book, record, report, memorandum, paper,  
8 communication, tabulation, chart, or other document, or data  
9 compilations stored in or accessible through computer or other  
10 information retrieval systems, together with instructions and  
11 all other materials necessary to use or interpret such data  
12 compilations, and any product of discovery.

13 (f) "Custodian" means the custodian, or any deputy  
14 custodian, designated by the Attorney General under subsection  
15 (i) (1) of Section 6.

16 (g) "Product of discovery" includes:

17 (1) the original or duplicate of any deposition,  
18 interrogatory, document, thing, result of the inspection  
19 of land or other property, examination, or admission,  
20 which is obtained by any method of discovery in any  
21 judicial or administrative proceeding of an adversarial  
22 nature;

23 (2) any digest, analysis, selection, compilation, or  
24 derivation of any item listed in paragraph (1); and

25 (3) any index or other manner of access to any item  
26 listed in paragraph (1).

1 (Source: P.A. 102-538, eff. 8-20-21.)

2 (740 ILCS 175/4) (from Ch. 127, par. 4104)

3 Sec. 4. Civil actions for false claims.

4 (a) Responsibilities of the Attorney General ~~and the~~  
5 ~~Illinois State Police~~. The Attorney General ~~or the Illinois~~  
6 ~~State Police~~ shall diligently investigate a civil violation  
7 under Section 3. If the Attorney General finds that a person  
8 violated or is violating Section 3, the Attorney General may  
9 bring a civil action under this Section against the person.

10 The State shall receive an amount for reasonable expenses  
11 that the court finds to have been necessarily incurred by the  
12 Attorney General, including reasonable attorneys' fees and  
13 costs. All such expenses, fees, and costs shall be awarded  
14 against the defendant. The court may award amounts from the  
15 proceeds of an action or settlement that it considers  
16 appropriate to any governmental entity or program that has  
17 been adversely affected by a defendant. The Attorney General,  
18 if necessary, shall direct the State Treasurer to make a  
19 disbursement of funds as provided in court orders or  
20 settlement agreements.

21 (b) Actions by private persons.

22 (1) A person may bring a civil action for a violation  
23 of Section 3 for the person and for the State. The action  
24 shall be brought in the name of the State. The action may  
25 be dismissed only if the court and the Attorney General

1 give written consent to the dismissal and their reasons  
2 for consenting.

3 (2) A copy of the complaint and written disclosure of  
4 substantially all material evidence and information the  
5 person possesses shall be served on the State. The  
6 complaint shall be filed in camera, shall remain under  
7 seal for at least 60 days, and shall not be served on the  
8 defendant until the court so orders. The State may elect  
9 to intervene and proceed with the action within 60 days  
10 after it receives both the complaint and the material  
11 evidence and information.

12 (3) The State may, for good cause shown, move the  
13 court for extensions of the time during which the  
14 complaint remains under seal under paragraph (2). Any such  
15 motions may be supported by affidavits or other  
16 submissions in camera. The defendant shall not be required  
17 to respond to any complaint filed under this Section until  
18 20 days after the complaint is unsealed and served upon  
19 the defendant.

20 (4) Before the expiration of the 60-day period or any  
21 extensions obtained under paragraph (3), the State shall:

22 (A) proceed with the action, in which case the  
23 action shall be conducted by the State; or

24 (B) notify the court that it declines to take over  
25 the action, in which case the person bringing the  
26 action shall have the right to conduct the action.

1           (5) When a person brings an action under this  
2 subsection (b), no person other than the State may  
3 intervene or bring a related action based on the facts  
4 underlying the pending action.

5           (c) Rights of the parties to Qui Tam actions.

6           (1) If the State proceeds with the action, it shall  
7 have the primary responsibility for prosecuting the  
8 action, and shall not be bound by an act of the person  
9 bringing the action. Such person shall have the right to  
10 continue as a party to the action, subject to the  
11 limitations set forth in paragraph (2).

12           (2) (A) The State may dismiss the action  
13 notwithstanding the objections of the person initiating  
14 the action if the person has been notified by the State of  
15 the filing of the motion and the court has provided the  
16 person with an opportunity for a hearing on the motion.

17           (B) The State may settle the action with the defendant  
18 notwithstanding the objections of the person initiating  
19 the action if the court determines, after a hearing, that  
20 the proposed settlement is fair, adequate, and reasonable  
21 under all the circumstances. Upon a showing of good cause,  
22 such hearing may be held in camera.

23           (C) Upon a showing by the State that unrestricted  
24 participation during the course of the litigation by the  
25 person initiating the action would interfere with or  
26 unduly delay the State's prosecution of the case, or would

1 be repetitious, irrelevant, or for purposes of harassment,  
2 the court may, in its discretion, impose limitations on  
3 the person's participation, such as:

4 (i) limiting the number of witnesses the person  
5 may call:

6 (ii) limiting the length of the testimony of such  
7 witnesses;

8 (iii) limiting the person's cross-examination of  
9 witnesses; or

10 (iv) otherwise limiting the participation by the  
11 person in the litigation.

12 (D) Upon a showing by the defendant that unrestricted  
13 participation during the course of the litigation by the  
14 person initiating the action would be for purposes of  
15 harassment or would cause the defendant undue burden or  
16 unnecessary expense, the court may limit the participation  
17 by the person in the litigation.

18 (3) If the State elects not to proceed with the  
19 action, the person who initiated the action shall have the  
20 right to conduct the action. If the State so requests, it  
21 shall be served with copies of all pleadings filed in the  
22 action and shall be supplied with copies of all deposition  
23 transcripts (at the State's expense). When a person  
24 proceeds with the action, the court, without limiting the  
25 status and rights of the person initiating the action, may  
26 nevertheless permit the State to intervene at a later date

1           upon a showing of good cause.

2           (4) Whether or not the State proceeds with the action,  
3           upon a showing by the State that certain actions of  
4           discovery by the person initiating the action would  
5           interfere with the State's investigation or prosecution of  
6           a criminal or civil matter arising out of the same facts,  
7           the court may stay such discovery for a period of not more  
8           than 60 days. Such a showing shall be conducted in camera.  
9           The court may extend the 60-day period upon a further  
10          showing in camera that the State has pursued the criminal  
11          or civil investigation or proceedings with reasonable  
12          diligence and any proposed discovery in the civil action  
13          will interfere with the ongoing criminal or civil  
14          investigation or proceedings.

15          (5) Notwithstanding subsection (b), the State may  
16          elect to pursue its claim through any alternate remedy  
17          available to the State, including any administrative  
18          proceeding to determine a civil money penalty. If any such  
19          alternate remedy is pursued in another proceeding, the  
20          person initiating the action shall have the same rights in  
21          such proceeding as such person would have had if the  
22          action had continued under this Section. Any finding of  
23          fact or conclusion of law made in such other proceeding  
24          that has become final shall be conclusive on all parties  
25          to an action under this Section. For purposes of the  
26          preceding sentence, a finding or conclusion is final if it

1 has been finally determined on appeal to the appropriate  
2 court, if all time for filing such an appeal with respect  
3 to the finding or conclusion has expired, or if the  
4 finding or conclusion is not subject to judicial review.

5 (d) Award to Qui Tam plaintiff.

6 (1) If the State proceeds with an action brought by a  
7 person under subsection (b), such person shall, subject to  
8 the second sentence of this paragraph, receive at least  
9 15% but not more than 25% of the proceeds of the action or  
10 settlement of the claim, depending upon the extent to  
11 which the person substantially contributed to the  
12 prosecution of the action. Where the action is one which  
13 the court finds to be based primarily on disclosures of  
14 specific information (other than information provided by  
15 the person bringing the action) relating to allegations or  
16 transactions in a criminal, civil, or administrative  
17 hearing, in a legislative, administrative, or Auditor  
18 General's report, hearing, audit, or investigation, or  
19 from the news media, the court may award such sums as it  
20 considers appropriate, but in no case more than 10% of the  
21 proceeds, taking into account the significance of the  
22 information and the role of the person bringing the action  
23 in advancing the case to litigation. Any payment to a  
24 person under the first or second sentence of this  
25 paragraph (1) shall be made from the proceeds. Any such  
26 person shall also receive an amount for reasonable

1 expenses which the court finds to have been necessarily  
2 incurred, plus reasonable attorneys' fees and costs. The  
3 State shall also receive an amount for reasonable expenses  
4 which the court finds to have been necessarily incurred by  
5 the Attorney General, including reasonable attorneys' fees  
6 and costs. All such expenses, fees, and costs shall be  
7 awarded against the defendant. The court may award amounts  
8 from the proceeds of an action or settlement that it  
9 considers appropriate to any governmental entity or  
10 program that has been adversely affected by a defendant.  
11 The Attorney General, if necessary, shall direct the State  
12 Treasurer to make a disbursement of funds as provided in  
13 court orders or settlement agreements.

14 (2) If the State does not proceed with an action under  
15 this Section, the person bringing the action or settling  
16 the claim shall receive an amount which the court decides  
17 is reasonable for collecting the civil penalty and  
18 damages. The amount shall be not less than 25% and not more  
19 than 30% of the proceeds of the action or settlement and  
20 shall be paid out of such proceeds. Such person shall also  
21 receive an amount for reasonable expenses which the court  
22 finds to have been necessarily incurred, plus reasonable  
23 attorneys' fees and costs. All such expenses, fees, and  
24 costs shall be awarded against the defendant. The court  
25 may award amounts from the proceeds of an action or  
26 settlement that it considers appropriate to any



1 governmental entity or program that has been adversely  
2 affected by a defendant. The Attorney General, if  
3 necessary, shall direct the State Treasurer to make a  
4 disbursement of funds as provided in court orders or  
5 settlement agreements.

6 (3) Whether or not the State proceeds with the action,  
7 if the court finds that the action was brought by a person  
8 who planned and initiated the violation of Section 3 upon  
9 which the action was brought, then the court may, to the  
10 extent the court considers appropriate, reduce the share  
11 of the proceeds of the action which the person would  
12 otherwise receive under paragraph (1) or (2) of this  
13 subsection (d), taking into account the role of that  
14 person in advancing the case to litigation and any  
15 relevant circumstances pertaining to the violation. If the  
16 person bringing the action is convicted of criminal  
17 conduct arising from his or her role in the violation of  
18 Section 3, that person shall be dismissed from the civil  
19 action and shall not receive any share of the proceeds of  
20 the action. Such dismissal shall not prejudice the right  
21 of the State to continue the action, represented by the  
22 Attorney General.

23 (4) If the State does not proceed with the action and  
24 the person bringing the action conducts the action, the  
25 court may award to the defendant its reasonable attorneys'  
26 fees and expenses if the defendant prevails in the action

1 and the court finds that the claim of the person bringing  
2 the action was clearly frivolous, clearly vexatious, or  
3 brought primarily for purposes of harassment.

4 (e) Certain actions barred.

5 (1) No court shall have jurisdiction over an action  
6 brought by a former or present member of the Guard under  
7 subsection (b) of this Section against a member of the  
8 Guard arising out of such person's service in the Guard.

9 (2) (A) No court shall have jurisdiction over an action  
10 brought under subsection (b) against a member of the  
11 General Assembly, a member of the judiciary, or an exempt  
12 official if the action is based on evidence or information  
13 known to the State when the action was brought.

14 (B) For purposes of this paragraph (2), "exempt  
15 official" means any of the following officials in State  
16 service: directors of departments established under the  
17 Civil Administrative Code of Illinois, the Adjutant  
18 General, the Assistant Adjutant General, the Director of  
19 the State Emergency Services and Disaster Agency, members  
20 of the boards and commissions, and all other positions  
21 appointed by the Governor by and with the consent of the  
22 Senate.

23 (3) In no event may a person bring an action under  
24 subsection (b) which is based upon allegations or  
25 transactions which are the subject of a civil suit or an  
26 administrative civil money penalty proceeding in which the

1 State is already a party.

2 (4) (A) The court shall dismiss an action or claim  
3 under this Section, unless opposed by the State, if  
4 substantially the same allegations or transactions as  
5 alleged in the action or claim were publicly disclosed:

6 (i) in a criminal, civil, or administrative  
7 hearing in which the State or its agent is a party;

8 (ii) in a State legislative, State Auditor  
9 General, or other State report, hearing, audit, or  
10 investigation; or

11 (iii) from the news media,

12 unless the action is brought by the Attorney General or  
13 the person bringing the action is an original source of  
14 the information.

15 (B) For purposes of this paragraph (4), "original  
16 source" means an individual who either (i) prior to a  
17 public disclosure under subparagraph (A) of this paragraph  
18 (4), has voluntarily disclosed to the State the  
19 information on which allegations or transactions in a  
20 claim are based, or (ii) has knowledge that is independent  
21 of and materially adds to the publicly disclosed  
22 allegations or transactions, and who has voluntarily  
23 provided the information to the State before filing an  
24 action under this Section.

25 (f) State not liable for certain expenses. The State is  
26 not liable for expenses which a person incurs in bringing an

1 action under this Section.

2 (g) Relief from retaliatory actions.

3 (1) In general, any employee, contractor, or agent  
4 shall be entitled to all relief necessary to make that  
5 employee, contractor, or agent whole, if that employee,  
6 contractor, or agent is discharged, demoted, suspended,  
7 threatened, harassed, or in any other manner discriminated  
8 against in the terms and conditions of employment because  
9 of lawful acts done by the employee, contractor, agent, or  
10 associated others in furtherance of an action under this  
11 Section or other efforts to stop one or more violations of  
12 this Act.

13 (2) Relief under paragraph (1) shall include  
14 reinstatement with the same seniority status that the  
15 employee, contractor, or agent would have had but for the  
16 discrimination, 2 times the amount of back pay, interest  
17 on the back pay, and compensation for any special damages  
18 sustained as a result of the discrimination, including  
19 litigation costs and reasonable attorneys' fees. An action  
20 under this subsection (g) may be brought in the  
21 appropriate circuit court for the relief provided in this  
22 subsection (g).

23 (3) A civil action under this subsection may not be  
24 brought more than 3 years after the date when the  
25 retaliation occurred.

26 (Source: P.A. 102-538, eff. 8-20-21.)

1 (740 ILCS 175/6) (from Ch. 127, par. 4106)

2 Sec. 6. Subpoenas.

3 (a) In general.

4 (1) Issuance and service. Whenever the Attorney  
5 General, ~~or a designee (for purposes of this Section),~~ has  
6 reason to believe that any person may be in possession,  
7 custody, or control of any documentary material or  
8 information relevant to an investigation, the Attorney  
9 General, ~~or a designee,~~ may, before commencing a civil  
10 proceeding under this Act or making an election under  
11 paragraph (4) of subsection (b) of Section 4, issue in  
12 writing and cause to be served upon such person, a  
13 subpoena requiring such person:

14 (A) to produce such documentary material for  
15 inspection and copying,

16 (B) to answer, in writing, written interrogatories  
17 with respect to such documentary material or  
18 information,

19 (C) to give oral testimony concerning such  
20 documentary material or information, or

21 (D) to furnish any combination of such material,  
22 answers, or testimony.

23 The Attorney General may ~~delegate the authority to issue~~  
24 subpoenas under this subsection (a) ~~to the Department of~~  
25 ~~State Police subject to conditions as the Attorney General~~

1 ~~deems appropriate.~~ Whenever a subpoena is an express  
2 demand for any product of discovery, the Attorney General  
3 ~~or his or her delegate~~ shall cause to be served, in any  
4 manner authorized by this Section, a copy of such demand  
5 upon the person from whom the discovery was obtained and  
6 shall notify the person to whom such demand is issued of  
7 the date on which such copy was served. Any information  
8 obtained by the Attorney General ~~or a designee~~ under this  
9 Section may be shared with any qui tam relator if the  
10 Attorney General ~~or designee~~ determines it necessary as  
11 part of any False Claims Act investigation.

12 (1.5) Where a subpoena requires the production of  
13 documentary material, the respondent shall produce the  
14 original of the documentary material, provided, however,  
15 that the Attorney General, ~~or a designee,~~ may agree that  
16 copies may be substituted for the originals. All  
17 documentary material kept or stored in electronic form,  
18 including electronic mail, shall be produced in native  
19 format, as kept in the normal course of business, or as  
20 otherwise directed by the Attorney General ~~or designee.~~  
21 The production of documentary material shall be made at  
22 the respondent's expense.

23 (2) Contents and deadlines. Each subpoena issued under  
24 paragraph (1):

25 (A) Shall state the nature of the conduct  
26 constituting an alleged violation that is under

1 investigation and the applicable provision of law  
2 alleged to be violated.

3 (B) Shall identify the individual causing the  
4 subpoena to be served and to whom communications  
5 regarding the subpoena should be directed.

6 (C) Shall state the date, place, and time at which  
7 the person is required to appear, produce written  
8 answers to interrogatories, produce documentary  
9 material or give oral testimony. The date shall not be  
10 less than 10 days from the date of service of the  
11 subpoena. Compliance with the subpoena shall be at the  
12 Office of the Attorney General in either the  
13 Springfield or Chicago location or at other location  
14 by agreement.

15 (D) If the subpoena is for documentary material or  
16 interrogatories, shall describe the documents or  
17 information requested with specificity.

18 (E) Shall notify the person of the right to be  
19 assisted by counsel.

20 (F) Shall advise that the person has 20 days from  
21 the date of service or up until the return date  
22 specified in the demand, whichever date is earlier, to  
23 move, modify, or set aside the subpoena pursuant to  
24 subparagraph (j) (2) (A) of this Section.

25 (b) Protected material or information.

26 (1) In general. A subpoena issued under subsection (a)

1 may not require the production of any documentary  
2 material, the submission of any answers to written  
3 interrogatories, or the giving of any oral testimony if  
4 such material, answers, or testimony would be protected  
5 from disclosure under:

6 (A) the standards applicable to subpoenas or  
7 subpoenas duces tecum issued by a court of this State  
8 to aid in a grand jury investigation; or

9 (B) the standards applicable to discovery requests  
10 under the Code of Civil Procedure, to the extent that  
11 the application of such standards to any such subpoena  
12 is appropriate and consistent with the provisions and  
13 purposes of this Section.

14 (2) Effect on other orders, rules, and laws. Any such  
15 subpoena which is an express demand for any product of  
16 discovery supersedes any inconsistent order, rule, or  
17 provision of law (other than this Section) preventing or  
18 restraining disclosure of such product of discovery to any  
19 person. Disclosure of any product of discovery pursuant to  
20 any such subpoena does not constitute a waiver of any  
21 right or privilege which the person making such disclosure  
22 may be entitled to invoke to resist discovery of trial  
23 preparation materials.

24 (c) Service in general. Any subpoena issued under  
25 subsection (a) may be served by any person so authorized by the  
26 Attorney General or by any person authorized to serve process



1 on individuals within Illinois, through any method prescribed  
2 in the Code of Civil Procedure or as otherwise set forth in  
3 this Act.

4 (d) Service upon legal entities and natural persons.

5 (1) Legal entities. Service of any subpoena issued  
6 under subsection (a) or of any petition filed under  
7 subsection (j) may be made upon a partnership,  
8 corporation, association, or other legal entity by:

9 (A) delivering an executed copy of such subpoena  
10 or petition to any partner, executive officer,  
11 managing agent, general agent, or registered agent of  
12 the partnership, corporation, association or entity;

13 (B) delivering an executed copy of such subpoena  
14 or petition to the principal office or place of  
15 business of the partnership, corporation, association,  
16 or entity; or

17 (C) depositing an executed copy of such subpoena  
18 or petition in the United States mails by registered  
19 or certified mail, with a return receipt requested,  
20 addressed to such partnership, corporation,  
21 association, or entity as its principal office or  
22 place of business.

23 (2) Natural person. Service of any such subpoena or  
24 petition may be made upon any natural person by:

25 (A) delivering an executed copy of such subpoena  
26 or petition to the person; or

1 (B) depositing an executed copy of such subpoena  
2 or petition in the United States mails by registered  
3 or certified mail, with a return receipt requested,  
4 addressed to the person at the person's residence or  
5 principal office or place of business.

6 (e) Proof of service. A verified return by the individual  
7 serving any subpoena issued under subsection (a) or any  
8 petition filed under subsection (j) setting forth the manner  
9 of such service shall be proof of such service. In the case of  
10 service by registered or certified mail, such return shall be  
11 accompanied by the return post office receipt of delivery of  
12 such subpoena.

13 (f) Documentary material.

14 (1) Sworn certificates. The production of documentary  
15 material in response to a subpoena served under this  
16 Section shall be made under a sworn certificate, in such  
17 form as the subpoena designates, by:

18 (A) in the case of a natural person, the person to  
19 whom the subpoena is directed, or

20 (B) in the case of a person other than a natural  
21 person, a person having knowledge of the facts and  
22 circumstances relating to such production and  
23 authorized to act on behalf of such person.

24 The certificate shall state that all of the documentary  
25 material required by the demand and in the possession,  
26 custody, or control of the person to whom the subpoena is

1 directed has been produced and made available to the  
2 Attorney General.

3 (2) Production of materials. Any person upon whom any  
4 subpoena for the production of documentary material has  
5 been served under this Section shall make such material  
6 available for inspection and copying to the Attorney  
7 General at the place designated in the subpoena, or at  
8 such other place as the Attorney General and the person  
9 thereafter may agree and prescribe in writing, or as the  
10 court may direct under subsection (j)(1). Such material  
11 shall be made so available on the return date specified in  
12 such subpoena, or on such later date as the Attorney  
13 General may prescribe in writing. Such person may, upon  
14 written agreement between the person and the Attorney  
15 General, substitute copies for originals of all or any  
16 part of such material.

17 (g) Interrogatories. Each interrogatory in a subpoena  
18 served under this Section shall be answered separately and  
19 fully in writing under oath and shall be submitted under a  
20 sworn certificate, in such form as the subpoena designates by:

21 (1) in the case of a natural person, the person to whom  
22 the subpoena is directed, or

23 (2) in the case of a person other than a natural  
24 person, the person or persons responsible for answering  
25 each interrogatory.

26 If any interrogatory is objected to, the reasons for the

1 objection shall be stated in the certificate instead of an  
2 answer. The certificate shall state that all information  
3 required by the subpoena and in the possession, custody,  
4 control, or knowledge of the person to whom the demand is  
5 directed has been submitted. To the extent that any  
6 information is not furnished, the information shall be  
7 identified and reasons set forth with particularity regarding  
8 the reasons why the information was not furnished.

9 (h) Oral examinations.

10 (1) Procedures. The examination of any person pursuant  
11 to a subpoena for oral testimony served under this Section  
12 shall be taken before an officer authorized to administer  
13 oaths and affirmations by the laws of this State or of the  
14 place where the examination is held. The officer before  
15 whom the testimony is to be taken shall put the witness on  
16 oath or affirmation and shall, personally or by someone  
17 acting under the direction of the officer and in the  
18 officer's presence, record the testimony of the witness.  
19 The testimony shall be taken stenographically and shall be  
20 transcribed. When the testimony is fully transcribed, the  
21 officer before whom the testimony is taken shall promptly  
22 transmit a certified copy of the transcript of the  
23 testimony in accordance with the instructions of the  
24 Attorney General. This subsection shall not preclude the  
25 taking of testimony by any means authorized by, and in a  
26 manner consistent with, the Code of Civil Procedure.

1           (2) Persons present. The investigator conducting the  
2 examination shall exclude from the place where the  
3 examination is held all persons except the person giving  
4 the testimony, the attorney for and any other  
5 representative of the person giving the testimony, the  
6 attorney for the State, any person who may be agreed upon  
7 by the attorney for the State and the person giving the  
8 testimony, the officer before whom the testimony is to be  
9 taken, and any stenographer taking such testimony.

10           (3) Where testimony taken. The oral testimony of any  
11 person taken pursuant to a subpoena served under this  
12 Section shall be taken in the county within which such  
13 person resides, is found, or transacts business, or in  
14 such other place as may be agreed upon by the Attorney  
15 General and such person.

16           (4) Transcript of testimony. When the testimony is  
17 fully transcribed, the Attorney General or the officer  
18 before whom the testimony is taken shall afford the  
19 witness, who may be accompanied by counsel, a reasonable  
20 opportunity to review and correct the transcript, in  
21 accordance with the rules applicable to deposition  
22 witnesses in civil cases. Upon payment of reasonable  
23 charges, the Attorney General shall furnish a copy of the  
24 transcript to the witness, except that the Attorney  
25 General may, for good cause, limit the witness to  
26 inspection of the official transcript of the witness'

1 testimony.

2 (5) Conduct of oral testimony.

3 (A) Any person compelled to appear for oral  
4 testimony under a subpoena issued under subsection (a)  
5 may be accompanied, represented, and advised by  
6 counsel, who may raise objections based on matters of  
7 privilege in accordance with the rules applicable to  
8 depositions in civil cases. If such person refuses to  
9 answer any question, a petition may be filed in  
10 circuit court under subsection (j)(1) for an order  
11 compelling such person to answer such question.

12 (B) If such person refuses any question on the  
13 grounds of the privilege against self-incrimination,  
14 the testimony of such person may be compelled in  
15 accordance with Article 106 of the Code of Criminal  
16 Procedure of 1963.

17 (6) Witness fees and allowances. Any person appearing  
18 for oral testimony under a subpoena issued under  
19 subsection (a) shall be entitled to the same fees and  
20 allowances which are paid to witnesses in the circuit  
21 court.

22 (i) Custodians of documents, answers, and transcripts.

23 (1) Designation. The Attorney General or his or her  
24 delegate shall serve as custodian of documentary material,  
25 answers to interrogatories, and transcripts of oral  
26 testimony received under this Section.

1           (2) Except as otherwise provided in this Section, no  
2 documentary material, answers to interrogatories, or  
3 transcripts of oral testimony, or copies thereof, while in  
4 the possession of the custodian, shall be available for  
5 examination by any individual, except as determined  
6 necessary by the Attorney General and subject to the  
7 conditions imposed by him or her for effective enforcement  
8 of the laws of this State, or as otherwise provided by  
9 court order.

10           (3) Conditions for return of material. If any  
11 documentary material has been produced by any person in  
12 the course of any investigation pursuant to a subpoena  
13 under this Section and:

14           (A) any case or proceeding before the court or  
15 grand jury arising out of such investigation, or any  
16 proceeding before any State agency involving such  
17 material, has been completed, or

18           (B) no case or proceeding in which such material  
19 may be used has been commenced within a reasonable  
20 time after completion of the examination and analysis  
21 of all documentary material and other information  
22 assembled in the course of such investigation,  
23 the custodian shall, upon written request of the person  
24 who produced such material, return to such person any such  
25 material which has not passed into the control of any  
26 court, grand jury, or agency through introduction into the

1 record of such case or proceeding.

2 (j) Judicial proceedings.

3 (1) Petition for enforcement. Whenever any person  
4 fails to comply with any subpoena issued under subsection  
5 (a), or whenever satisfactory copying or reproduction of  
6 any material requested in such demand cannot be done and  
7 such person refuses to surrender such material, the  
8 Attorney General may file, in the circuit court of any  
9 county in which such person resides, is found, or  
10 transacts business, or the circuit court of the county in  
11 which an action filed pursuant to Section 4 of this Act is  
12 pending if the action relates to the subject matter of the  
13 subpoena and serve upon such person a petition for an  
14 order of such court for the enforcement of the subpoena.

15 (2) Petition to modify or set aside subpoena.

16 (A) Any person who has received a subpoena issued  
17 under subsection (a) may file, in the circuit court of  
18 any county within which such person resides, is found,  
19 or transacts business, and serve upon the Attorney  
20 General a petition for an order of the court to modify  
21 or set aside such subpoena. In the case of a petition  
22 addressed to an express demand for any product of  
23 discovery, a petition to modify or set aside such  
24 demand may be brought only in the circuit court of the  
25 county in which the proceeding in which such discovery  
26 was obtained is or was last pending. Any petition



1 under this subparagraph (A) must be filed:

2 (i) within 20 days after the date of service  
3 of the subpoena, or at any time before the return  
4 date specified in the subpoena, whichever date is  
5 earlier, or

6 (ii) within such longer period as may be  
7 prescribed in writing by the Attorney General.

8 (B) The petition shall specify each ground upon  
9 which the petitioner relies in seeking relief under  
10 subparagraph (A), and may be based upon any failure of  
11 the subpoena to comply with the provisions of this  
12 Section or upon any constitutional or other legal  
13 right or privilege of such person. During the pendency  
14 of the petition in the court, the court may stay, as it  
15 deems proper, the running of the time allowed for  
16 compliance with the subpoena, in whole or in part,  
17 except that the person filing the petition shall  
18 comply with any portion of the subpoena not sought to  
19 be modified or set aside.

20 (3) Petition to modify or set aside demand for product  
21 of discovery. In the case of any subpoena issued under  
22 subsection (a) which is an express demand for any product  
23 of discovery, the person from whom such discovery was  
24 obtained may file, in the circuit court of the county in  
25 which the proceeding in which such discovery was obtained  
26 is or was last pending, a petition for an order of such

1 court to modify or set aside those portions of the  
2 subpoena requiring production of any such product of  
3 discovery, subject to the same terms, conditions, and  
4 limitations set forth in subparagraph (j)(2) of this  
5 Section.

6 (4) Jurisdiction. Whenever any petition is filed in  
7 any circuit court under this subsection (j), such court  
8 shall have jurisdiction to hear and determine the matter  
9 so presented, and to enter such orders as may be required  
10 to carry out the provisions of this Section. Any final  
11 order so entered shall be subject to appeal in the same  
12 manner as appeals of other final orders in civil matters.  
13 Any disobedience of any final order entered under this  
14 Section by any court shall be punished as a contempt of the  
15 court.

16 (k) Disclosure exemption. Any documentary material,  
17 answers to written interrogatories, or oral testimony provided  
18 under any subpoena issued under subsection (a) shall be exempt  
19 from disclosure under the Illinois Administrative Procedure  
20 Act.

21 (Source: P.A. 96-1304, eff. 7-27-10.)

22 (740 ILCS 175/8) (from Ch. 127, par. 4108)

23 Sec. 8. Funds; Grants.

24 (a) There is hereby created the State Whistleblower Reward  
25 and Protection Fund to be held outside of the State Treasury

1 with the State Treasurer as custodian. All proceeds of an  
2 action or settlement of a claim brought under this Act shall be  
3 deposited in the Fund. Any attorneys' fees, expenses, and  
4 costs paid by or awarded against any defendant pursuant to  
5 Section 4 of this Act shall not be considered part of the  
6 proceeds to be deposited in the Fund.

7 (b) For all cases settled before October 1, 2023, monies  
8 ~~Monies~~ in the Fund shall be allocated as follows: One-sixth of  
9 the monies shall be paid to the Attorney General Whistleblower  
10 Reward and Protection Fund, which is hereby created as a  
11 special fund in the State Treasury, and one-sixth of the  
12 monies shall be paid to the State Police Whistleblower Reward  
13 and Protection Fund, which is hereby created as a special fund  
14 in the State Treasury, for State law enforcement purposes. The  
15 remaining two-thirds of the monies in the Fund shall be used  
16 for payment of awards to Qui Tam plaintiffs and as otherwise  
17 specified in this Act, with any remainder to the General  
18 Revenue Fund. The Attorney General shall direct the State  
19 Treasurer to make disbursement of funds.

20 (c) For all cases settled on or after October 1, 2023,  
21 monies in the Fund shall be allocated as follows: One-third of  
22 the monies shall be paid to the Attorney General Whistleblower  
23 Reward and Protection Fund. The remaining two-thirds of the  
24 monies in the Fund shall be used for payment of awards to Qui  
25 Tam plaintiffs and as otherwise specified in this Act, with  
26 any remainder to the General Revenue Fund. The Attorney

1 General shall direct the State Treasurer to make disbursement  
2 of funds.

3 (Source: P.A. 101-148, eff. 7-26-19.)".