

§ 1-611. Certain actions barred.

(a) No court shall have jurisdiction over an action brought under G.S. 1-608(b) against a member of the General Assembly, a member of the judiciary, or a senior executive branch official acting in their official capacity if the action is based on evidence or information known to the State when the action was brought.

(b) In no event may a person bring an action under G.S. 1-608(b) that is based upon allegations or transactions that are the subject of a civil suit or an administrative civil money penalty proceeding in which the State is already a party.

(c), (d) Repealed by Session Laws 2018-41, s. 5, effective June 22, 2018, and applicable to actions brought on or after that date.

(e) Unless opposed by the State, the court shall dismiss an action or claim under this Article if substantially the same allegations or transactions as alleged in the action or claim were publicly disclosed by any of the following:

- (1) A State criminal, civil, or administrative hearing in which the State or its agent is a party.
- (2) A State legislative, Office of the State Auditor, or other State report, hearing, audit, or investigation.
- (3) The news media.

This subsection shall not apply to any action brought by the Attorney General or when the person bringing the action is an original source of the information.

(f) For the purposes of this section, the term "original source" means an individual who meets one of the following descriptions:

- (1) Prior to public disclosure under subsection (e) of this section, the individual has voluntarily disclosed to the State the information on which allegations or transactions in a claim are based.
- (2) The individual (i) has knowledge that is independent of, and materially adds to, the publicly disclosed allegations or transactions and (ii) has voluntarily provided the information to the State before filing an action under this Article. (2009-554, s. 1; 2010-96, s. 25(b); 2018-41, s. 5.)