



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2188

Introduced 2/7/2023, by Rep. Fred Crespo

SYNOPSIS AS INTRODUCED:

20 ILCS 105/4.04a	
305 ILCS 5/8A-7	from Ch. 23, par. 8A-7
305 ILCS 5/12-4.41	
740 ILCS 175/2	from Ch. 127, par. 4102
740 ILCS 175/4	from Ch. 127, par. 4104
740 ILCS 175/6	from Ch. 127, par. 4106
740 ILCS 175/8	from Ch. 127, par. 4108

Amends the Illinois Act on the Aging and the Illinois Public Aid Code by changing all references to the Illinois State Police Medicaid Fraud Control Unit to the Office of the Attorney General Medicaid Fraud Control Unit. Amends the Illinois False Claims Act. Removes references to the Illinois State Police from the definition of "investigator". Provides that the Attorney General (rather than the Attorney General or the Illinois State Police) shall diligently investigate a civil violation for false claims under the Act. Provides that the Attorney General may issue subpoenas under the Act (rather than the Attorney General may delegate the authority to issue subpoenas under the Act to the Department of State Police). In provisions concerning the State Whistleblower Reward and Protection Fund, provides that for all cases settled on or after October 1, 2023, one-third of the monies shall be paid to the Attorney General Whistleblower Reward and Protection Fund. Provides that the remaining two-thirds of the monies in the Fund shall be used for payment of awards to Qui Tam plaintiffs and as otherwise specified in this Act, with any remainder to the General Revenue Fund. Provides that the Attorney General shall direct the State Treasurer to make disbursement of funds. Effective immediately.

LRB103 28952 KTG 55338 b

1 AN ACT concerning the fraud.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Act on the Aging is amended by
5 changing Section 4.04a as follows:

6 (20 ILCS 105/4.04a)

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

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

15 (b) Maintenance and operation of the Illinois Long-Term
16 Care Council.

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

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

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

6 (4) The Director shall appoint to the Illinois
7 Long-Term Care Council at least 18 but not more than 25
8 members.

9 (c) Responsibilities of the State Long-Term Care
10 Ombudsman, area agencies on aging, regional long-term care
11 ombudsman programs, and provider agencies. The State Long-Term
12 Care Ombudsman and each area agency on aging, regional
13 long-term care ombudsman program, and provider agency shall
14 solicit names and recommend members to the Department for
15 appointment to the Illinois Long-Term Care Council.

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

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

21 (2) Advise the Department on matters pertaining to the
22 quality of life and quality of care in the continuum of
23 long-term care.

24 (3) Evaluate, comment on reports regarding, and make
25 recommendations on, the quality of life and quality of
26 care in long-term care facilities and on the duties and

1 responsibilities of the State Long-Term Care Ombudsman
2 Program.

3 (4) Prepare and circulate an annual report to the
4 Governor, the General Assembly, and other interested
5 parties concerning the duties and accomplishments of the
6 Illinois Long-Term Care Council and all other related
7 matters pertaining to long-term care and the protection of
8 residents' rights.

9 (5) Provide an opportunity for public input at each
10 scheduled meeting.

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

16 (e) Composition and operation. The Illinois Long-Term Care
17 Council shall be composed of at least 18 but not more than 25
18 members concerned about the quality of life in long-term care
19 facilities and protecting the rights of residents, including
20 members from long-term care facilities. The State Long-Term
21 Care Ombudsman shall be a permanent member of the Long-Term
22 Care Council. Members shall be appointed for a 4-year term
23 with initial appointments staggered with 2-year, 3-year, and
24 4-year terms. A lottery will determine the terms of office for
25 the members of the first term. Members may be reappointed to a
26 term but no member may be reappointed to more than 2

1 consecutive terms. The Illinois Long-Term Care Council shall
2 meet a minimum of 3 times per calendar year.

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

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

1 Section 10. The Illinois Public Aid Code is amended by
2 changing Sections 8A-7 and 12-4.41 as follows:

3 (305 ILCS 5/8A-7) (from Ch. 23, par. 8A-7)

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

1 as the case may be. Upon entry of the judgment a lien shall
2 attach to all property and assets of such person until the
3 judgment is satisfied.

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

1 entity until the judgment is satisfied.

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

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

21 Proceedings instituted pursuant to this subsection shall
22 be subject to and conducted in accordance with the following
23 procedures:

24 (1) The sentencing court shall, upon petition by the
25 Attorney General or State's Attorney at any time following
26 sentencing, conduct a hearing to determine whether any

1 property or property interest is subject to forfeiture under
2 this subsection. At the forfeiture hearing the People shall
3 have the burden of establishing, by a preponderance of the
4 evidence, that the property or property interests are subject
5 to such forfeiture.

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

1 probable cause at a preliminary hearing following the filing
2 of an information charging the offense of recipient fraud or
3 vendor fraud as defined in Sections 8A-2 or 8A-3 or the return
4 of an indictment by a grand jury charging the offense of
5 recipient fraud or vendor fraud as defined in Sections 8A-2 or
6 8A-3 of this Article as sufficient evidence of probable cause
7 as provided in item (i) above. Upon such a finding, the circuit
8 court shall enter such restraining order, injunction or
9 prohibition, or shall take such other action in connection
10 with any such property or other interest subject to forfeiture
11 under this Act as is necessary to insure that such property is
12 not removed from the jurisdiction of the court, concealed,
13 destroyed or otherwise disposed of by the owner of that
14 property or interest prior to a forfeiture hearing under this
15 subsection. The Attorney General or State's Attorney shall
16 file a certified copy of such restraining order, injunction or
17 other prohibition with the recorder of deeds or registrar of
18 titles of each county where any such property of the defendant
19 may be located. No such injunction, restraining order or other
20 prohibition shall affect the rights of any bonafide purchaser,
21 mortgagee, judgement creditor or other lien holder arising
22 prior to the date of such filing. The court may, at any time,
23 upon verified petition by the defendant, conduct a hearing to
24 determine whether all or portions of any such property or
25 interest which the court previously determined to be subject
26 to forfeiture or subject to any restraining order, injunction,

1 or prohibition or other action, should be released. The court
2 may in its discretion release such property to the defendant
3 for good cause shown.

4 (3) Upon conviction of a person under this Article, the
5 court shall authorize the Director of the Illinois State
6 Police to seize all property or other interest declared
7 forfeited under this subsection upon such terms and conditions
8 as the court shall deem proper.

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

25 (a) 25% shall be distributed to the unit of local
26 government whose officers or employees conducted the

1 investigation into recipient fraud or vendor fraud and caused
2 the arrest or arrests and prosecution leading to the
3 forfeiture. Amounts distributed to units of local government
4 shall be used solely for enforcement matters relating to
5 detection, investigation or prosecution of recipient fraud or
6 vendor fraud as defined in Section 8A-2 or 8A-3 of this
7 Article. Where the investigation, arrest or arrests leading to
8 the prosecution and forfeiture is undertaken solely by the
9 Office of the Attorney General ~~Illinois State Police~~, the
10 portion provided hereunder shall be paid into the Medicaid
11 Fraud and Abuse Prevention Fund, which is hereby created in
12 the State treasury. Monies from this fund shall be used by the
13 Office of the Attorney General ~~Illinois State Police~~ for the
14 furtherance of enforcement matters relating to detection,
15 investigation or prosecution of recipient fraud or vendor
16 fraud. Monies directed to this fund shall be used in addition
17 to, and not as a substitute for, funds annually appropriated
18 to the Office of the Attorney General ~~Illinois State Police~~
19 for medicaid fraud enforcement.

20 (b) 25% shall be distributed to the county in which the
21 prosecution and petition for forfeiture resulting in the
22 forfeiture was instituted, and deposited in a special fund in
23 the county treasury and appropriated to the State's Attorney
24 for use solely in enforcement matters relating to detection,
25 investigation or prosecution of recipient fraud or vendor
26 fraud; however, if the Attorney General brought the

1 prosecution resulting in the forfeiture, the portion provided
2 hereunder shall be paid into the Medicaid Fraud and Abuse
3 Prevention Fund, to be used by the Medicaid Fraud Control Unit
4 of the Office of the Attorney General ~~Illinois State Police~~
5 for enforcement matters relating to detection, investigation
6 or prosecution of recipient fraud or vendor fraud. Where the
7 Attorney General and a State's Attorney have jointly
8 participated in any portion of the proceedings, 12.5% shall be
9 distributed to the county in which the prosecution resulting
10 in the forfeiture was instituted, and used as specified
11 herein, and 12.5% shall be paid into the Medicaid Fraud and
12 Abuse Prevention Fund, and used as specified herein.

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

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

16 (305 ILCS 5/12-4.41)

17 Sec. 12-4.41. Public Benefits Fraud Protection Task Force.

18 (a) Purpose. The purpose of the Public Benefits Fraud
19 Protection Task Force is to conduct a thorough review of the
20 nature of public assistance fraud in the State of Illinois; to
21 ascertain the feasibility of implementing a mechanism to
22 determine the pervasiveness and frequency of public assistance
23 fraud; to calculate the detriment of public assistance fraud
24 to the financial status and socio-economic status of public
25 aid recipients specifically and Illinois taxpayers generally;

1 and to determine if more stringent penalties or compassionate
2 procedures are necessary.

3 (b) Definitions. As used in this Section:

4 "Task Force" means the Public Benefits Fraud Protection
5 Task Force.

6 "Public assistance" or "public aid" includes, without
7 limitation, Medicaid, TANF, the Illinois LINK Program, General
8 Assistance, Transitional Assistance, the Supplemental
9 Nutrition Assistance Program, and the Child Care Assistance
10 Program.

11 (c) The Public Benefits Fraud Protection Task Force. The
12 Public Benefits Fraud Protection Task Force is created. The
13 Task Force shall be composed of 17 members appointed as
14 follows:

15 (1) One member of the Illinois Senate appointed by the
16 President of the Senate, who shall be co-chair to the Task
17 Force;

18 (2) One member of the Illinois Senate appointed by the
19 Senate Minority Leader;

20 (3) One member of the Illinois House of
21 Representatives appointed by the Speaker of the House of
22 Representatives, who shall be co-chair to the Task Force;

23 (4) One member of the Illinois House of
24 Representatives appointed by the House Minority Leader;

25 (5) The following persons, or their designees: the
26 Director of Public Health, the Director of Healthcare and

1 Family Services, and the Secretary of Human Services;

2 (6) The Director of the Illinois Department on Aging,
3 or his or her designee;

4 (7) The Executive Inspector General appointed by the
5 Governor, or his or her designee;

6 (8) The Inspector General of the Illinois Department
7 of Human Services, or his or her designee;

8 (9) A representative from the Office of the Attorney
9 General ~~Illinois State Police~~ Medicaid Fraud Control Unit;

10 (10) Three persons, who are not currently employed by
11 a State agency, appointed by the Secretary of Human
12 Services, one of whom shall be a person with professional
13 experience in child care issues, one of whom shall be a
14 person with knowledge and experience in legal aid
15 services, and one of whom shall be a person with knowledge
16 and experience in poverty law;

17 (11) The Attorney General, or his or her designee;

18 (12) A representative of a union representing front
19 line State employees who administer public benefits
20 programs; and

21 (13) A representative of a statewide business
22 association.

23 (d) Compensation and qualifications. Members shall serve
24 without compensation and shall be adults and residents of
25 Illinois.

26 (e) Appointments. Appointments shall be made 90 days from

1 the effective date of this amendatory Act of the 96th General
2 Assembly.

3 (f) Hearings. The Task Force shall solicit comments from
4 stakeholders and hold public hearings before filing any report
5 required by this Section. At the public hearings, the Task
6 Force shall allow interested persons to present their views
7 and comments. The Task Force shall submit all reports required
8 by this Section to the Governor and the General Assembly. In
9 addition to the reports required by this Section, the Task
10 Force may provide, at its discretion, interim reports and
11 recommendations. The Department of Human Services shall
12 provide administrative support to the Task Force.

13 (g) Task Force duties. The Task Force shall gather
14 information and make recommendations relating to at least the
15 following topics in relation to public assistance fraud:

16 (1) Reviews of provider billing of public aid claims.

17 (2) Reviews of recipient utilization of public aid.

18 (3) Protocols for investigating recipient public aid
19 fraud.

20 (4) Protocols for investigating provider public aid
21 fraud.

22 (5) Reporting of alleged fraud by private citizens
23 through qui tam actions.

24 (6) Examination of current fraud prevention measures
25 which may hinder legitimate aid claims.

26 (7) Coordination between relevant agencies in fraud

1 investigation.

2 (8) Financial audit of the current costs borne by aid
3 recipients and Illinois government through fraud.

4 (9) Examination of enhanced penalties for fraudulent
5 recipients and providers.

6 (10) Enhanced whistleblower protections.

7 (11) Voluntary assistance from businesses and
8 community groups in efforts to curb fraud.

9 (h) Task Force recommendations. Any of the findings,
10 recommendations, public postings, and other relevant
11 information regarding the Task Force shall be made available
12 on the Department of Human Services' website.

13 (i) Reporting requirements. The Task Force shall submit
14 findings and recommendations to the Governor and the General
15 Assembly by December 31, 2011, including any necessary
16 implementing legislation, and recommendations for changes to
17 policies, rules, or procedures that are not incorporated in
18 the implementing legislation.

19 (j) Dissolution of Task Force. The Task Force shall be
20 dissolved 90 days after its report has been submitted to the
21 Governor's Office and the General Assembly.

22 (Source: P.A. 96-1346, eff. 1-1-11; 97-333, eff. 8-12-11.)

23 Section 15. The Illinois False Claims Act is amended by
24 changing Sections 2, 4, 6, and 8 as follows:

1 (740 ILCS 175/2) (from Ch. 127, par. 4102)

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

3 (a) "State" means the State of Illinois; any agency of
4 State government; the system of State colleges and
5 universities, any school district, community college district,
6 county, municipality, municipal corporation, unit of local
7 government, and any combination of the above under an
8 intergovernmental agreement that includes provisions for a
9 governing body of the agency created by the agreement.

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

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

14 (d) "Investigator" means a person who is charged by the
15 Attorney General ~~or the Illinois State Police~~ with the duty of
16 conducting any investigation under this Act, or any officer or
17 employee of the State acting under the direction and
18 supervision of the Attorney General ~~or the Illinois State~~
19 ~~Police~~, in the course of an investigation.

20 (e) "Documentary material" includes the original or any
21 copy of any book, record, report, memorandum, paper,
22 communication, tabulation, chart, or other document, or data
23 compilations stored in or accessible through computer or other
24 information retrieval systems, together with instructions and
25 all other materials necessary to use or interpret such data
26 compilations, and any product of discovery.

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

4 (g) "Product of discovery" includes:

5 (1) the original or duplicate of any deposition,
6 interrogatory, document, thing, result of the inspection
7 of land or other property, examination, or admission,
8 which is obtained by any method of discovery in any
9 judicial or administrative proceeding of an adversarial
10 nature;

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

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

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

16 (740 ILCS 175/4) (from Ch. 127, par. 4104)

17 Sec. 4. Civil actions for false claims.

18 (a) Responsibilities of the Attorney General ~~and the~~
19 ~~Illinois State Police~~. The Attorney General ~~or the Illinois~~
20 ~~State Police~~ shall diligently investigate a civil violation
21 under Section 3. If the Attorney General finds that a person
22 violated or is violating Section 3, the Attorney General may
23 bring a civil action under this Section against the person.

24 The State shall receive an amount for reasonable expenses
25 that the court finds to have been necessarily incurred by the

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

10 (b) Actions by private persons.

11 (1) A person may bring a civil action for a violation
12 of Section 3 for the person and for the State. The action
13 shall be brought in the name of the State. The action may
14 be dismissed only if the court and the Attorney General
15 give written consent to the dismissal and their reasons
16 for consenting.

17 (2) A copy of the complaint and written disclosure of
18 substantially all material evidence and information the
19 person possesses shall be served on the State. The
20 complaint shall be filed in camera, shall remain under
21 seal for at least 60 days, and shall not be served on the
22 defendant until the court so orders. The State may elect
23 to intervene and proceed with the action within 60 days
24 after it receives both the complaint and the material
25 evidence and information.

26 (3) The State may, for good cause shown, move the

1 court for extensions of the time during which the
2 complaint remains under seal under paragraph (2). Any such
3 motions may be supported by affidavits or other
4 submissions in camera. The defendant shall not be required
5 to respond to any complaint filed under this Section until
6 20 days after the complaint is unsealed and served upon
7 the defendant.

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

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

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

15 (5) When a person brings an action under this
16 subsection (b), no person other than the State may
17 intervene or bring a related action based on the facts
18 underlying the pending action.

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

20 (1) If the State proceeds with the action, it shall
21 have the primary responsibility for prosecuting the
22 action, and shall not be bound by an act of the person
23 bringing the action. Such person shall have the right to
24 continue as a party to the action, subject to the
25 limitations set forth in paragraph (2).

26 (2) (A) The State may dismiss the action

1 notwithstanding the objections of the person initiating
2 the action if the person has been notified by the State of
3 the filing of the motion and the court has provided the
4 person with an opportunity for a hearing on the motion.

5 (B) The State may settle the action with the defendant
6 notwithstanding the objections of the person initiating
7 the action if the court determines, after a hearing, that
8 the proposed settlement is fair, adequate, and reasonable
9 under all the circumstances. Upon a showing of good cause,
10 such hearing may be held in camera.

11 (C) Upon a showing by the State that unrestricted
12 participation during the course of the litigation by the
13 person initiating the action would interfere with or
14 unduly delay the State's prosecution of the case, or would
15 be repetitious, irrelevant, or for purposes of harassment,
16 the court may, in its discretion, impose limitations on
17 the person's participation, such as:

18 (i) limiting the number of witnesses the person
19 may call:

20 (ii) limiting the length of the testimony of such
21 witnesses;

22 (iii) limiting the person's cross-examination of
23 witnesses; or

24 (iv) otherwise limiting the participation by the
25 person in the litigation.

26 (D) Upon a showing by the defendant that unrestricted

1 participation during the course of the litigation by the
2 person initiating the action would be for purposes of
3 harassment or would cause the defendant undue burden or
4 unnecessary expense, the court may limit the participation
5 by the person in the litigation.

6 (3) If the State elects not to proceed with the
7 action, the person who initiated the action shall have the
8 right to conduct the action. If the State so requests, it
9 shall be served with copies of all pleadings filed in the
10 action and shall be supplied with copies of all deposition
11 transcripts (at the State's expense). When a person
12 proceeds with the action, the court, without limiting the
13 status and rights of the person initiating the action, may
14 nevertheless permit the State to intervene at a later date
15 upon a showing of good cause.

16 (4) Whether or not the State proceeds with the action,
17 upon a showing by the State that certain actions of
18 discovery by the person initiating the action would
19 interfere with the State's investigation or prosecution of
20 a criminal or civil matter arising out of the same facts,
21 the court may stay such discovery for a period of not more
22 than 60 days. Such a showing shall be conducted in camera.
23 The court may extend the 60-day period upon a further
24 showing in camera that the State has pursued the criminal
25 or civil investigation or proceedings with reasonable
26 diligence and any proposed discovery in the civil action

1 will interfere with the ongoing criminal or civil
2 investigation or proceedings.

3 (5) Notwithstanding subsection (b), the State may
4 elect to pursue its claim through any alternate remedy
5 available to the State, including any administrative
6 proceeding to determine a civil money penalty. If any such
7 alternate remedy is pursued in another proceeding, the
8 person initiating the action shall have the same rights in
9 such proceeding as such person would have had if the
10 action had continued under this Section. Any finding of
11 fact or conclusion of law made in such other proceeding
12 that has become final shall be conclusive on all parties
13 to an action under this Section. For purposes of the
14 preceding sentence, a finding or conclusion is final if it
15 has been finally determined on appeal to the appropriate
16 court, if all time for filing such an appeal with respect
17 to the finding or conclusion has expired, or if the
18 finding or conclusion is not subject to judicial review.

19 (d) Award to Qui Tam plaintiff.

20 (1) If the State proceeds with an action brought by a
21 person under subsection (b), such person shall, subject to
22 the second sentence of this paragraph, receive at least
23 15% but not more than 25% of the proceeds of the action or
24 settlement of the claim, depending upon the extent to
25 which the person substantially contributed to the
26 prosecution of the action. Where the action is one which

1 the court finds to be based primarily on disclosures of
2 specific information (other than information provided by
3 the person bringing the action) relating to allegations or
4 transactions in a criminal, civil, or administrative
5 hearing, in a legislative, administrative, or Auditor
6 General's report, hearing, audit, or investigation, or
7 from the news media, the court may award such sums as it
8 considers appropriate, but in no case more than 10% of the
9 proceeds, taking into account the significance of the
10 information and the role of the person bringing the action
11 in advancing the case to litigation. Any payment to a
12 person under the first or second sentence of this
13 paragraph (1) shall be made from the proceeds. Any such
14 person shall also receive an amount for reasonable
15 expenses which the court finds to have been necessarily
16 incurred, plus reasonable attorneys' fees and costs. The
17 State shall also receive an amount for reasonable expenses
18 which the court finds to have been necessarily incurred by
19 the Attorney General, including reasonable attorneys' fees
20 and costs. All such expenses, fees, and costs shall be
21 awarded against the defendant. The court may award amounts
22 from the proceeds of an action or settlement that it
23 considers appropriate to any governmental entity or
24 program that has been adversely affected by a defendant.
25 The Attorney General, if necessary, shall direct the State
26 Treasurer to make a disbursement of funds as provided in

1 court orders or settlement agreements.

2 (2) If the State does not proceed with an action under
3 this Section, the person bringing the action or settling
4 the claim shall receive an amount which the court decides
5 is reasonable for collecting the civil penalty and
6 damages. The amount shall be not less than 25% and not more
7 than 30% of the proceeds of the action or settlement and
8 shall be paid out of such proceeds. Such person shall also
9 receive an amount for reasonable expenses which the court
10 finds to have been necessarily incurred, plus reasonable
11 attorneys' fees and costs. All such expenses, fees, and
12 costs shall be awarded against the defendant. The court
13 may award amounts from the proceeds of an action or
14 settlement that it considers appropriate to any
15 governmental entity or program that has been adversely
16 affected by a defendant. The Attorney General, if
17 necessary, shall direct the State Treasurer to make a
18 disbursement of funds as provided in court orders or
19 settlement agreements.

20 (3) Whether or not the State proceeds with the action,
21 if the court finds that the action was brought by a person
22 who planned and initiated the violation of Section 3 upon
23 which the action was brought, then the court may, to the
24 extent the court considers appropriate, reduce the share
25 of the proceeds of the action which the person would
26 otherwise receive under paragraph (1) or (2) of this

1 subsection (d), taking into account the role of that
2 person in advancing the case to litigation and any
3 relevant circumstances pertaining to the violation. If the
4 person bringing the action is convicted of criminal
5 conduct arising from his or her role in the violation of
6 Section 3, that person shall be dismissed from the civil
7 action and shall not receive any share of the proceeds of
8 the action. Such dismissal shall not prejudice the right
9 of the State to continue the action, represented by the
10 Attorney General.

11 (4) If the State does not proceed with the action and
12 the person bringing the action conducts the action, the
13 court may award to the defendant its reasonable attorneys'
14 fees and expenses if the defendant prevails in the action
15 and the court finds that the claim of the person bringing
16 the action was clearly frivolous, clearly vexatious, or
17 brought primarily for purposes of harassment.

18 (e) Certain actions barred.

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

23 (2) (A) No court shall have jurisdiction over an action
24 brought under subsection (b) against a member of the
25 General Assembly, a member of the judiciary, or an exempt
26 official if the action is based on evidence or information

1 known to the State when the action was brought.

2 (B) For purposes of this paragraph (2), "exempt
3 official" means any of the following officials in State
4 service: directors of departments established under the
5 Civil Administrative Code of Illinois, the Adjutant
6 General, the Assistant Adjutant General, the Director of
7 the State Emergency Services and Disaster Agency, members
8 of the boards and commissions, and all other positions
9 appointed by the Governor by and with the consent of the
10 Senate.

11 (3) In no event may a person bring an action under
12 subsection (b) which is based upon allegations or
13 transactions which are the subject of a civil suit or an
14 administrative civil money penalty proceeding in which the
15 State is already a party.

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

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

22 (ii) in a State legislative, State Auditor
23 General, or other State report, hearing, audit, or
24 investigation; or

25 (iii) from the news media,

26 unless the action is brought by the Attorney General or

1 the person bringing the action is an original source of
2 the information.

3 (B) For purposes of this paragraph (4), "original
4 source" means an individual who either (i) prior to a
5 public disclosure under subparagraph (A) of this paragraph
6 (4), has voluntarily disclosed to the State the
7 information on which allegations or transactions in a
8 claim are based, or (ii) has knowledge that is independent
9 of and materially adds to the publicly disclosed
10 allegations or transactions, and who has voluntarily
11 provided the information to the State before filing an
12 action under this Section.

13 (f) State not liable for certain expenses. The State is
14 not liable for expenses which a person incurs in bringing an
15 action under this Section.

16 (g) Relief from retaliatory actions.

17 (1) In general, any employee, contractor, or agent
18 shall be entitled to all relief necessary to make that
19 employee, contractor, or agent whole, if that employee,
20 contractor, or agent is discharged, demoted, suspended,
21 threatened, harassed, or in any other manner discriminated
22 against in the terms and conditions of employment because
23 of lawful acts done by the employee, contractor, agent, or
24 associated others in furtherance of an action under this
25 Section or other efforts to stop one or more violations of
26 this Act.

1 (2) Relief under paragraph (1) shall include
2 reinstatement with the same seniority status that the
3 employee, contractor, or agent would have had but for the
4 discrimination, 2 times the amount of back pay, interest
5 on the back pay, and compensation for any special damages
6 sustained as a result of the discrimination, including
7 litigation costs and reasonable attorneys' fees. An action
8 under this subsection (g) may be brought in the
9 appropriate circuit court for the relief provided in this
10 subsection (g).

11 (3) A civil action under this subsection may not be
12 brought more than 3 years after the date when the
13 retaliation occurred.

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

15 (740 ILCS 175/6) (from Ch. 127, par. 4106)

16 Sec. 6. Subpoenas.

17 (a) In general.

18 (1) Issuance and service. Whenever the Attorney
19 General, ~~or a designee (for purposes of this Section),~~ has
20 reason to believe that any person may be in possession,
21 custody, or control of any documentary material or
22 information relevant to an investigation, the Attorney
23 General, ~~or a designee,~~ may, before commencing a civil
24 proceeding under this Act or making an election under
25 paragraph (4) of subsection (b) of Section 4, issue in

1 writing and cause to be served upon such person, a
2 subpoena requiring such person:

3 (A) to produce such documentary material for
4 inspection and copying,

5 (B) to answer, in writing, written interrogatories
6 with respect to such documentary material or
7 information,

8 (C) to give oral testimony concerning such
9 documentary material or information, or

10 (D) to furnish any combination of such material,
11 answers, or testimony.

12 The Attorney General may ~~delegate the authority to~~ issue
13 subpoenas under this subsection (a) ~~to the Department of~~
14 ~~State Police subject to conditions as the Attorney General~~
15 ~~deems appropriate~~. Whenever a subpoena is an express
16 demand for any product of discovery, the Attorney General
17 ~~or his or her delegate~~ shall cause to be served, in any
18 manner authorized by this Section, a copy of such demand
19 upon the person from whom the discovery was obtained and
20 shall notify the person to whom such demand is issued of
21 the date on which such copy was served. Any information
22 obtained by the Attorney General ~~or a designee~~ under this
23 Section may be shared with any qui tam relator if the
24 Attorney General ~~or designee~~ determines it necessary as
25 part of any False Claims Act investigation.

26 (1.5) Where a subpoena requires the production of

1 documentary material, the respondent shall produce the
2 original of the documentary material, provided, however,
3 that the Attorney General, ~~or a designee,~~ may agree that
4 copies may be substituted for the originals. All
5 documentary material kept or stored in electronic form,
6 including electronic mail, shall be produced in native
7 format, as kept in the normal course of business, or as
8 otherwise directed by the Attorney General ~~or designee.~~
9 The production of documentary material shall be made at
10 the respondent's expense.

11 (2) Contents and deadlines. Each subpoena issued under
12 paragraph (1):

13 (A) Shall state the nature of the conduct
14 constituting an alleged violation that is under
15 investigation and the applicable provision of law
16 alleged to be violated.

17 (B) Shall identify the individual causing the
18 subpoena to be served and to whom communications
19 regarding the subpoena should be directed.

20 (C) Shall state the date, place, and time at which
21 the person is required to appear, produce written
22 answers to interrogatories, produce documentary
23 material or give oral testimony. The date shall not be
24 less than 10 days from the date of service of the
25 subpoena. Compliance with the subpoena shall be at the
26 Office of the Attorney General in either the

1 Springfield or Chicago location or at other location
2 by agreement.

3 (D) If the subpoena is for documentary material or
4 interrogatories, shall describe the documents or
5 information requested with specificity.

6 (E) Shall notify the person of the right to be
7 assisted by counsel.

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

13 (b) Protected material or information.

14 (1) In general. A subpoena issued under subsection (a)
15 may not require the production of any documentary
16 material, the submission of any answers to written
17 interrogatories, or the giving of any oral testimony if
18 such material, answers, or testimony would be protected
19 from disclosure under:

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

23 (B) the standards applicable to discovery requests
24 under the Code of Civil Procedure, to the extent that
25 the application of such standards to any such subpoena
26 is appropriate and consistent with the provisions and

1 purposes of this Section.

2 (2) Effect on other orders, rules, and laws. Any such
3 subpoena which is an express demand for any product of
4 discovery supersedes any inconsistent order, rule, or
5 provision of law (other than this Section) preventing or
6 restraining disclosure of such product of discovery to any
7 person. Disclosure of any product of discovery pursuant to
8 any such subpoena does not constitute a waiver of any
9 right or privilege which the person making such disclosure
10 may be entitled to invoke to resist discovery of trial
11 preparation materials.

12 (c) Service in general. Any subpoena issued under
13 subsection (a) may be served by any person so authorized by the
14 Attorney General or by any person authorized to serve process
15 on individuals within Illinois, through any method prescribed
16 in the Code of Civil Procedure or as otherwise set forth in
17 this Act.

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

19 (1) Legal entities. Service of any subpoena issued
20 under subsection (a) or of any petition filed under
21 subsection (j) may be made upon a partnership,
22 corporation, association, or other legal entity by:

23 (A) delivering an executed copy of such subpoena
24 or petition to any partner, executive officer,
25 managing agent, general agent, or registered agent of
26 the partnership, corporation, association or entity;

1 (B) delivering an executed copy of such subpoena
2 or petition to the principal office or place of
3 business of the partnership, corporation, association,
4 or entity; or

5 (C) depositing an executed copy of such subpoena
6 or petition in the United States mails by registered
7 or certified mail, with a return receipt requested,
8 addressed to such partnership, corporation,
9 association, or entity as its principal office or
10 place of business.

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

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

15 (B) depositing an executed copy of such subpoena
16 or petition in the United States mails by registered
17 or certified mail, with a return receipt requested,
18 addressed to the person at the person's residence or
19 principal office or place of business.

20 (e) Proof of service. A verified return by the individual
21 serving any subpoena issued under subsection (a) or any
22 petition filed under subsection (j) setting forth the manner
23 of such service shall be proof of such service. In the case of
24 service by registered or certified mail, such return shall be
25 accompanied by the return post office receipt of delivery of
26 such subpoena.

1 (f) Documentary material.

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

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

8 (B) in the case of a person other than a natural
9 person, a person having knowledge of the facts and
10 circumstances relating to such production and
11 authorized to act on behalf of such person.

12 The certificate shall state that all of the documentary
13 material required by the demand and in the possession,
14 custody, or control of the person to whom the subpoena is
15 directed has been produced and made available to the
16 Attorney General.

17 (2) Production of materials. Any person upon whom any
18 subpoena for the production of documentary material has
19 been served under this Section shall make such material
20 available for inspection and copying to the Attorney
21 General at the place designated in the subpoena, or at
22 such other place as the Attorney General and the person
23 thereafter may agree and prescribe in writing, or as the
24 court may direct under subsection (j)(1). Such material
25 shall be made so available on the return date specified in
26 such subpoena, or on such later date as the Attorney

1 General may prescribe in writing. Such person may, upon
2 written agreement between the person and the Attorney
3 General, substitute copies for originals of all or any
4 part of such material.

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

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

11 (2) in the case of a person other than a natural
12 person, the person or persons responsible for answering
13 each interrogatory.

14 If any interrogatory is objected to, the reasons for the
15 objection shall be stated in the certificate instead of an
16 answer. The certificate shall state that all information
17 required by the subpoena and in the possession, custody,
18 control, or knowledge of the person to whom the demand is
19 directed has been submitted. To the extent that any
20 information is not furnished, the information shall be
21 identified and reasons set forth with particularity regarding
22 the reasons why the information was not furnished.

23 (h) Oral examinations.

24 (1) Procedures. The examination of any person pursuant
25 to a subpoena for oral testimony served under this Section
26 shall be taken before an officer authorized to administer

1 oaths and affirmations by the laws of this State or of the
2 place where the examination is held. The officer before
3 whom the testimony is to be taken shall put the witness on
4 oath or affirmation and shall, personally or by someone
5 acting under the direction of the officer and in the
6 officer's presence, record the testimony of the witness.
7 The testimony shall be taken stenographically and shall be
8 transcribed. When the testimony is fully transcribed, the
9 officer before whom the testimony is taken shall promptly
10 transmit a certified copy of the transcript of the
11 testimony in accordance with the instructions of the
12 Attorney General. This subsection shall not preclude the
13 taking of testimony by any means authorized by, and in a
14 manner consistent with, the Code of Civil Procedure.

15 (2) Persons present. The investigator conducting the
16 examination shall exclude from the place where the
17 examination is held all persons except the person giving
18 the testimony, the attorney for and any other
19 representative of the person giving the testimony, the
20 attorney for the State, any person who may be agreed upon
21 by the attorney for the State and the person giving the
22 testimony, the officer before whom the testimony is to be
23 taken, and any stenographer taking such testimony.

24 (3) Where testimony taken. The oral testimony of any
25 person taken pursuant to a subpoena served under this
26 Section shall be taken in the county within which such

1 person resides, is found, or transacts business, or in
2 such other place as may be agreed upon by the Attorney
3 General and such person.

4 (4) Transcript of testimony. When the testimony is
5 fully transcribed, the Attorney General or the officer
6 before whom the testimony is taken shall afford the
7 witness, who may be accompanied by counsel, a reasonable
8 opportunity to review and correct the transcript, in
9 accordance with the rules applicable to deposition
10 witnesses in civil cases. Upon payment of reasonable
11 charges, the Attorney General shall furnish a copy of the
12 transcript to the witness, except that the Attorney
13 General may, for good cause, limit the witness to
14 inspection of the official transcript of the witness'
15 testimony.

16 (5) Conduct of oral testimony.

17 (A) Any person compelled to appear for oral
18 testimony under a subpoena issued under subsection (a)
19 may be accompanied, represented, and advised by
20 counsel, who may raise objections based on matters of
21 privilege in accordance with the rules applicable to
22 depositions in civil cases. If such person refuses to
23 answer any question, a petition may be filed in
24 circuit court under subsection (j)(1) for an order
25 compelling such person to answer such question.

26 (B) If such person refuses any question on the

1 grounds of the privilege against self-incrimination,
2 the testimony of such person may be compelled in
3 accordance with Article 106 of the Code of Criminal
4 Procedure of 1963.

5 (6) Witness fees and allowances. Any person appearing
6 for oral testimony under a subpoena issued under
7 subsection (a) shall be entitled to the same fees and
8 allowances which are paid to witnesses in the circuit
9 court.

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

11 (1) Designation. The Attorney General or his or her
12 delegate shall serve as custodian of documentary material,
13 answers to interrogatories, and transcripts of oral
14 testimony received under this Section.

15 (2) Except as otherwise provided in this Section, no
16 documentary material, answers to interrogatories, or
17 transcripts of oral testimony, or copies thereof, while in
18 the possession of the custodian, shall be available for
19 examination by any individual, except as determined
20 necessary by the Attorney General and subject to the
21 conditions imposed by him or her for effective enforcement
22 of the laws of this State, or as otherwise provided by
23 court order.

24 (3) Conditions for return of material. If any
25 documentary material has been produced by any person in
26 the course of any investigation pursuant to a subpoena

1 under this Section and:

2 (A) any case or proceeding before the court or
3 grand jury arising out of such investigation, or any
4 proceeding before any State agency involving such
5 material, has been completed, or

6 (B) no case or proceeding in which such material
7 may be used has been commenced within a reasonable
8 time after completion of the examination and analysis
9 of all documentary material and other information
10 assembled in the course of such investigation,
11 the custodian shall, upon written request of the person
12 who produced such material, return to such person any such
13 material which has not passed into the control of any
14 court, grand jury, or agency through introduction into the
15 record of such case or proceeding.

16 (j) Judicial proceedings.

17 (1) Petition for enforcement. Whenever any person
18 fails to comply with any subpoena issued under subsection
19 (a), or whenever satisfactory copying or reproduction of
20 any material requested in such demand cannot be done and
21 such person refuses to surrender such material, the
22 Attorney General may file, in the circuit court of any
23 county in which such person resides, is found, or
24 transacts business, or the circuit court of the county in
25 which an action filed pursuant to Section 4 of this Act is
26 pending if the action relates to the subject matter of the

1 subpoena and serve upon such person a petition for an
2 order of such court for the enforcement of the subpoena.

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

4 (A) Any person who has received a subpoena issued
5 under subsection (a) may file, in the circuit court of
6 any county within which such person resides, is found,
7 or transacts business, and serve upon the Attorney
8 General a petition for an order of the court to modify
9 or set aside such subpoena. In the case of a petition
10 addressed to an express demand for any product of
11 discovery, a petition to modify or set aside such
12 demand may be brought only in the circuit court of the
13 county in which the proceeding in which such discovery
14 was obtained is or was last pending. Any petition
15 under this subparagraph (A) must be filed:

16 (i) within 20 days after the date of service
17 of the subpoena, or at any time before the return
18 date specified in the subpoena, whichever date is
19 earlier, or

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

22 (B) The petition shall specify each ground upon
23 which the petitioner relies in seeking relief under
24 subparagraph (A), and may be based upon any failure of
25 the subpoena to comply with the provisions of this
26 Section or upon any constitutional or other legal

1 right or privilege of such person. During the pendency
2 of the petition in the court, the court may stay, as it
3 deems proper, the running of the time allowed for
4 compliance with the subpoena, in whole or in part,
5 except that the person filing the petition shall
6 comply with any portion of the subpoena not sought to
7 be modified or set aside.

8 (3) Petition to modify or set aside demand for product
9 of discovery. In the case of any subpoena issued under
10 subsection (a) which is an express demand for any product
11 of discovery, the person from whom such discovery was
12 obtained may file, in the circuit court of the county in
13 which the proceeding in which such discovery was obtained
14 is or was last pending, a petition for an order of such
15 court to modify or set aside those portions of the
16 subpoena requiring production of any such product of
17 discovery, subject to the same terms, conditions, and
18 limitations set forth in subparagraph (j)(2) of this
19 Section.

20 (4) Jurisdiction. Whenever any petition is filed in
21 any circuit court under this subsection (j), such court
22 shall have jurisdiction to hear and determine the matter
23 so presented, and to enter such orders as may be required
24 to carry out the provisions of this Section. Any final
25 order so entered shall be subject to appeal in the same
26 manner as appeals of other final orders in civil matters.

1 Any disobedience of any final order entered under this
2 Section by any court shall be punished as a contempt of the
3 court.

4 (k) Disclosure exemption. Any documentary material,
5 answers to written interrogatories, or oral testimony provided
6 under any subpoena issued under subsection (a) shall be exempt
7 from disclosure under the Illinois Administrative Procedure
8 Act.

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

10 (740 ILCS 175/8) (from Ch. 127, par. 4108)

11 Sec. 8. Funds; Grants.

12 (a) There is hereby created the State Whistleblower Reward
13 and Protection Fund to be held outside of the State Treasury
14 with the State Treasurer as custodian. All proceeds of an
15 action or settlement of a claim brought under this Act shall be
16 deposited in the Fund. Any attorneys' fees, expenses, and
17 costs paid by or awarded against any defendant pursuant to
18 Section 4 of this Act shall not be considered part of the
19 proceeds to be deposited in the Fund.

20 (b) For all cases settled before October 1, 2023, monies
21 ~~Monies~~ in the Fund shall be allocated as follows: One-sixth of
22 the monies shall be paid to the Attorney General Whistleblower
23 Reward and Protection Fund, which is hereby created as a
24 special fund in the State Treasury, and one-sixth of the
25 monies shall be paid to the State Police Whistleblower Reward

1 and Protection Fund, which is hereby created as a special fund
2 in the State Treasury, for State law enforcement purposes. The
3 remaining two-thirds of the monies in the Fund shall be used
4 for payment of awards to Qui Tam plaintiffs and as otherwise
5 specified in this Act, with any remainder to the General
6 Revenue Fund. The Attorney General shall direct the State
7 Treasurer to make disbursement of funds.

8 (c) For all cases settled on or after October 1, 2023,
9 monies in the Fund shall be allocated as follows: One-third of
10 the monies shall be paid to the Attorney General Whistleblower
11 Reward and Protection Fund. The remaining two-thirds of the
12 monies in the Fund shall be used for payment of awards to Qui
13 Tam plaintiffs and as otherwise specified in this Act, with
14 any remainder to the General Revenue Fund. The Attorney
15 General shall direct the State Treasurer to make disbursement
16 of funds.

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

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.