

Part 5
Local Government Instances of Fraud Reporting Act

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8-4-501. Short title.

This part shall be known and may be cited as the “Local Government Instances of Fraud Reporting Act.”

8-4-502. Part definitions.

As used in this part, unless the context otherwise requires:

(1) “Public entity” means any branch or agency of a county, municipality, public utility, utility district, entity created pursuant to any interlocal agreement, or any other political subdivision thereof;

(2) “Public official” means a person elected or appointed to any office of a public entity;

(3) “Reasonable amount of time” means any amount of time that is reasonable under the particular circumstances, but shall not under any circumstances exceed five (5) working days; and

(4) “Unlawful conduct” means theft, forgery, credit card fraud, or any other act of unlawful taking, waste, or abuse of, or official misconduct, as defined in § 39-16-402, involving public money, property, or services.

8-4-503. Reporting unlawful conduct Method of making report.

(a) A public official with knowledge based upon available information that reasonably causes the public official to believe that unlawful conduct has occurred shall report the information in a reasonable amount of time to the office of the comptroller of the treasury.

(b) The comptroller of the treasury shall have the power to prescribe the method of making the reports.

8-4-504. Good faith immunity.

(a) If acting in good faith, a public official makes a report, as required by § 8-4-503, the person shall not be liable in any civil or criminal action that is based solely upon:

(1) The person's decision to report what the person believed to be unlawful conduct;

(2) The person's belief that reporting the unlawful conduct was required by law; or

(3) The fact that a report of unlawful conduct was made.

(b) No immunity conferred pursuant to subsection (a) shall attach if the person reporting the unlawful conduct participated in or benefited from the conduct.

8-4-505. Confidentiality.

The detailed information received and generated pursuant to this part shall be considered confidential working papers of the comptroller of the treasury and is therefore not an open record pursuant to title 10, chapter 7.