

SENATE FILE NO. SF0092

Wyoming False Claims Act.

Sponsored by: Senator(s) Nethercott, Crago and Kolb and  
Representative(s) Banks, Byron, Clouston,  
Erickson, Fornstrom and Lawley

A BILL

for

1 AN ACT relating to civil procedure; providing civil  
2 penalties for false claims made against state employees and  
3 officials as specified; providing definitions; providing  
4 exceptions; providing remedies for retaliation regarding  
5 persons who report violations of this act; providing a  
6 statute of limitations; providing procedures for lawsuits  
7 as specified; authorizing civil actions; creating an  
8 account; and providing for an effective date.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 1-44-101 through 1-44-107 are created  
13 to read:

14

15

CHAPTER 44

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WYOMING FALSE CLAIMS ACT

**1-44-101. Short title.**

This act shall be known and may be cited as the "Wyoming False Claims Act."

**1-44-102. Definitions.**

(a) As used in this act:

(i) "Claim" means:

(A) Any request or demand, whether under a contract or otherwise, for money or property, and whether or not the state has title to the money or property, that:

(I) Is presented to an officer, employee or agent of the state; or

(II) Is made to a contractor, grantee or other recipient, if the money or property is to be spent

1 or used on the state's behalf or to advance a state program  
2 or interest, and if the state:

3

4 (1) Provides or has provided any  
5 portion of the money or property requested or demanded; or

6

7 (2) Will reimburse the  
8 contractor, grantee or other recipient for any portion of  
9 the money or property that is requested or demanded.

10

11 (ii) "False claims law investigation" means any  
12 inquiry conducted by any person on behalf of the state for  
13 the purpose of ascertaining whether any person is or has  
14 engaged in any violations of this act;

15

16 (iii) "Knowing" or "knowingly" means:

17

18 (A) That a person, with respect to  
19 information and without requiring proof of specific intent  
20 to defraud, does any of the following:

21

22 (I) Has actual knowledge of the  
23 information;

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(II) Acts in deliberate ignorance of the truth or falsity of the information; or

(III) Acts in reckless disregard of the truth or falsity of the information.

(iv) "Material" means having a natural tendency to influence, or be capable of influencing, the payment or receipt of money or property;

(v) "Obligation" means an established duty, whether or not fixed, arising from an express or implied contractual, grantor-grantee or licensor-licensee relationship, from a fee-based or similar relationship, from statute or regulation or from the retention of any overpayment;

(vi) "Original source" means a person who:

(A) Has voluntarily disclosed to the state the information on which allegations or transactions in a claim are based; or

1

2 (B) Has knowledge that is independent of  
3 and materially adds to the publicly disclosed allegations  
4 or transactions, and who has voluntarily provided the  
5 information to the state before the state files an action  
6 under this act.

7

8 (vii) "Proceeds" means civil penalties and  
9 damages as provided by this act;

10

11 (viii) "Prosecuting authority" means any  
12 official other than the attorney general charged with  
13 investigating, filing and conducting civil legal  
14 proceedings on behalf of, or in the name of, the state;

15

16 (ix) "State" means the state of Wyoming, its  
17 agencies, boards, political subdivisions as defined by W.S.  
18 9-2-401(a)(iv), instrumentalities, officers and employees,  
19 including the University of Wyoming;

20

21 (x) "This act" means W.S. 1-44-101 through  
22 1-44-107.

23

1           **1-44-103. False claims liability; damages; costs;**  
2 **civil penalties; exceptions.**

3  
4           (a) Notwithstanding any other law to the contrary,  
5 any person who commits any of the following acts shall be  
6 liable to the state for three (3) times the amount of  
7 damages that the state sustains because of the actions of  
8 that person. A person who commits any of the following acts  
9 shall also be liable to the state for the costs of a civil  
10 action brought to recover penalties or damages and shall be  
11 liable to the state for a civil penalty of not less than  
12 five thousand five hundred dollars (\$5,500.00) and not more  
13 than eleven thousand dollars (\$11,000.00) for each false or  
14 fraudulent claim where the person:

15  
16           (i) Knowingly presents, or causes to be  
17 presented, a false or fraudulent claim for payment or  
18 approval;

19  
20           (ii) Knowingly makes, uses or causes to be made  
21 or used a false record or statement material to a false or  
22 fraudulent claim;

23

1           (iii) Has possession, custody or control of  
2 property or money used, or to be used, by the state and  
3 knowingly delivers, or causes to be delivered, less than  
4 all of that money or property;

5

6           (iv) Is authorized to make or deliver a document  
7 certifying receipt of property used, or to be used, by the  
8 state and, intending to defraud the state, makes or  
9 delivers the receipt without knowing whether the  
10 information on the receipt is true;

11

12           (v) Knowingly buys, or receives as a pledge of  
13 an obligation or debt, public property from an officer or  
14 employee of the state who lawfully may not sell or pledge  
15 property;

16

17           (vi) Knowingly makes, uses or causes to be made  
18 or used a false record or statement material to an  
19 obligation to pay or transmit money or property to the  
20 state, or knowingly conceals or knowingly and improperly  
21 avoids or decreases an obligation to pay or transmit money  
22 or property to the state;

23

1           (vii) Conspires to commit a violation of this  
2 subsection;

3

4           (viii) Is a beneficiary of an inadvertent  
5 submission of a false or fraudulent claim to the state,  
6 subsequently discovers the falsity of the claim and fails  
7 to disclose the false or fraudulent claim to the state; or

8

9           (ix) Is the beneficiary of an inadvertent  
10 payment or overpayment by the state of funds not due and  
11 knowingly fails to repay the inadvertent payment or  
12 overpayment to the state.

13

14           (b) Notwithstanding subsection (a) of this section, a  
15 court may assess not more than two (2) times the amount of  
16 damages that the state sustains because of a violation of  
17 subsection (a) of this section, and shall assess no civil  
18 penalty, if the court finds all of the following:

19

20           (i) The person committing the violation  
21 furnished officials of the state responsible for  
22 investigating false claims violations with all information  
23 known to that person about the violation within thirty (30)

1 days after the date where the person first obtained the  
2 information;

3

4 (ii) The person fully cooperated with any  
5 investigation by the state;

6

7 (iii) At the time the person furnished the state  
8 with information about the violation, no criminal  
9 prosecution, civil action or administrative action had  
10 commenced with respect to the violation, and the person did  
11 not have actual knowledge of the existence of an  
12 investigation into the violation.

13

14 (c) Liability pursuant to this section shall be joint  
15 and several for any act committed by two (2) or more  
16 persons.

17

18 (d) This act shall not apply to claims made:

19

20 (i) Pursuant to a workers' compensation claim;

21

22 (ii) Regarding the payment of sales and use  
23 taxes under title 39 of the Wyoming statutes;

1

2 (iii) Regarding the assets of a person that have  
3 been transferred to the commissioner of the department of  
4 insurance under title 26 of the Wyoming statutes;

5

6 (iv) Regarding services requested under the  
7 Wyoming medicaid program;

8

9 (v) Regarding federal welfare benefits;

10

11 (vi) Regarding money, property or services that  
12 the state has paid to a person as compensation for  
13 employment with the state or as an income subsidy with no  
14 restrictions on that person's use of the money, property or  
15 services;

16

17 (vii) Regarding the payment of 911 emergency  
18 taxes imposed under title 16 of the Wyoming statutes;

19

20 (viii) Regarding the payment of state universal  
21 service fund contributions under title 37 of the Wyoming  
22 statutes;

23

1           (ix) Regarding the payment of state message  
2 relay service fees under title 16 of the Wyoming statutes;

3

4           (x) Regarding the payment of local franchise  
5 fees under title 15 of the Wyoming statutes.

6

7           **1-44-104. Investigations and prosecutions; powers of**  
8 **prosecuting authority; civil actions; jurisdiction of**  
9 **courts.**

10

11           (a) The following shall apply to investigations of  
12 false claims under this act:

13

14           (i) The attorney general or applicable  
15 prosecuting authority shall diligently investigate  
16 violations of this act. If the attorney general finds that  
17 a person has violated this act, the attorney general or the  
18 applicable prosecuting authority may bring a civil action  
19 under this section against that person;

20

21           (ii) An applicable prosecuting authority shall  
22 have the right to intervene in an action brought by the  
23 attorney general under this section not more than sixty

1 (60) days after the attorney general notifies the  
2 prosecuting authority of a violation of this act within the  
3 prosecuting authority's jurisdiction. A court may permit  
4 intervention if the Wyoming Code of Civil Procedure and  
5 Rules of Civil Procedure have been adhered to.

6

7 (b) The following shall apply to civil actions  
8 brought due to violations prohibited by this act:

9

10 (i) The parties of civil actions shall adhere to  
11 the requirements of the Wyoming Code of Civil Procedure and  
12 Rules of Civil Procedure;

13

14 (ii) No court shall have jurisdiction over an  
15 action brought pursuant to this act against a member of the  
16 legislature, a member of the judiciary, an elected official  
17 or a member of any governing body if the action is based on  
18 a false claim where evidence or information about the claim  
19 was known to the state when the action is brought;

20

21 (iii) The attorney general or applicable  
22 prosecuting authority shall not bring an action that is  
23 based upon allegations or transactions that are the subject

1 of a civil action or penalty proceeding where the state is  
2 already a party;

3

4 (iv) A court may dismiss an action or claim  
5 under this section if substantially the same allegations or  
6 transactions were publicly disclosed in any of the  
7 following:

8

9 (A) A criminal, civil or administrative  
10 proceeding where the state or prosecuting authority are a  
11 party;

12

13 (B) A report, hearing, audit or  
14 investigation of the legislature or the state;

15

16 (C) The news media.

17

18 (v) Paragraph (iv) of this subsection shall not  
19 apply if the action is brought by the attorney general or  
20 applicable prosecuting authority or the person bringing the  
21 action is the original source of the information;

22

1           (vi) Unless otherwise authorized by law, a court  
2 shall not have jurisdiction over an action based upon  
3 information discovered by a present or former employee of  
4 the state during the course of that employee's employment  
5 unless that employee first, in good faith, exhausts  
6 existing internal procedures for reporting and seeking  
7 recovery of the falsely claimed sums through official  
8 channels and unless the state failed to act on the  
9 information provided within a reasonable period of time.

10  
11           (c) The false claims act account is hereby created.  
12 Notwithstanding W.S. 5-9-106 or any other law, thirty-three  
13 percent (33%) of the proceeds of an action or settlement of  
14 a claim by the attorney general or a prosecuting authority  
15 pursuant to this act shall be deposited into the account.  
16 The remaining proceeds of an action or settlement of a  
17 false claim shall be deposited into the public school fund  
18 of the applicable county in which the false claim arose.  
19 Funds in the account, upon appropriation by the  
20 legislature, shall:

21  
22           (i) Be continuously appropriated to the office  
23 of the attorney general;

1

2 (ii) Be used by the attorney general to support  
3 the ongoing investigation and prosecution of false claims  
4 pursuant to this act;

5

6 (iii) Be used to reimburse a prosecuting  
7 authority for the investigation and prosecution of false  
8 claims pursuant to this act;

9

10 (iv) Unless otherwise specifically provided, not  
11 lapse or revert at the end of the fiscal period and shall  
12 remain in the account; and

13

14 (v) Regarding interest or other earnings on  
15 funds within the account, be credited to the account.

16

17 **1-44-105. Relief from retaliatory actions.**

18

19 (a) In addition to the remedies provided by W.S.  
20 9-11-103 if applicable, any employee, contractor or agent  
21 shall be entitled to all relief necessary to make that  
22 employee, contractor or agent whole if that employee,  
23 contractor or agent is discharged, demoted, suspended,

1 threatened, harassed or in any other manner discriminated  
2 against in the terms and conditions of employment because  
3 of lawful acts done by the employee, contractor, agent or  
4 associated others in furtherance of an action under this  
5 act or other efforts to stop one (1) or more violations of  
6 this act.

7

8 (b) The relief authorized under subsection (a) of  
9 this section shall include:

10

11 (i) Reinstatement with the same status that the  
12 employee, contractor or agent would have had but for the  
13 retaliation;

14

15 (ii) Two (2) times the amount of back pay;

16

17 (iii) Interest on the back pay;

18

19 (iv) Compensation for any special damages  
20 sustained as a result of the retaliation, including  
21 litigation costs and reasonable attorneys' fees.

22

1           (c) In addition to the provisions of subsections (a),  
2 (b) and (f) of this section, the following shall apply to  
3 civil actions brought by private persons alleging  
4 violations of this act:

5  
6           (i) A person may bring a civil action for a  
7 violation of this act on behalf of the person and the  
8 state. Any action brought under this subsection shall be  
9 brought on behalf of and in the name of the state. The  
10 action may be dismissed only if the attorney general or  
11 prosecuting authority give written consent to the dismissal  
12 and the reasons for consenting;

13  
14           (ii) A copy of the complaint and written  
15 disclosure of substantially all material evidence and  
16 information the person possesses shall be served on the  
17 attorney general or the prosecuting authority. The  
18 complaint and written disclosure shall be filed in camera,  
19 shall remain under seal for not less than sixty (60) days  
20 and shall not be served on the defendant until the court  
21 orders an action. The attorney general or prosecuting  
22 authority may elect to intervene and proceed with the  
23 action not more than sixty (60) days after the attorney

1 general or prosecuting authority receives the complaint and  
2 the material evidence regarding the violation of this act;

3

4 (iii) The attorney general or prosecuting  
5 authority may, for good cause shown, move the court for  
6 extensions of the time that the complaint and written  
7 disclosure remain under seal. Any motions under this  
8 paragraph may be supported by affidavits or other  
9 submissions in camera. The defendant shall not be required  
10 to respond to any complaint filed under this subsection  
11 until twenty (20) days after the complaint and written  
12 disclosure are unsealed and served upon the defendant;

13

14 (iv) Before the expiration of the sixty (60) day  
15 period under paragraph (ii) of this subsection or any  
16 extensions obtained under paragraph (iii) of this  
17 subsection, the attorney general or prosecuting authority  
18 shall:

19

20 (A) Proceed with the action, where the  
21 action shall be conducted by the attorney general or  
22 prosecuting authority; or

23

1                   (B) Notify the court that it declines to  
2 take over the action, where the person bringing the action  
3 shall have the right to commence and continue with the  
4 action.

5

6                   (v) When a person brings an action under this  
7 subsection, no person other than the attorney general or  
8 prosecuting authority may intervene or bring a related  
9 action based on the facts underlying the pending action.

10

11                   (d) If the attorney general or prosecuting authority  
12 proceeds with and prevails in a civil action brought by a  
13 private person under subsection (c) of this section, that  
14 person shall receive not less than fifteen percent (15%)  
15 but not more than twenty-five percent (25%) of the proceeds  
16 of the action or settlement of the claim, depending upon  
17 the extent that the person contributed to the prosecution  
18 of the action. Any payment to a person made under this  
19 subsection shall be made from the proceeds of the civil  
20 action. The person shall also receive compensation for  
21 reasonable expenses that were necessarily incurred by the  
22 person, plus reasonable attorney fees and costs, all of  
23 which shall be awarded against the defendant.

1

2 (e) If the attorney general or prosecuting authority  
3 does not proceed with a civil action brought by a private  
4 person under subsection (c) of this section and the person  
5 bringing the action commences and continues with the  
6 action, the court may award the defendant reasonable  
7 attorney fees and expenses if the defendant prevails in the  
8 action and the court finds that the claim of the person  
9 bringing the action was clearly frivolous, clearly  
10 vexatious or brought primarily for purposes of harassment.

11

12 (f) An action seeking relief under this section may  
13 be brought in a court of competent jurisdiction, provided  
14 that a civil action seeking relief under this section may  
15 not be brought later than the times specified in W.S.  
16 1-44-106.

17

18 **1-44-106. Limitation of actions; burden of proof.**

19

20 (a) A civil action brought under this act shall not  
21 be brought more than three (3) years after the date when  
22 the facts material to the right of action are known or  
23 reasonably should have been known by the attorney general

1 or other prosecuting authority, but in no event more than  
2 six (6) years after the date where the violation of this  
3 act was committed.

4

5 (b) In any civil action brought under this act, the  
6 state shall be required to prove all essential elements of  
7 the cause of action, including damages, by a preponderance  
8 of the evidence.

9

10 (c) Notwithstanding any other provision of law, a  
11 judgment of guilt in a criminal proceeding charging false  
12 statement or fraud, upon a verdict after trial or upon a  
13 plea of guilty or nolo contendere, shall estop the  
14 defendant from denying the essential elements of the  
15 offense in any action brought pursuant to this act which  
16 involves the same transaction as in the criminal  
17 proceeding.

18

19 **1-44-107. Remedies pursuant to other laws;**  
20 **severability.**

21

22 The provisions of this act are not exclusive, and the  
23 remedies provided for shall be in addition to any other

1 remedies provided for in any other law or available  
2 pursuant to common law.

3

4 **Section 2.** This act is effective July 1, 2026.

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6

(END)