S T A T E O F N E W Y O R K

7393

2013-2014 Regular Sessions

I N A S S E M B L Y

May 14, 2013

Introduced by M. of A. KOLB, BARCLAY, BLANKENBUSH, BORELLI, BUTLER, CERETTO, CORWIN, CROUCH, CURRAN, DIPIETRO, DUPREY, FINCH, FITZPATRICK, FRIEND, GARBARINO, GIGLIO, GOODELL, GRAF, HAWLEY, JOHNS, JORDAN, KATZ, LALOR, P. LOPEZ, LUPINACCI, MALLIOTAKIS, McDONOUGH, McKEVITT, McLAUGHLIN, MONTESANO, NOJAY, OAKS, PALMESANO, RA, RABBITT, RAIA, REILICH, SALADINO, STEC, TEDISCO, TENNEY, WALTER -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law, in relation to disqualifying certain individuals from holding office; and to amend the civil rights law, in relation to revoking the right to hold office by certain individuals (Part A); to amend the state finance law, in relation to the disqualification of certain bidders (Part B); to amend the legislative law, in relation to banning certain individuals from lobbying (Part C); and to amend the state finance law, in relation to requiring transparency, identification and disclosure of certain appropriations and intended recipients (Part D); to establish the commission on official conduct, providing for its powers, duties and functions, and providing for the transfer of the functions, powers and duties of the commission on public integrity, the office of the state inspector general and the former temporary state commission of investigation to the commission on official conduct; to amend the civil service law and the legislative law, in relation to the commission on public integrity; to amend the executive law and the public authorities law, in relation to the state inspector general; to amend the criminal procedure law, the executive law and the public officers law, in relation to the former temporary state commission of investigation; to repeal section 94 of the executive law relating to the joint commission on public ethics; to repeal article 4-A of the executive law and subdivision 68 of section 2.10 of the criminal procedure law relating to the office of the state inspector general; and to repeal chapter 989 of the laws of 1958, relating to creating a temporary state commission of investigation, relating thereto (Part E); to amend the election law, in relation to forfeiture of unspent campaign funds after criminal conviction and resignation of the elected official (Part F); to amend

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD10701-04-3

the penal law, the criminal procedure law and the election law, in relation to abuse of public trust crime (Part G); to amend the election law, in relation to limitations on use of campaign contributions (Part H); to amend the election law, in relation to filing late campaign disclosure statements (Part I); and to amend the legislative law, in relation to limiting the amount of time a legislator may serve as a legislative leader (Part J)

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Short title. This act shall be known and may be cited as the "public officers accountability act of 2013".

S 2. This act enacts into law major components of legislation which address the impact of a felony conviction, on a public officer, when such conviction is related to the officer's official duties or public office, provides for member item reform, creates a new Commission on Official Conduct, forfeiture of campaign funds upon felony convictions, creation of new crimes against public trust, limiting use of campaign funds, enhanced penalties for filing late campaign disclosure statements, limiting terms of leaders and committee chairs. Each component is wholly contained within a Part identified as Parts A through J. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section four of this act sets forth the general effective date of this act. The "public officers accountability act of 2013" provided in this act, includes the support of constitutional amendments that are consistent with the intent of this act. The legislature supports constitutional proposals that remove pension benefits from public officials who are convicted of a felony related to such individual's official duties and to provide that no person who is convicted of a felony, related to such official duties, shall be eligible to serve in the legislature.

PART A

Section 1. Subdivision 1 of section 3 of the public officers law, as amended by chapter 44 of the laws of 1982, is amended to read as follows:

1. No person shall be capable of holding a civil office who shall not, at the time he shall be chosen thereto, have attained the age of eighteen years, except that in the case of youth boards, youth commissions or recreation commissions only, members of such boards or commissions may be under the age of eighteen years, but must have attained the age of sixteen years on or before appointment to such youth board, youth commission or recreation commission, be a citizen of the United States, a resident of the state, and if it be a local office, a resident of the political subdivision or municipal corporation of the state for which he shall be chosen, or within which the electors electing him reside, or within which his official functions are required to be exercised, OR WHO, HAS BEEN CONVICTED OF ANY FELONY OFFENSES AS DEFINED BY STATE OR FEDERAL LAW AND WHEN SUCH OFFENSE WAS DIRECTLY RELATED TO HIS OR HER

SERVICE AS AN ELECTED OFFICIAL, OR OFFICER OF THE STATE OR OF A CIVIL DIVISION THEREOF; or who shall have been or shall be convicted of a violation of the selective draft act of the United States, enacted May eighteenth, nineteen hundred seventeen, or the acts amendatory or supplemental thereto, or of the federal selective training and service act of nineteen hundred forty or the acts amendatory thereof or supplemental thereto.

S 2. Subdivision 1 of section 79 of the civil rights law, as amended by chapter 687 of the laws of 1973, is amended to read as follows:

1. Except as provided in subdivision two a sentence of imprisonment in a state correctional institution for any term less than for life or a sentence of imprisonment in a state correctional institution for an indeterminate term, having a minimum of one day and a maximum of natural life, forfeits all the public offices, and suspends, during the term of the sentence, all the civil rights, and all private trusts, authority, or powers of, or held by, the person sentenced, AND FORFEITS THE RIGHT TO HOLD PUBLIC OFFICE FOR LIFE WHEN SUCH PERSON HAS BEEN CONVICTED OF ANY FELONY OFFENSE, AS DEFINED BY STATE OR FEDERAL LAW, WHEN SUCH OFFENSE WAS DIRECTLY RELATED TO HIS OR HER SERVICE AS AN ELECTED OFFICIAL, OR OFFICER OF THE STATE OR OF A CIVIL DIVISION THEREOF.

S 3. This act shall take effect immediately.

PART B

Section 1. The state finance law is amended by adding a new section 169 to read as follows:

S 169. DISQUALIFICATION OF CERTAIN BIDDERS. 1. SUBSEQUENT TO RECEIVING BIDS AND PRIOR TO ENTERING INTO A CONTRACT WITH A BIDDER, WHERE THAT BIDDER HAS OR WILL CONDUCT BUSINESS IN NEW YORK STATE, OR PRIOR TO FORMALLY APPROVING A CONTRACT BETWEEN A BIDDER AND A SUBCONTRACTOR, EACH AGENCY, AS DEFINED IN SECTION NINETY-TWO OF THE PUBLIC OFFICERS LAW, SHALL CONDUCT A CRIMINAL BACKGROUND CHECK TO DETERMINE IF SUCH BIDDER OR SUBCONTRACTOR HAS A FELONY CONVICTION. ANY BIDDER WHO HAS BEEN CONVICTED OF ANY FELONY OFFENSES AS DEFINED BY STATE OR FEDERAL LAW AND WHEN SUCH OFFENSE WAS DIRECTLY RELATED TO HIS OR HER SERVICE AS AN ELECTED OFFICIAL, OR OFFICER OF THE STATE OR OF A CIVIL DIVISION THEREOF, SHALL BE DISQUALIFIED. NO AGENCY, AS DEFINED IN SECTION NINETY-TWO OF THE PUBLIC OFFICERS LAW, SHALL BE PERMITTED TO ENTER INTO A CONTRACT WITH, OR FORMALLY APPROVE A SUBCONTRACT TO, A BIDDER OR SUBCONTRACTOR WHO HAS A FELONY CONVICTION WHERE SUCH CONVICTION WAS DIRECTLY RELATED TO HIS OR HER SERVICE AS AN ELECTED OFFICIAL, OR OFFICER OF THE STATE OR OF A CIVIL DIVISION THEREOF.

2. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION, A CONTRACT MAY BE ENTERED INTO WITH A BIDDER WHO HAS SUCH A FELONY CONVICTION IF:

A. THE AGENCY DETERMINES THAT AN EMERGENCY CONDITION EXISTS INVOLVING DANGER TO THE LIFE, HEALTH, OR SAFETY OF ANY PERSON OR THE SAFETY OF ANY STRUCTURE THAT REQUIRES IMMEDIATE ACTION TO MITIGATE THE HARM OR AVERT DANGER AND THE NATURE OF THE WORK IS SUCH THAT IT WOULD BE IMPRACTICAL AND AGAINST THE PUBLIC INTEREST TO HAVE PUBLIC LETTING OF THE CONTRACT, OR THE ITEM TO BE PURCHASED IS ESSENTIAL TO THE EFFICIENT OPERATION OR THE ADEQUATE PROVISION OF SERVICE AND AS A CONSEQUENCE OF AN EMERGENCY CONDITION SUCH ITEM OR SERVICE IS NOT AVAILABLE FROM A NON-DISQUALIFIED INDIVIDUAL OR ENTITY; OR

B. THE ITEM TO BE PURCHASED IS AVAILABLE ONLY FROM A SINGLE SOURCE AND THAT SOURCE IS THE BIDDER WITH A DISQUALIFING FELONY CONVICTION.

3. FOR THE PURPOSES OF PARAGRAPH A OF SUBDIVISION TWO OF THIS SECTION, THE TERM "EMERGENCY CONDITION" SHALL MEAN A CONDITION CAUSED BY A NATURAL DISASTER, FIRE, OR OTHER CASUALTY, OR ANOTHER UNANTICIPATED, SUDDEN, AND UNEXPECTED OCCURRENCE THAT REQUIRES THE IMMEDIATE ATTENTION AND ACTION OF THE AGENCY.

4. PRIOR TO AWARDING A CONTRACT UNDER THE PROVISIONS OF PARAGRAPH A OF SUBDIVISION TWO OF THIS SECTION, THE AGENCY SHALL NOTIFY THE COMPTROLLER OF ITS INTENT TO AWARD THE CONTRACT AND SHALL SPECIFY THE REASONS USED BY THE AGENCY TO MAKE THE REQUIRED DETERMINATIONS. THE COMPTROLLER SHALL REVIEW THE DETERMINATIONS OF THE AGENCY AND IF, IN THE DETERMINATION OF THE COMPTROLLER, THE REASONS SPECIFIED BY THE AGENCY DO NOT SATISFY THE REQUIREMENTS OF PARAGRAPH A OF SUBDIVISION TWO OF THIS SECTION, THE COMPTROLLER SHALL HAVE THE AUTHORITY TO DEEM THE AWARDED CONTRACT NULL AND VOID AND UNENFORCEABLE AND TO REQUIRE THE AGENCY TO USE THE COMPETITIVE BIDDING PROCESS FOR THE CONTRACT.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided that all state agencies, as defined in paragraph (g) of subdivision 1 of section 73 of the public officers law, are authorized to promulgate any and all rules and regulations and take any other measures necessary to implement this act on its effective date on or before such date.

PART C

Section 1. Section 1-d of the legislative law is amended by adding a new subdivision (i) to read as follows:

(I) IMPOSE A PERMANENT BAN UPON ANY LOBBYING ACTIVITIES AS DEFINED IN THIS ARTICLE AGAINST ANY PERSON WHO HAS BEEN CONVICTED OF ANY FELONY OFFENSES AS DEFINED BY STATE OR FEDERAL LAW AND WHEN SUCH OFFENSE WAS DIRECTLY RELATED TO HIS OR HER SERVICE AS AN ELECTED OFFICIAL, OR OFFICER OF THE STATE OR OF A CIVIL DIVISION THEREOF.

S 2. Subdivision (b) of section 1-o of the legislative law is amended by adding a new paragraph (vii) to read as follows:

(VII) ANY PERSON WHO ENGAGES IN LOBBYING ACTIVITIES WHILE SUBJECT TO A PERMANENT BAN ON SUCH ACTIVITIES PURSUANT TO THE PROVISIONS OF SUBDIVISION (I) OF SECTION ONE-D OF THIS ARTICLE SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED FIFTY THOUSAND DOLLARS, PLUS A CIVIL PENALTY IN AN AMOUNT EQUAL TO FIVE TIMES THE VALUE OF ANY GIFT, COMPENSATION OR BENEFIT RECEIVED AS A RESULT OF THE VIOLATION.

S 3. This act shall take effect immediately.

PART D

Section 1. Subdivisions 4 and 5 of section 24 of the state finance law, as added by chapter 1 of the laws of 2007, are amended to read as follows:

4. Any appropriation SUBMITTED BY THE GOVERNOR OR added to such budget bills, pursuant to section four of article seven of the constitution, shall only contain itemized appropriations which shall not be in the form of lump sum appropriations, and provided further that for all non-federal state operations appropriations, such bill or bills shall only contain itemized appropriations and shall be made, where practicable, by agency, and within each agency by program and within each program at the following level of detail and in the following order:

(a) by fund type, which at a minimum shall include general fund, special revenue-other funds, capital projects funds and debt service funds;

(b) for personal service appropriations, separate appropriations shall be made for regular personal service, temporary personal service, and holiday and overtime pay;

(c) for nonpersonal service appropriations, separate appropriations shall be made for supplies and materials, travel, contractual services, equipment and fringe benefits, as appropriate; AND

(D) AT THE REQUEST OR DISCRETION OF THE GOVERNOR OR A MEMBER OF THE LEGISLATURE, SUCH APPROPRIATION SHALL INCLUDE THE NAME OF THE GOVERNOR OR MEMBER OF THE LEGISLATURE.

5. [Any appropriation added pursuant to section four of article seven of the constitution without designating a grantee shall be allocated only pursuant to a plan setting forth an itemized list of grantees with the amount to be received by each, or the methodology for allocating such appropriation. Such plan shall be subject to the approval of the chair of the senate finance committee, the chair of the assembly ways and means committee, and the director of the budget, and thereafter shall be included in a concurrent resolution calling for the expenditure of such monies, which resolution must be approved by a majority vote of all members elected to each house upon a roll call vote.] ANY APPROPRIATION SUBMITTED BY THE GOVERNOR OR ADDED TO SUCH BUDGET BILLS, PURSUANT TO SECTION FOUR OF ARTICLE SEVEN OF THE CONSTITUTION, SHALL BE SUBJECT TO THE FOLLOWING:

(A) THE GOVERNOR OR MEMBER OF THE LEGISLATURE REQUESTING SUCH APPROPRIATION SHALL BE REQUIRED TO SUBMIT A SIGNED CONFLICT OF INTEREST FORM AND SUBMIT SUCH FORM TO THE ATTORNEY GENERAL TO ENSURE THAT NO CONFLICT OF INTEREST EXISTS; THE ATTORNEY GENERAL SHALL DESIGNATE THE FORM AND CONTENT OF THE CONFLICT OF INTEREST FORM. THE GOVERNOR OR MEMBER OF THE LEGISLATURE SHALL DISCLOSE ON THE CONFLICT OF INTEREST FORM ALL POLITICAL DONATIONS HE OR SHE IS RECEIVING OR HAS RECEIVED IN THE PAST FROM THE INTENDED RECIPIENT OF THE APPROPRIATION FUNDING. SUCH A CONFLICT OF INTEREST FORM SHALL BE SIGNED BY THE GOVERNOR OR MEMBER OF THE LEGISLATURE UNDER PENALTY OF PERJURY; AND

(B) AN APPROPRIATION PROVIDED AT THE DISCRETION OF THE GOVERNOR OR MEMBER OF THE LEGISLATURE SHALL NOT BE PROVIDED IF A CONFLICT OF INTEREST EXISTS BETWEEN THE GOVERNOR OR A MEMBER OF THE LEGISLATURE DESIGNATING THE APPROPRIATION AND THE POTENTIAL RECIPIENT. THESE APPROPRIATIONS CANNOT FUND ORGANIZATIONS THAT EMPLOY OR OTHERWISE COMPENSATE THE GOVERNOR OR MEMBER OF THE LEGISLATURE, GOVERNOR'S FAMILY OR MEMBER OF THE LEGISLATOR'S FAMILY, ANY PERSON SHARING THE HOME OF THE GOVERNOR OR MEMBER OF THE LEGISLATURE OR THE GOVERNOR'S OR A MEMBER OF THE LEGISLATOR'S STAFF FOR SERVICES OR LABOR RENDERED. FURTHERMORE, THE GOVERNOR OR MEMBERS OF THE LEGISLATURE SHALL NOT DESIGNATE APPROPRIATIONS IF THE GOVERNOR OR MEMBER OF THE LEGISLATURE, A MEMBER OF THE GOVERNOR'S OR MEMBER OF THE LEGISLATOR'S FAMILY, ANY PERSON SHARING THE HOME OF THE GOVERNOR OR MEMBER OF THE LEGISLATURE OR A MEMBER OF THE GOVERNOR'S OR MEMBER OF THE LEGISLATOR'S STAFF IS INVOLVED WITH THE OPERATIONS OF THE ORGANIZATION IN A DECISION-MAKING CAPACITY INCLUDING BUT NOT LIMITED TO WORKING ON AN UNPAID, VOLUNTEER BASIS OR AS A MEMBER OF THE DIRECTING BOARD OF AN ORGANIZATION.

S 2. This act shall take effect immediately.

PART E

Section 1. Short title. This act shall be known and may be cited as the "commission on official conduct act".

S 2. Definitions. As used in this act, the following terms shall have the following meanings:

(a) "Commission" means the commission on official conduct established by section three of this act.

(b) "Executive director" means the executive director of the commission, appointed pursuant to section four of this act.

(c) "Covered agency" means all executive branch agencies, departments, divisions, officers, boards and commissions, public authorities (other than multi-state or multi-national authorities) and public benefit corporations, the heads of which are appointed by the governor, and which do not have their own inspector general by statute.

S 3. Commission on official conduct; established. (a) There is hereby established, as an independent state agency, the commission on official conduct. The commission shall consist of five members appointed as follows:

(1) one member appointed by the chief judge of the court of appeals, who shall serve as the chair of the commission;

(2) one member appointed by the presiding justice of the appellate division in the first department;

(3) one member appointed by the presiding justice of the appellate division in the second department;

(4) one member appointed by the presiding justice of the appellate division in the third department; and

(5) one member appointed by the presiding justice of the appellate division in the fourth department.

(b) Each member of the commission shall serve a term of five years commencing on the first of January of the calendar year in which the vacancy in such office occurs; provided, however, that for the members initially appointed as members, the member appointed by the presiding justice in the fourth department shall serve a term of one year, the member appointed by the presiding justice in the second department shall serve a term of two years, the member appointed by the presiding justice in the third department shall serve a term of three years, the member appointed by the presiding justice in the first department shall serve a term of four years and the member appointed by the chief judge of the court of appeals shall serve a term of five years.

Any vacancy occurring in the membership of the commission shall be filled within sixty days of its occurrence in the same manner as the member whose vacancy is being filled was appointed. A person appointed to fill a vacancy occurring other than by expiration of a term of office shall be appointed to the unexpired term of the member he or she replaces.

(c) Four members of the commission shall constitute a quorum, and the commission shall have power to act by majority vote of the total number of members of the commission without vacancy.

(d) The members of the commission shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their duties pursuant to this act.

(e) Members of the commission may be removed by the chief judge of the court of appeals for substantial neglect of duty, gross misconduct in office, inability to discharge the powers and duties of office or violation of the provisions of this act, after written notice and opportunity to be heard by the court of appeals.

S 4. Executive director and staff. (a) The commission shall appoint and employ an executive director who shall serve a term of six years. Any vacancy in the office of executive director shall be filled within ten days of its occurrence. A person appointed to fill a vacancy in the office of executive director occurring other than by expiration of a term of office shall be appointed to the unexpired term of the executive director he or she replaces.

(b) The executive director shall act in accordance with the policies, rules and regulations of the commission. He or she shall act in the name of the commission pursuant to the specific powers delegated by the commission to the office of executive director.

(c) The commission shall appoint and employ such other staff and investigators as shall be necessary to carry out its powers and duties pursuant to this act.

(d) The executive director, staff members and investigators may be removed by the commission for substantial neglect of duty, gross misconduct in office, inability to perform their duties or violation of the provisions of this act, after written notice and opportunity to be heard.

S 5. Powers and duties. The commission shall have the power and duty to:

(a) fix the compensation of the executive director, staff members and investigators;

(b) request and receive, and shall utilize and be provided with such facilities, resources and data of any court, department, division, board, bureau, commission or agency of the state or any political subdivision thereof, or of any public authority or public benefit corporation, as it may reasonably request to properly carry out its powers and duties pursuant to this act;

(c) adopt, amend and rescind rules and regulations to govern the procedures of the commission and to implement the provisions of this act;

(d) adopt, amend and rescind rules and regulations to assist appointing authorities in determining which persons hold policy-making positions for the purposes of section 73-a of the public officers law;

(e) make available forms for annual statements of financial disclosure required to be filed pursuant to section 73-a of the public officers law;

(f) review financial disclosure statements filed pursuant to section 73-a of the public officers law;

(g) receive and investigate complaints and referrals alleging violations of section 73, 73-a or 74 of the public officers law, article 1-A of the legislative law, or section 107 of the civil service law;

(h) permit any person required to file a financial disclosure statement pursuant to section 73-a of the public officers law to delete from the copy thereof made available for public inspection such information as shall be determined by the commission will have no material bearing on the discharge of the reporting person's official duties;

(i) grant any person required to file a financial disclosure statement pursuant to section 73-a of the public officers law, an additional period of time within which to file such statement due to justifiable cause or undue hardship;

(j) permit any person required to file a financial disclosure statement pursuant to section 73-a of the public officers law to delete such information pertaining to such person's spouse or unemancipated children

as shall be found by the commission will have no material bearing on the discharge of the reporting person's official duties;

(k) advise and assist any state agency in establishing rules and regulations relating to possible conflicts between private interests and official duties of present and former state officers and employees;

(l) permit any person who has not been determined by his or her appointing authority to hold a policy-making position, but who is otherwise required to file a financial disclosure statement, to be granted an exemption from such filing requirement. The commission may grant such an exemption where the public interest does not require disclosure and the applicant's duties do not involve negotiation, authorization or approval of:

(1) contracts, leases, franchises, revocable consents, concessions, variances, special permits or licenses as defined in section 73 of the public officers law,

(2) the purchase, sale, rental or lease of real property, goods or services, or a contract therefor,

(3) the obtaining of grants of money or loans, or

(4) the adoption or repeal of any rule or regulation having the force and effect of law;

(m) determine questions common to a class or defined category of persons or items of information required to be disclosed, where determination of the question will prevent undue repetition of requests for exemption or deletion, or prevent undue complication in complying with the provisions of this act;

(n) upon written request from a person subject to the requirements of section 73, 73-a or 74 of the public officers law, render an advisory opinion on the requirements of such provisions;

(o) promulgate rules concerning restrictions on outside activities and limitations or the receipt of gifts and honoraria;

(p) conduct training programs, in cooperation with the governor's office of employee relations, to provide instruction to persons subject to its jurisdiction;

(q) administer and enforce all provisions of this act;

(r) conduct any investigation necessary to carry out the provisions of this act;

(s) receive and investigate complaints from any source, or upon its own initiative, concerning allegations of corruption, fraud, criminal activity, conflicts of interest or abuse in any covered agency;

(t) inform the heads of covered agencies of such allegations and the progress of investigations related thereto, unless special circumstances require confidentiality;

(u) determine with respect to such allegations whether disciplinary action, civil or criminal prosecution, or further investigation by an appropriate federal, state or local agency is warranted, and to assist in such investigations;

(v) prepare and release to the public written reports of such investigations, as appropriate and to the extent permitted by law, subject to redaction to protect the confidentiality of witnesses. The release of all or portions of such reports may be deferred to protect the confidentiality of ongoing investigations;

(w) review and examine periodically the policies and procedures of covered agencies with regard to the prevention and detection of corruption, fraud, criminal activity, conflicts of interest or abuse;

(x) recommend remedial acts to prevent or eliminate corruption, fraud, criminal activity, conflicts of interest or abuse in covered agencies;

(y) establish programs for training state officers and employees regarding the prevention and elimination of corruption, fraud, criminal activity, conflicts of interest or abuse in covered agencies;

(z) subpoena and enforce the attendance of witnesses;

(aa) administer oaths or affirmations and examine witnesses under oath;

(bb) require the production of any books and papers deemed relevant or material to any investigation, examination or review;

(cc) examine and copy or remove documents or records of any kind prepared, maintained or held by any covered agency;

(dd) require any officer or employee in a covered agency to answer questions concerning any matter related to the performance of his or her official duties. No statement or other evidence derived therefrom may be used against such officer or employee in any subsequent criminal prosecution other than for perjury or contempt arising from such testimony. The refusal of any officer or employee to answer questions shall be cause for removal from office or employment, or other appropriate penalty;

(ee) monitor the implementation by covered agencies of any recommendations made by the commission;

(ff) perform any other functions that are necessary or appropriate to fulfill the provisions of this act;

(gg) conduct investigations in connection with:

(1) the faithful execution and enforcement of the laws of the state, with particular reference but not limited to organized crime and racketeering,

(2) the conduct of public officers and public employees, and of officers and employees of public benefit corporations and public authorities, and

(3) any matter concerning the public peace, public safety and public justice;

(hh) at the direction of the governor, conduct investigations and otherwise assist the governor in connection with:

(1) the removal of public officers by the governor,

(2) the making of recommendations by the governor to any other person or body, with respect to the removal of public officers, and

(3) the making of recommendations by the governor to the legislature with respect to changes in or additions to existing provisions of law required for the more effective enforcement of the law;

(ii) at the direction or request of the governor or the head of any department, board, bureau, commission or other agency of the state, investigate the management or affairs of any such department, board, bureau, commission or other agency;

(jj) upon the request of district attorneys and other law enforcement officers, cooperate with, advise and assist them in the performance of their official powers and duties;

(kk) cooperate with departments and officers of the United States government in the investigation of violations of the federal laws within this state;

(ll) examine into matters relating to law enforcement extending across the boundaries of the state into other states, and may consult and exchange information with officers and agencies of other states with respect to law enforcement problems of mutual concern to this and other states;

(mm) whenever it shall appear to the commission that there is cause for the prosecution of a crime or for the removal of a public officer

for misconduct, refer the evidence of such crime or misconduct to the officials authorized to conduct the prosecution or to remove the public officer;

(nn) keep the public informed as to the operations of organized crime and problems of law enforcement in the state; and

(oo) exercise any and all powers of the former commission on public integrity and the former office of the state inspector general as they existed immediately prior to the effective date of this act, and exercise any and all powers of the former temporary state commission of investigation as they existed on March 30, 2011.

S 6. Financial disclosure. (a) The commission shall inspect all financial disclosure statements filed with the commission to ascertain whether any person subject to the reporting requirements of section 73-a of the public officers law has failed to file such a statement, has filed a deficient statement or has filed a statement which reveals a possible violation of section 73, 73-a or 74 of the public officers law.

(b) If a person required to file a financial disclosure statement with the commission has failed to file a disclosure statement or has filed a deficient statement, the commission shall notify the reporting person in writing, state the failure to file or detail the deficiency, provide the person with a fifteen day period to cure the deficiency, and advise the person of the penalties for failure to comply with the reporting requirements. Such notice shall be confidential. If the person fails to make such filing or fails to cure the deficiency within the specified time period, the commission shall send a notice of delinquency: (1) to the reporting person; (2) in the case of a statewide elected official, to the temporary president of the senate and the speaker of the assembly; and (3) in the case of a state officer or employee, to the appointing authority for such person. Such notice of delinquency may be sent at any time during the reporting person's service as a statewide elected official, state officer or employee, political party chair or while a candidate for statewide office, or within one year after termination of such service or candidacy. The jurisdiction of the commission, when acting pursuant to subdivision (d) of this section with respect to financial disclosure, shall continue notwithstanding that the reporting person separates from state service, or ceases to hold office as a statewide elected official or political party chair, or ceases to be a candidate, provided the commission notifies such person of the alleged failure to file or deficient filing pursuant to this subdivision.

(c)(1) If the commission receives a sworn complaint alleging a violation of section 73, 73-a or 74 of the public officers law, section 107 of the civil service law or article 1-A of the legislative law by a person or entity subject to the jurisdiction of the commission, or if a reporting individual has filed a statement which reveals a possible violation of these provisions, or if the commission determines on its own initiative to investigate a possible violation, the commission shall notify the individual in writing, describe the possible or alleged violation of such laws and provide the person with a fifteen day period in which to submit a written response setting forth information relating to the activities cited as a possible or alleged violation of law. If the commission thereafter makes a determination that further inquiry is justified, it shall give the individual an opportunity to be heard. The commission shall also inform the individual of its rules regarding the conduct of adjudicatory proceedings and appeals and the due process procedural mechanisms available to such individual. If the commission determines at any stage of the proceeding that there is no violation or

that any potential conflict of interest violation has been rectified, it shall so advise the individual and the complainant, if any. All of the foregoing proceedings shall be confidential.

(2) If the commission determines that there is reasonable cause to believe that a violation has occurred, it shall send a notice of reasonable cause: (i) to the reporting person; (ii) to the complainant if any; (iii) in the case of a statewide elected official, to the temporary president of the senate and the speaker of the assembly; and (iv) in the case of a state officer or employee, to the appointing authority for such person.

(3) The jurisdiction of the commission when acting pursuant to this act shall continue notwithstanding that a statewide elected official or a state officer or employee separates from state service, or a political party chair ceases to hold such office, or a candidate ceases to be a candidate, or a lobbyist or client of a lobbyist ceases to act as such, provided that the commission notifies such individual or entity of the alleged violation of law pursuant to paragraph one of this subdivision within one year from his or her separation from state service or his or her termination of party service or candidacy, or from his, her or its last report filed pursuant to article 1-A of the legislative law. Nothing in this section shall serve to limit the jurisdiction of the commission in enforcement of subdivision 8 of section 73 of the public officers law.

(d) An individual subject to the jurisdiction of the commission who knowingly and intentionally violates the provisions of subdivisions 2 through 5, 7, 8, 12 or 14 through 17 of section 73 of the public officers law, section 107 of the civil service law, or a reporting individual who knowingly and wilfully fails to file an annual statement of financial disclosure or who knowingly and wilfully with intent to deceive makes a false statement or fraudulent omission or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to section 73-a of the public officers law shall be subject to a civil penalty in an amount not to exceed $40,000 and the value of any gift, compensation or benefit received as a result of such violation. An individual who knowingly and intentionally violates the provisions of paragraphs b, c, d or i of subdivision 3 of section 74 of the public officers law shall be subject to a civil penalty in an amount not to exceed $10,000 and the value of any gift, compensation or benefit received as a result of such violation. An individual who knowingly and intentionally violates the provisions of paragraphs a, e or g of subdivision 3 of section 74 of the public officers law shall be subject to a civil penalty in an amount not to exceed the value of any gift, compensation or benefit received as a result of such violation. An individual subject to the jurisdiction of the commission who knowingly and wilfully violates article 1-A of the legislative law shall be subject to civil penalty as provided for in that article. Assessment of a civil penalty pursuant to this section shall be made by the commission with respect to persons subject to its jurisdiction. In assessing the amount of the civil penalties to be imposed, the commission shall consider the seriousness of the violation, the amount of gain to the individual and whether the individual previously had any civil or criminal penalties imposed pursuant to this section, and any other factors the commission deems appropriate. For a violation of this subdivision, other than for conduct which constitutes a violation of section 107 of the civil service law, subdivisions 12 or 14 through 17 of section 73 or section 74 of the public officers law or article 1-A of

the legislative law, the commission may, in lieu of a civil penalty, refer a violation to the appropriate prosecutor and upon such conviction, such violation shall be punishable as a class A misdemeanor. A civil penalty for false filing may not be imposed pursuant to this section in the event a category of "value" or "amount" reported pursuant to this section is incorrect unless such reported information is falsely understated. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal may be imposed for a failure to file, or for a false filing, of such statement, or a violation of section 73 of the public officers law, except that the appointing authority may impose disciplinary action as otherwise provided by law. The commission may refer violations of this section to the appointing authority for disciplinary action as otherwise provided by law. The commission shall be deemed to be an agency within the meaning of article 3 of the state administrative procedure act and shall adopt rules governing the conduct of adjudicatory proceedings and appeals taken pursuant to a proceeding commenced under article 78 of the civil practice law and rules relating to the assessment of the civil penalties authorized by this subdivision and commission denials of requests for certain deletions or exemptions to be made from a financial disclosure statement as authorized by this act. Such rules, which shall not be subject to the approval requirements of the state administrative procedure act, shall provide for due process procedural mechanisms substantially similar to those set forth in article 3 of the state administrative procedure act but such mechanisms need not be identical in terms or scope. Assessment of a civil penalty or commission denial of such a request shall be final unless modified, suspended or vacated within thirty days of imposition, with respect to the assessment of such penalty, or unless such denial of request is reversed within such time period, and upon becoming final shall be subject to review at the instance of the affected reporting individuals in a proceeding commenced against the commission, pursuant to article 78 of the civil practice law and rules.

(e) If the commission has a reasonable basis to believe that any person subject to the jurisdiction of the legislative ethics commission may have violated any provisions of section 73 or 74 of the public officers law, it may refer such violation to the legislative ethics commission. The referral by the commission to the legislative ethics commission shall include any information relating thereto coming into the custody or under the control of the commission at any time prior or subsequent to the time of the referral.

(f) A copy of any notice of delinquency or notice of reasonable cause sent pursuant to subdivisions (b) and (c) of this section shall be included in the reporting person's file and be available for public inspection and copying.

S 7. Website. Within one hundred twenty days of the effective date of this section, the commission shall create and thereafter maintain a publicly accessible website which shall set forth the procedure for filing a complaint with the commission, and which shall contain the documents identified in section eight of this act, other than financial disclosure statements, and any other records or information which the commission determines to be appropriate.

S 8. Public access to records. (a) Notwithstanding the provisions of article 6 of the public officers law, the only records of the commission which shall be available for public inspection and copying are:

(1) the information set forth in an annual statement of financial disclosure filed pursuant to section 73-a of the public officers law except the categories of value or amount, which shall remain confidential, and any other item of information deleted pursuant to this act;

(2) notices of delinquency sent under subdivision (b) of section six of this act;

(3) notices of reasonable cause sent under paragraph two of subdivision (c) of section six of this act;

(4) notices of civil assessments imposed under this act which shall include a description of the nature of the alleged wrongdoing, the procedural history of the complaint, the findings and determinations made by the commission, and any sanction imposed;

(5) the terms of any settlement or compromise of a complaint or referral which includes a fine, penalty or other remedy; and

(6) those required to be held or maintained publicly available pursuant to article 1-A of the legislative law.

(b) Pending any application for deletion or exemption to the commission, all information which is the subject or a part of the application shall remain confidential. Upon an adverse determination by the commission, the reporting individual may request, and upon such request the commission shall provide, that any information which is the subject or part of the application remain confidential for a period of thirty days following notice of such determination. In the event that the reporting individual resigns his or her office and holds no other office subject to the jurisdiction of the commission, the information shall not be made public and shall be expunged in its entirety.

S 9. Responsibilities of covered agencies, state officers and employees. (a) Every state officer or employee in a covered agency shall report promptly to the commission any information concerning corruption, fraud, criminal activity, conflicts of interest or abuse by another state officer or employee relating to his or her office or employment, or by a person having business dealings with a covered agency relating to those dealings. The knowing failure of any officer or employee to so report shall be cause for removal from office or employment or other appropriate penalty. Any officer or employee who acts pursuant to this subdivision by reporting to the commission improper governmental action as defined in section 75-b of the civil service law shall not be subject to dismissal, discipline or other adverse personnel action.

(b) The head of any covered agency shall advise the governor within ninety days of the issuance of a report by the commission as to the remedial action that the agency has taken in response to any recommendation for such action contained in such report.

S 10. Confidentiality. Any person conducting or participating in any examination or investigation who shall disclose to any person other than the commission or an officer having the power to appoint one or more of the commissioners the name of any witness examined, or any information obtained or given upon such examination or investigation, except as directed by the commission, shall be guilty of a misdemeanor.

S 11. Evidence to be impounded. Upon the application of the commission, the executive director or a duly authorized member of its staff, the supreme court or a justice thereof may impound any exhibit marked in evidence in any public or private hearing held in connection with an investigation conducted by the commission, and may order such exhibit to be retained by, or delivered to and placed in the custody of, the commission. When so impounded such exhibit shall not be taken from the custody of the commission, except upon further order of the court or a

justice thereof made upon five days' notice to the commission or upon its application or with its consent.

S 12. Immunity from prosecution. In any investigation or hearing conducted by the commission pursuant to this act, relating to any crime or offense with respect to which, by express provision of statute, a competent authority is authorized to confer immunity; the commission may confer immunity in accordance with the provisions of section 50.20 of the criminal procedure law, but only after affording the attorney general and the appropriate district attorney the opportunity to be heard in respect to any objections which they may have to the granting of such immunity.

S 13. Transfer of functions, powers and duties. All functions, powers, duties and obligations of the former commission on public integrity and the former office of the state inspector general are hereby transferred to the commission.

S 14. Transfer of employees. (a) Upon transfer of the functions of the former commission on public integrity and the former office of the state inspector general to the commission, provisions shall be made for the transfer to the commission of those employees of such former agencies who were engaged in carrying out the functions transferred by this act in accordance with section 70 of the civil service law or, where not subject to the civil service law, the provisions of such section 70 shall be deemed applicable, except where the context clearly requires otherwise. Any such employee who, at the time of such transfer, has a temporary or provisional appointment shall be transferred subject to the same right of removal, examination or termination as though such transfer had not been made except to the extent such rights are modified by a collective bargaining agreement. Employees holding permanent appointments in competitive class positions who are not transferred pursuant to this section shall have their names entered upon an appropriate preferred list for reinstatement pursuant to the civil service law.

(b) A transferred employee shall remain in the same collective bargaining unit as was the case prior to his or her transfer; successor employees to the positions held by such transferred employees shall, consistent with the provisions of article 14 of the civil service law, be included in the same unit as their predecessors. Employees other than management or confidential persons (as defined in article 14 of the civil service law), serving positions in newly created titles shall be assigned to the appropriate bargaining unit. Nothing contained in this section shall be construed to affect:

(1) the rights of employees pursuant to a collective bargaining agreement;

(2) the representational relationships among employee organizations or the bargaining relationships between the state and an employee organization; or

(3) existing law with respect to an application to the public employment relations board, provided, however, that the merger of such negotiating units of employees shall be effected only with the consent of the recognized and certified representative of such units and of the department of law.

S 15. Transfer of records. All books, papers and property of the former commission on public integrity and the former office of the state inspector general are to be delivered to the commission at such place and time, and in such manner as the commission shall require.

S 16. Continuity of authority. For the purpose of succession to all functions, powers, duties and obligations of the former commission on

public integrity and the former office of the state inspector general transferred to and assumed by the commission, such commission shall continue the operation thereof as if performed by such former agencies.

S 17. Completion of unfinished business. Any business or other matter undertaken or commenced by the former commission on public integrity and the former office of the state inspector general pertaining to or connected with the functions, powers, duties and obligations transferred and assigned to the commission and pending on the effective date of this section shall be conducted and completed by the commission in the same manner and under the same terms and conditions and with the same effect as if conducted and completed by such former agencies.

S 18. Continuation of rules and regulations. All rules, regulations, acts, orders, determinations and decisions of the former commission on public integrity and the former office of the state inspector general in force at the time of such transfer and assumption, shall continue in force and effect as rules, regulations, acts, orders, determinations and decisions of the commission until duly modified or abrogated.

S 19. Terms occurring in laws, contracts and other documents. Whenever the former commission on public integrity or the former office of the state inspector general is referred to or designated in any law, contract or document pertaining to the functions, powers, obligations and duties transferred and assigned pursuant to this act, such reference or designation shall be deemed to refer to the commission.

S 20. Existing rights and remedies preserved. No existing right or remedy of any character shall be lost, impaired or affected by reason of any transfer or assignment pursuant to this act.

S 21. Pending actions or proceedings. No action or proceeding pending upon the effective date of this section relating to the functions, powers and duties of the former commission on public integrity and the former office of the state inspector general transferred to the commission, brought by or against any such former agency, shall be affected by any provision of this act, but the same may be prosecuted or defended in the name of the commission. In all such actions and proceedings, the commission, upon application to the court, shall be substituted as a party.

S 22. Transfer of appropriations heretofore made. Subject to the approval of the director of the division of the budget, all appropriations and reappropriations heretofore made to the former commission on public integrity and the former office of the state inspector general for the purposes and functions transferred pursuant to this act to the commission, to the extent of remaining unexpended or unencumbered balance thereof, whether allocated or unallocated, and whether obligated or unobligated, are hereby transferred to and made available for use and expenditure by the commission for the same purposes for which originally appropriated or reappropriated and shall be payable on vouchers certified or approved by the executive director on audit and warrant of the comptroller. Payments for liabilities for expenses of personal services, maintenance and operation heretofore incurred by and for liabilities incurred and to be incurred in completing the affairs of the former commission on public integrity and the former office of the state inspector general with respect to the powers, duties and functions transferred in this act, shall also be made on vouchers or certificates approved by the executive director on audit and warrant of the comptroller.

S 23. Transfer of assets and liabilities. All assets and liabilities of the former commission on public integrity and the former office of

the state inspector general are hereby transferred to and assumed by the commission.

S 24. Actions of the commission. The commission is hereby directed to immediately take any and all actions necessary to enable it to assume all powers, duties and functions of the former commission on public integrity, the former office of the state inspector general and the former temporary state commission of investigation within ninety days of the effective date of this act.

S 25. Subdivision 5 of section 107 of the civil service law, as amended by chapter 14 of the laws of 2007, is amended to read as follows:

5. Violation of this section. Complaints alleging a violation of this section by a statewide elected official or a state officer or employee, as defined in section seventy-three of the public officers law, may be directed to the commission on [public integrity] OFFICIAL CONDUCT.

S 26. Section 94 of the executive law is REPEALED.

S 27. Subdivision (f) of section 1-c of the legislative law, as amended by chapter 14 of the laws of 2007, is amended to read as follows:

(f) The term "commission" shall mean the commission on [public integrity created by section ninety-four of the executive law] OFFICIAL CONDUCT.

S 28. Subdivision 3 of section 212 of the racing, pari-mutuel wagering and breeding law, as amended by chapter 18 of the laws of 2008, is amended to read as follows:

3. Such members, except as otherwise provided by law, may engage in private or public employment, or in a profession or business. The board, its members, officers and employees shall be subject to the provisions of sections seventy-three and seventy-four of the public officers law. No former trustee or officer of a non-profit racing association known as The New York Racing Association, Inc. or its predecessor, no current director or officer of a franchised corporation or any individual registered with the [New York] commission on [public integrity] OFFICIAL CONDUCT shall be appointed as members to the board nor shall any member of the board have any direct or indirect interest in any racehorse, thoroughbred racing or pari-mutuel wagering business, video lottery terminal facility or any development at any racing facility.

S 29. Article 4-A of the executive law is REPEALED.

S 30. Subdivision 3 of section 63 of the executive law, as amended by chapter 155 of the laws of 2012, is amended to read as follows:

3. Upon request of the governor, comptroller, secretary of state, commissioner of transportation, superintendent of financial services, commissioner of taxation and finance, commissioner of motor vehicles, or the [state inspector general] COMMISSION ON OFFICIAL CONDUCT, or the head of any other department, authority, division or agency of the state, investigate the alleged commission of any indictable offense or offenses in violation of the law which the officer making the request is especially required to execute or in relation to any matters connected with such department, and to prosecute the person or persons believed to have committed the same and any crime or offense arising out of such investigation or prosecution or both, including but not limited to appearing before and presenting all such matters to a grand jury.

S 31. Section 2350-dd of the public authorities law, as added by chapter 762 of the laws of 2005, is amended to read as follows:

S 2350-dd. Jurisdiction of [state inspector general] COMMISSION ON OFFICIAL CONDUCT. The agency is subject to the jurisdiction of the [office of the state inspector general] COMMISSION ON OFFICIAL CONDUCT.

S 32. Subdivision 3 of section 2.10 of the criminal procedure law, as added by chapter 843 of the laws of 1980, is amended to read as follows:

3. [Investigators] THE EXECUTIVE DIRECTOR AND INVESTIGATORS of the [office of the state] commission [of investigation] ON OFFICIAL CONDUCT.

S 33. Subdivision 68 of section 2.10 of the criminal procedure law, as added by chapter 168 of the laws of 2000, is REPEALED.

S 34. Subdivision 3 of section 70-a of the executive law, as added by chapter 1003 of the laws of 1970, is amended to read as follows:

3. The deputy attorney general in charge of the organized crime task force may request and shall receive from the division of state police, the state department of taxation and finance, the state department of labor, the [temporary state] commission [of investigation] ON OFFICIAL CONDUCT, and from every department, division, board, bureau, commission or other agency of the state, or of any political subdivision thereof, cooperation and assistance in the performance of his duties. Such deputy attorney general may provide technical and other assistance to any district attorney or other local law enforcement official requesting such assistance in the investigation or prosecution of organized crime cases.

S 35. Subdivision 9 of section 835 of the executive law, as separately amended by chapters 14 and 155 of the laws of 2012, is amended to read as follows:

9. "Qualified agencies" means courts in the unified court system, the administrative board of the judicial conference, probation departments, sheriffs' offices, district attorneys' offices, the state department of corrections and community supervision, the department of correction of any municipality, the financial frauds and consumer protection unit of the state department of financial services, the office of professional medical conduct of the state department of health for the purposes of section two hundred thirty of the public health law, the child protective services unit of a local social services district when conducting an investigation pursuant to subdivision six of section four hundred twenty-four of the social services law, the office of Medicaid inspector general, the [temporary state] commission [of investigation] ON OFFICIAL CONDUCT, police forces and departments having responsibility for enforcement of the general criminal laws of the state, the Onondaga County Center for Forensic Sciences Laboratory when acting within the scope of its law enforcement duties and the division of forensic services of the Nassau county medical examiner's office when acting within the scope of its law enforcement duties.

S 36. Subdivision 8 of section 92 of the public officers law, as amended by section 135 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

(8) Public safety agency record. The term "public safety agency record" means a record of the state commission of correction, the [temporary state] commission [of investigation] ON OFFICIAL CONDUCT, the department of corrections and community supervision, the office of children and family services, the office of victim services, the office of probation and correctional alternatives or the division of state police or of any agency or component thereof whose primary function is the enforcement of civil or criminal statutes if such record pertains to investigation, law enforcement, confinement of persons in correctional facilities or supervision of persons pursuant to criminal conviction or

court order, and any records maintained by the division of criminal justice services pursuant to sections eight hundred thirty-seven, eight hundred thirty-seven-a, eight hundred thirty-seven-b, eight hundred thirty-seven-c, eight hundred thirty-eight, eight hundred thirty-nine, and eight hundred forty-five of the executive law and by the department of state pursuant to section ninety-nine of the executive law.

S 37. Chapter 989 of the laws of 1958, creating a temporary state commission of investigation, is REPEALED.

S 38. Paragraph (b) of subdivision 9 of section 80 of the legislative law, as added by section 9 of part A of chapter 399 of the laws of 2011, is amended to read as follows:

(b) Not later than forty-five calendar days after receipt from the [joint] commission on [public ethics] OFFICIAL CONDUCT of a written substantial basis investigation report and any supporting documentation or other materials regarding a matter before the commission [pursuant to subdivision fourteen-a of section ninety-four of the executive law], unless requested by a law enforcement agency to suspend the commission's action because of an ongoing criminal investigation, the legislative ethics commission shall make public such report in its entirety; provided, however, that the commission may withhold such information for not more than one additional period of the same duration or refer the matter back to the [joint] commission on [public ethics] OFFICIAL CONDUCT once for additional investigation, in which case the legislative ethics commission shall, upon the termination of such additional period or upon receipt of a new report by the [joint] commission on [public ethics] OFFICIAL CONDUCT after such additional investigation, make public the written report and publish it on the commission's website. If the legislative ethics commission fails to make public the written report received from the [joint] commission in accordance with this paragraph, the [joint] commission shall release such report publicly promptly and in any event no later than ten days after the legislative ethics commission is required to release such report. The legislative ethics commission shall not refer the matter back to the [joint] commission on [public ethics] OFFICIAL CONDUCT for additional investigation more than once. If the commission refers the matter back to the [joint] commission for additional fact-finding, the [joint] commission's original report shall remain confidential.

S 39. Subparagraph 1 of paragraph a of subdivision 12 of section 80 of the legislative law, as amended by section 9 of part A of chapter 399 of the laws of 2011, is amended to read as follows:

(1) the terms of any settlement or compromise of a complaint or referral or report which includes a fine, penalty or other remedy reached after the commission has received a report from the [joint] commission on [public ethics pursuant to subdivision fourteen-a of section ninety-four of the executive law] OFFICIAL CONDUCT;

S 40. Subparagraphs (ii) and (iii) of paragraph (c) and paragraph (d-1) of subdivision 1 of section 73-a of the public officers law, subparagraphs (ii) and (iii) of paragraph (c) as amended and paragraph (d-1) as added by section 5 of part A of chapter 399 of the laws of 2011, are amended to read as follows:

(ii) officers and employees of statewide elected officials, officers and employees of state departments, boards, bureaus, divisions, commissions, councils or other state agencies, who receive annual compensation in excess of the filing rate established by paragraph (l) of this subdivision or who hold policy-making positions, as annually determined by the appointing authority and set forth in a written instrument which

shall be filed with the [joint] commission on [public ethics established by section ninety-four of the executive law] OFFICIAL CONDUCT during the month of February, provided, however, that the appointing authority shall amend such written instrument after such date within thirty days after the undertaking of policy-making responsibilities by a new employee or any other employee whose name did not appear on the most recent written instrument; and

(iii) members or directors of public authorities, other than multi-state authorities, public benefit corporations and commissions at least one of whose members is appointed by the governor, and employees of such authorities, corporations and commissions who receive annual compensation in excess of the filing rate established by paragraph (l) of this subdivision or who hold policy-making positions, as determined annually by the appointing authority and set forth in a written instrument which shall be filed with the [joint] commission on [public ethics established by section ninety-four of the executive law] OFFICIAL CONDUCT during the month of February, provided, however, that the appointing authority shall amend such written instrument after such date within thirty days after the undertaking of policy-making responsibilities by a new employee or any other employee whose name did not appear on the most recent written instrument.

(d-1) A financial disclosure statement required pursuant to section seventy-three of this article and this section shall be deemed "filed" with the [joint] commission on [public ethics] OFFICIAL CONDUCT upon its filing, in accordance with this section, with the legislative ethics commission for all purposes including, but not limited to, [subdivision fourteen of section ninety-four of the executive law,] subdivision nine of section eighty of the legislative law and subdivision four of this section.

S 41. Subparagraph (ii) of paragraph (a) and paragraph (c) of subdivision 2 of section 73-a of the public officers law, as amended by section 5 of part A of chapter 399 of the laws of 2011, are amended to read as follows:

(ii) a person who is required to file an annual financial disclosure statement with the [joint] commission on [public ethics] OFFICIAL CONDUCT, and who is granted an additional period of time within which to file such statement due to justifiable cause or undue hardship[, in accordance with required rules and regulations on the subject adopted pursuant to paragraph c of subdivision nine of section ninety-four of the executive law] shall file such statement within the additional period of time granted; and the legislative ethics commission shall notify the [joint] commission on [public ethics] OFFICIAL CONDUCT of any extension granted pursuant to this paragraph;

(c) If the reporting individual is a senator or member of assembly, candidate for the senate or member of assembly or a legislative employee, such statement shall be filed with both the legislative ethics commission established by section eighty of the legislative law and the [joint] commission on [public ethics] OFFICIAL CONDUCT in accordance with paragraph (d-1) of subdivision one of this section. If the reporting individual is a statewide elected official, candidate for statewide elected office, a state officer or employee or a political party chairman, such statement shall be filed with the [joint] commission on [public ethics established by section ninety-four of the executive law] OFFICIAL CONDUCT.

S 42. Paragraph 8 of subdivision 3 and subdivision 4 of section 73-a of the public officers law, as amended by section 5 of part A of chapter 399 of the laws of 2011, are amended to read as follows:

8. (a) If the reporting individual practices law, is licensed by the department of state as a real estate broker or agent or practices a profession licensed by the department of education, or works as a member or employee of a firm required to register pursuant to section one-e of the legislative law as a lobbyist, give a general description of the principal subject areas of matters undertaken by such individual. Additionally, if such an individual practices with a firm or corporation and is a partner or shareholder of the firm or corporation, give a general description of principal subject areas of matters undertaken by such firm or corporation.

_____
_____
_____
_____
_____

(b) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE PROVIDED ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE, OR FOR NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE SERVICES THAT ARE PROVIDED ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE:

If the reporting individual personally provides services to any person or entity, or works as a member or employee of a partnership or corporation that provides such services (referred to hereinafter as a "firm"), then identify each client or customer to whom the reporting individual personally provided services, or who was referred to the firm by the reporting individual, and from whom the reporting individual or his or her firm earned fees in excess of $10,000 during the reporting period for such services rendered in direct connection with:

(i) A proposed bill or resolution in the senate or assembly during the reporting period;

(ii) A contract in an amount totaling $50,000 or more from the state or any state agency for services, materials, or property;

(iii) A grant of $25,000 or more from the state or any state agency during the reporting period;

(iv) A grant obtained through a legislative initiative during the reporting period; or

(v) A case, proceeding, application or other matter that is not a ministerial matter before a state agency during the reporting period.

For purposes of this question, "referred to the firm" shall mean: having intentionally and knowingly taken a specific act or series of acts to intentionally procure for the reporting individual's firm or knowingly solicit or direct to the reporting individual's firm in whole or substantial part, a person or entity that becomes a client of that firm for the purposes of representation for a matter as defined in subparagraphs (i) through (v) of this paragraph, as the result of such procurement, solicitation or direction of the reporting individual. A reporting individual need not disclose activities performed while lawfully acting pursuant to paragraphs (c), (d), (e) and (f) of subdivision seven of section seventy-three of this article.

The disclosure requirement in this question shall not require disclosure of clients or customers receiving medical or dental services, mental health services, residential real estate brokering services, or

insurance brokering services from the reporting individual or his or her firm. The reporting individual need not identify any client to whom he or she or his or her firm provided legal representation with respect to investigation or prosecution by law enforcement authorities, bankruptcy, or domestic relations matters. With respect to clients represented in other matters, where disclosure of a client's identity is likely to cause harm, the reporting individual shall request an exemption from the [joint] commission [pursuant to paragraph (i) of subdivision nine of section ninety-four of the executive law] ON OFFICIAL CONDUCT. Only a reporting individual who first enters public office after July first, two thousand twelve, need not report clients or customers with respect to matters for which the reporting individual or his or her firm was retained prior to entering public office.

Client	Nature of Services Provided

(c) List the name, principal address and general description or the nature of the business activity of any entity in which the reporting individual or such individual's spouse had an investment in excess of $1,000 excluding investments in securities and interests in real property.

4. A reporting individual who knowingly and wilfully fails to file an annual statement of financial disclosure or who knowingly and wilfully with intent to deceive makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to this section shall be subject to a civil penalty in an amount not to exceed forty thousand dollars. Assessment of a civil penalty hereunder shall be made by the [joint] commission on [public ethics] OFFICIAL CONDUCT or by the legislative ethics commission, as the case may be, with respect to persons subject to their respective jurisdictions. The [joint] commission on [public ethics acting pursuant to subdivision fourteen of section ninety-four of the executive law] OFFICIAL CONDUCT or the legislative ethics commission acting pursuant to subdivision eleven of section eighty of the legislative law, as the case may be, may, in lieu of or in addition to a civil penalty, refer a violation to the appropriate prosecutor and upon such conviction, but only after such referral, such violation shall be punishable as a class A misdemeanor. A civil penalty for false filing may not be imposed hereunder in the event a category of "value" or "amount" reported hereunder is incorrect unless such reported information is falsely understated. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal may be imposed for a failure to file, or for a false filing, of such statement, except that the appointing authority may impose disciplinary action as otherwise provided by law. The [joint] commission on [public ethics] OFFICIAL

CONDUCT and the legislative ethics commission shall each be deemed to be an agency within the meaning of article three of the state administrative procedure act and shall adopt rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of the civil penalties herein authorized. Such rules, which shall not be subject to the approval requirements of the state administrative procedure act, shall provide for due process procedural mechanisms substantially similar to those set forth in such article three but such mechanisms need not be identical in terms or scope. Assessment of a civil penalty shall be final unless modified, suspended or vacated within thirty days of imposition and upon becoming final shall be subject to review at the instance of the affected reporting individual in a proceeding commenced against the [joint] commission on [public ethics] OFFICIAL CONDUCT or the legislative ethics commission, pursuant to article seventy-eight of the civil practice law and rules.

S 43. The opening paragraph of section 1-d of the legislative law, as amended by chapter 14 of the laws of 2007, is amended to read as follows:

In addition to any other powers and duties [provided by section ninety-four of the executive law,] the commission shall, with respect to its lobbying-related functions only, have the power and duty to:

S 44. Subdivision 3 of section 2986 of the public authorities law, as added by chapter 506 of the laws of 2009, is amended to read as follows:

3. Any communications between an employee and the authorities budget office pursuant to this section shall be held strictly confidential by the authorities budget office, unless the employee specifically waives in writing the right to confidentiality, except that such confidentiality shall not exempt the authorities budget office from disclosing such information, where appropriate, to the COMMISSION ON OFFICIAL CONDUCT [state inspector general in accordance with section fifty-five of the executive law,] or prevent disclosure to any law enforcement authority.

S 45. This act shall take effect on the first of January next succeeding the date on which it shall have become a law, provided that sections six through twenty-three and sections twenty-five through thirty-seven of this act shall take effect on the first of April next succeeding the date on which it shall have become a law.

PART F

Section 1. The election law is amended by adding a new section 14-131 to read as follows:

S 14-131. CONTRIBUTION FUNDS; FORFEITURE AFTER CRIMINAL CONVICTION. 1. ALL CONTRIBUTIONS RECEIVED BY AN ELECTED CANDIDATE FOR PUBLIC OFFICE OR AN ELECTED OFFICIAL, WHO IS CHARGED WITH A FELONY WHERE SUCH FELONY WAS DIRECTLY RELATED TO HIS OR HER SERVICE AS AN ELECTED OFFICIAL, OR OFFICER OF THE STATE OR OF A CIVIL DIVISION THEREOF, SHALL BE SUBJECT TO IMMEDIATE AUDIT AND ANY UNSPENT CONTRIBUTIONS SHALL BE SUBJECT TO FORFEITURE PROCEEDINGS UPON CONVICTION OR RESIGNATION OF SUCH ELECTED CANDIDATE.

2. THE ATTORNEY GENERAL, OR DISTRICT ATTORNEY OF THE COUNTY WHEREIN THE ELECTION OCCURRED, SHALL HAVE STANDING TO INITIATE A FORFEITURE PROCEEDING BROUGHT PURSUANT TO ARTICLE SIXTEEN OF THIS CHAPTER. TO THE EXTENT POSSIBLE, THIS SPECIAL PROCEEDING SHALL BE GOVERNED BY THE PROCEDURES OF ARTICLE THIRTEEN-A OF THE CIVIL PRACTICE LAW AND RULES SHALL GOVERN THE PROCEEDINGS AND ACTIONS UNDER THIS SECTION.

3. THE COMPTROLLER SHALL RECEIVE ANY FORFEITED UNSPENT CONTRIBUTIONS AND, TO THE EXTENT PRACTICABLE, RETURN SUCH FUNDS TO THE PRIVATE SOURCE OF SUCH FUNDS, AS LONG AS THE PRIVATE SOURCE OF SUCH FUNDS IS LOCATED WITHIN THE DISTRICT THAT IS REPRESENTED BY THE ELECTED CANDIDATE FOR PUBLIC OFFICE OR ELECTED OFFICIAL OR STATEWIDE FOR GOVERNOR, COMPTROLLER, AND ATTORNEY GENERAL. IF THE COMPTROLLER FAILS TO LOCATE THE PRIVATE SOURCE OF SUCH FUNDS, OR IF THE PRIVATE SOURCE OF SUCH FUNDS RESIDES OUTSIDE OF THE ELECTION DISTRICT THAT IS REPRESENTED BY THE ELECTED CANDIDATE FOR PUBLIC OFFICE OR ELECTED OFFICIAL OR STATEWIDE FOR GOVERNOR, COMPTROLLER, AND ATTORNEY GENERAL, THE UNSPENT CONTRIBUTIONS SHALL BE DONATED TO A CHARITABLE ORGANIZATION THAT IS, TO THE EXTENT PRACTICABLE, LOCATED IN THE ELECTION DISTRICT THAT IS REPRESENTED BY THE ELECTED CANDIDATE FOR PUBLIC OFFICE OR ELECTED OFFICIAL OR STATEWIDE FOR GOVERNOR, COMPTROLLER, AND ATTORNEY GENERAL. ANY FORFEITED UNSPENT CONTRIBUTIONS SHALL BE RETURNED TO THE PRIVATE SOURCE OF SUCH FUNDS, OR DONATED TO A CHARITABLE ORGANIZATION, WITHIN ONE HUNDRED EIGHTY DAYS OF THE RECEIPT OF SUCH FUNDS BY THE COMPTROLLER.

4. FOR THE PURPOSES OF THIS SECTION, "CHARITABLE ORGANIZATION" SHALL MEAN ANY NON-PROFIT CORPORATION ORGANIZED FOR BONA FIDE CHARITABLE OR PHILANTHROPIC PURPOSES.

5. THE COMPTROLLER SHALL PROVIDE THE GOVERNOR AND THE LEGISLATURE WITH A LIST OF CHARITABLE ORGANIZATIONS THAT ARE ELIGIBLE TO RECEIVE DONATIONS PURSUANT TO THIS SECTION. CHARITABLE ORGANIZATIONS ON SUCH LIST MAY BE DEEMED INELIGIBLE TO RECEIVE DONATIONS PURSUANT TO THIS SECTION BY THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE OR THE MINORITY LEADER OF THE ASSEMBLY.

S 2. The election law is amended by adding a new section 16-111 to read as follows:

S 16-111. PROCEEDINGS AS TO FORFEITURE OF FUNDS. THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY MAY BRING A SPECIAL PROCEEDING SEEKING TO SEIZE AND CAUSE TO BE FORFEITED THE FUNDS OF A DESIGNATED CAMPAIGN ACCOUNT AS OUTLINED IN SECTION 14-131 OF THIS CHAPTER. UPON A SHOWING OF INDICTMENT OR CRIMINAL ARRAIGNMENT, AN ACTION MAY BE INSTITUTED PURSUANT TO THIS SECTION WHICH WILL ALLOW FOR THE FREEZING OF SAID DESIGNATED CAMPAIGN ACCOUNT.

S 3. This act shall take effect immediately.

PART G

Section 1. Subdivision 1 of section 80.00 of the penal law, as amended by chapter 338 of the laws of 1989, is amended to read as follows:

1. A sentence to pay a fine for a felony shall be a sentence to pay an amount, fixed by the court, not exceeding the higher of

a. five thousand dollars; or

b. double the amount of the defendant's gain from the commission of the crime; or

c. if the conviction is for any felony defined in article two hundred twenty or two hundred twenty-one of this chapter, according to the following schedule:

(i) for A-I felonies, one hundred thousand dollars;

(ii) for A-II felonies, fifty thousand dollars;

(iii) for B felonies, thirty thousand dollars;

(iv) for C felonies, fifteen thousand dollars. When imposing a fine pursuant to the provisions of this paragraph, the court shall consider the profit gained by defendant's conduct, whether the amount of the fine

is disproportionate to the conduct in which defendant engaged, its impact on any victims, and defendant's economic circumstances, including the defendant's ability to pay, the effect of the fine upon his or her immediate family or any other persons to whom the defendant owes an obligation of support[.]; OR

D. FOR AN ABUSE OF PUBLIC TRUST CRIME, AS DEFINED IN SECTION 196.00 OF THIS CHAPTER, OR ANY OFFENSE FOR WHICH THE OFFENDER'S STATUS AS A PUBLIC SERVANT CONSTITUTES AN ELEMENT OF THE OFFENSE AS ENUMERATED IN PARAGRAPH (B) OF SUBDIVISION ONE OF SECTION 196.00 OF THIS CHAPTER, THE COURT, IN ADDITION TO ANY OTHER PENALTY WHICH MAY BE IMPOSED PURSUANT TO LAW, SHALL IMPOSE A FINE IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH A OR B OF THIS SUBDIVISION, WHICHEVER IS GREATER.

S 2. Section 195.00 of the penal law, as amended by chapter 906 of the laws of 1990, is amended to read as follows:

S 195.00 Official misconduct IN THE THIRD DEGREE.

A public servant is guilty of official misconduct IN THE THIRD DEGREE when, with intent to obtain a benefit or deprive another person of a benefit:

1. He OR SHE commits an act relating to his OR HER office but constituting an unauthorized exercise of his OR HER official functions, knowing that such act is unauthorized; or

2. He OR SHE knowingly refrains from performing a duty which is imposed upon him OR HER by law or is clearly inherent in the nature of his OR HER office.

Official misconduct IN THE THIRD DEGREE is a class [A misdemeanor] E FELONY.

S 3. The penal law is amended by adding two new sections 195.01 and 195.02 to read as follows:

S 195.01 OFFICIAL MISCONDUCT IN THE SECOND DEGREE.

A PUBLIC SERVANT IS GUILTY OF OFFICIAL MISCONDUCT IN THE SECOND DEGREE WHEN HE OR SHE COMMITS THE CRIME OF OFFICIAL MISCONDUCT IN THE THIRD DEGREE AND HE OR SHE OBTAINS ANY BENEFIT OR DEPRIVES ANOTHER PERSON OF A BENEFIT VALUED IN EXCESS OF ONE THOUSAND DOLLARS.

OFFICIAL MISCONDUCT IN THE SECOND DEGREE IS A CLASS D FELONY.

S 195.02 OFFICIAL MISCONDUCT IN THE FIRST DEGREE.

A PUBLIC SERVANT IS GUILTY OF OFFICIAL MISCONDUCT IN THE FIRST DEGREE WHEN HE OR SHE COMMITS THE CRIME OF OFFICIAL MISCONDUCT IN THE THIRD DEGREE AND HE OR SHE OBTAINS ANY BENEFIT OR DEPRIVES ANOTHER PERSON OF A BENEFIT VALUED IN EXCESS OF THREE THOUSAND DOLLARS.

OFFICIAL MISCONDUCT IN THE FIRST DEGREE IS A CLASS C FELONY.

S 4. The penal law is amended by adding a new article 196 to read as follows:

ARTICLE 196
ABUSE OF PUBLIC TRUST

SECTION 196.00 ABUSE OF PUBLIC TRUST CRIME.

S 196.00 ABUSE OF PUBLIC TRUST CRIME.

1. A PERSON COMMITS AN ABUSE OF PUBLIC TRUST CRIME WHEN HE OR SHE COMMITS A FELONY OFFENSE AND EITHER:

(A) INTENTIONALLY USES HIS OR HER POSITION AS A PUBLIC SERVANT IN A MANNER THAT SIGNIFICANTLY FACILITATES THE COMMISSION OR CONCEALMENT OF THE OFFENSE; OR

(B) ATTEMPTS, CONSPIRES OR SOLICITS ANOTHER TO COMMIT ANY FELONY, AND IN SUCH ATTEMPT, CONSPIRACY OR SOLICITATION INTENTIONALLY USES HIS OR HER POSITION AS A PUBLIC SERVANT TO SIGNIFICANTLY FACILITATE THE COMMISSION OR CONCEALMENT OF THE OFFENSE.

2. WHEN A PERSON IS CONVICTED OF AN ABUSE OF TRUST CRIME PURSUANT TO SUBDIVISION ONE OF THIS SECTION AND THE SPECIFIED OFFENSE IS A CLASS C, D OR E FELONY, THE CRIME SHALL BE DEEMED TO BE ONE CATEGORY HIGHER THAN THE SPECIFIED OFFENSE THE DEFENDANT COMMITTED, OR ONE CATEGORY HIGHER THAN THE OFFENSE LEVEL APPLICABLE TO THE DEFENDANT'S CONVICTION FOR AN ATTEMPT OR CONSPIRACY TO COMMIT A SPECIFIED OFFENSE, WHICHEVER IS APPLICABLE.

3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHEN A PERSON IS CONVICTED OF A CRIME PURSUANT TO SUBDIVISION ONE OF THIS SECTION AND THE SPECIFIED OFFENSE IS A CLASS B FELONY:

(A) THE MAXIMUM TERM OF THE INDETERMINATE SENTENCE MUST BE AT LEAST SIX YEARS IF THE DEFENDANT IS SENTENCED PURSUANT TO SECTION 70.00 OF THIS CHAPTER;

(B) THE TERM OF THE DETERMINATE SENTENCE MUST BE AT LEAST EIGHT YEARS IF THE DEFENDANT IS SENTENCED PURSUANT TO SECTION 70.02 OF THIS CHAPTER;

(C) THE TERM OF THE DETERMINATE SENTENCE MUST BE AT LEAST TWELVE YEARS IF THE DEFENDANT IS SENTENCED PURSUANT TO SECTION 70.04 OF THIS CHAPTER;

(D) THE MAXIMUM TERM OF THE INDETERMINATE SENTENCE MUST BE AT LEAST FOUR YEARS IF THE DEFENDANT IS SENTENCED PURSUANT TO SECTION 70.05 OF THIS CHAPTER; AND

(E) THE MAXIMUM TERM OF THE INDETERMINATE SENTENCE OR THE TERM OF THE DETERMINATE SENTENCE MUST BE AT LEAST TEN YEARS IF THE DEFENDANT IS SENTENCED PURSUANT TO SECTION 70.06 OF THIS CHAPTER.

4. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHEN A PERSON IS CONVICTED OF A CRIME PURSUANT TO SUBDIVISION ONE OF THIS SECTION AND THE SPECIFIED OFFENSE IS A CLASS A-1 FELONY, THE MINIMUM PERIOD OF THE INDETERMINATE SENTENCE SHALL BE NOT LESS THAN TWENTY YEARS.

S 5. Subdivision 4 of section 200.50 of the criminal procedure law, as amended by chapter 7 of the laws of 2007, is amended to read as follows:

4. A statement in each count that the grand jury, or, where the accusatory instrument is a superior court information, the district attorney, accuses the defendant or defendants of a designated offense, provided that in any prosecution under article four hundred eighty-five of the penal law, the designated offense shall be the specified offense, as defined in subdivision three of section 485.05 of the penal law, followed by the phrase "as a hate crime", and provided further that in any prosecution under section 490.25 of the penal law, the designated offense shall be the specified offense, as defined in subdivision three of section 490.05 of the penal law, followed by the phrase "as a crime of terrorism"; and provided further that in any prosecution under section 130.91 of the penal law, the designated offense shall be the specified offense, as defined in subdivision two of section 130.91 of the penal law, followed by the phrase "as a sexually motivated felony"; AND PROVIDED FURTHER THAT IN ANY PROSECUTION UNDER ARTICLE ONE HUNDRED NINETY-SIX OF THE PENAL LAW, THE DESIGNATED OFFENSE SHALL BE THE DESIGNATED FELONY OFFENSE, AS DEFINED IN SUBDIVISION TWO OF SECTION 196.00 OF THE PENAL LAW, FOLLOWED BY THE PHRASE "AS AN ABUSE OF PUBLIC TRUST CRIME"; and

S 6. Subdivision 7 of section 200.50 of the criminal procedure law is amended by adding a new paragraph (f) to read as follows:

(F) IN THE CASE OF AN ABUSE OF PUBLIC TRUST CRIME, AS DEFINED IN SECTION 196.00 OF THE PENAL LAW, SPECIFIES, AS APPLICABLE, THAT THE DEFENDANT OR DEFENDANTS COMMITTED, OR ATTEMPTED, CONSPIRED OR SOLICITED ANOTHER TO COMMIT, A FELONY AND INTENTIONALLY USED HIS OR HER POSITION AS A PUBLIC SERVANT IN A MANNER THAT SIGNIFICANTLY FACILITATED THE COMMISSION OR CONCEALMENT OF THE OFFENSE; AND

S 7. Section 200.00 of the penal law, as amended by chapter 833 of the laws of 1986, is amended to read as follows:

S 200.00 Bribery in the third degree.

A person is guilty of bribery in the third degree when he OR SHE confers, or offers or agrees to confer, any benefit upon a public servant [upon an agreement or understanding that] WITH THE INTENT TO INFLUENCE such public servant's vote, opinion, judgment, action, decision or exercise of discretion as a public servant [will thereby be influenced].

Bribery in the third degree is a class D felony.

S 8. Section 200.03 of the penal law, as amended by chapter 833 of the laws of 1986, is amended to read as follows:

S 200.03 Bribery in the second degree.

A person is guilty of bribery in the second degree when he OR SHE confers, or offers or agrees to confer, any benefit valued in excess of ten thousand dollars upon a public servant [upon an agreement or understanding that] WITH THE INTENT TO INFLUENCE such public servant's vote, opinion, judgment, action, decision or exercise of discretion as a public servant [will thereby be influenced].

Bribery in the second degree is a class C felony.

S 9. Section 200.04 of the penal law, as added by chapter 276 of the laws of 1973, is amended to read as follows:

S 200.04 Bribery in the first degree.

A person is guilty of bribery in the first degree when he OR SHE confers, or offers or agrees to confer, any benefit upon a public servant [upon an agreement or understanding that] WITH THE INTENT TO INFLUENCE such public servant's vote, opinion, judgment, action, decision or exercise of discretion as a public servant [will thereby be influenced] in the investigation, arrest, detention, prosecution or incarceration of any person for the commission or alleged commission of a class A felony defined in article two hundred twenty of [the penal law] THIS PART or an attempt to commit any such class A felony.

Bribery in the first degree is a class B felony.

S 10. Section 200.11 of the penal law, as added by chapter 833 of the laws of 1986, is amended to read as follows:

S 200.11 Bribe receiving in the second degree.

A public servant is guilty of bribe receiving in the second degree when he OR SHE solicits, accepts or agrees to accept any benefit valued in excess of [ten] FIVE thousand dollars from another person [upon an agreement or understanding that] WITH THE INTENT THAT his OR HER vote, opinion, judgment, action, decision or exercise of discretion as a public servant will thereby be influenced.

Bribe receiving in the second degree is a class C felony.

S 11. Section 200.12 of the penal law, as added by chapter 276 of the laws of 1973, is amended to read as follows:

S 200.12 Bribe receiving in the first degree.

A public servant is guilty of bribe receiving in the first degree when he OR SHE solicits, accepts or agrees to accept any benefit VALUED IN EXCESS OF TEN THOUSAND DOLLARS from another person [upon an agreement or understanding that] WITH THE INTENT THAT his OR HER vote, opinion, judgment, action, decision or exercise of discretion as a public servant will thereby be influenced OR HE OR SHE SOLICITS, ACCEPTS OR AGREES TO ACCEPT ANY BENEFIT FROM ANOTHER PERSON WITH THE INTENT THAT HIS OR HER VOTE, OPINION, JUDGMENT, ACTION, DECISION OR EXERCISE OF DISCRETION AS A PUBLIC SERVANT WILL THEREBY BE INFLUENCED in the investigation, arrest, detention, prosecution or incarceration of any person for the commission or alleged commission of a class A felony defined in article two hundred

twenty of [the penal law] THIS PART or an attempt to commit any such class A felony.

Bribe receiving in the first degree is a class B felony.

S 12. Section 200.45 of the penal law is amended to read as follows:

S 200.45 Bribe giving for public office.

A person is guilty of bribe giving for public office when he OR SHE confers, or offers or agrees to confer, any money or other property upon a public servant or a party officer [upon an agreement or understanding that] WITH THE INTENT THAT some person will or may be appointed to a public office or designated or nominated as a candidate for public office.

Bribe giving for public office is a class D felony.

S 13. Section 200.50 of the penal law is amended to read as follows:

S 200.50 Bribe receiving for public office.

A public servant or a party officer is guilty of bribe receiving for public office when he OR SHE solicits, accepts or agrees to accept any money or other property from another person [upon an agreement or understanding that] WITH THE INTENT THAT some person will or may be appointed to a public office or designated or nominated as a candidate for public office.

Bribe receiving for public office is a class D felony.

S 14. The penal law is amended by adding a new article 201 to read as follows:

ARTICLE 201

FAILURE TO REPORT CORRUPTION

SECTION 201.00 FAILURE TO REPORT CORRUPTION.

S 201.00 FAILURE TO REPORT CORRUPTION.

1. A PUBLIC SERVANT IS GUILTY OF FAILURE TO REPORT CORRUPTION WHEN:

(A) A PUBLIC SERVANT KNOWS THAT ANOTHER PERSON OR PUBLIC SERVANT IS GUILTY OF OFFICIAL MISCONDUCT PURSUANT TO ARTICLE ONE HUNDRED NINETY-FIVE OF THIS TITLE; COMMITS AN ABUSE OF PUBLIC TRUST CRIME PURSUANT TO ARTICLE ONE HUNDRED NINETY-SIX OF THIS TITLE; OR IS GUILTY OF BRIBERY OR BRIBE RECEIVING PURSUANT TO ARTICLE TWO HUNDRED OF THIS TITLE; AND

(B) SUCH PUBLIC SERVANT DOES NOT, AS SOON AS REASONABLY PRACTICABLE, REPORT SUCH CRIME TO A DISTRICT ATTORNEY OR TO THE COMMISSION ON OFFICIAL MISCONDUCT.

2. ANY PUBLIC SERVANT WHO MAKES A REPORT PURSUANT TO THIS SECTION SHALL NOT BE SUBJECT TO DISMISSAL, DISCIPLINE OR OTHER PERSONNEL ACTION AS A RESULT OF MAKING SUCH REPORT.

FAILURE TO REPORT CORRUPTION IS A CLASS A MISDEMEANOR.

S 15. Subdivision 4 of section 17-158 of the election law is amended to read as follows:

4. Makes any gift, promise or contribution to any person, upon the condition or consideration of receiving an appointment or election to a public office or a position of public employment, or for receiving or retaining any such office or position, or promotion, privilege, increase of salary or compensation therein, or exemption from removal or discharge therefrom, is guilty of a CLASS D felony.

S 16. This act shall take effect on the one hundred twentieth day after it shall have become a law.

PART H

Section 1. Section 14-130 of the election law, as added by chapter 152 of the laws of 1985, is amended to read as follows:

S 14-130. Campaign funds for personal use. 1. Contributions received by a candidate or a political committee may be expended for any lawful purpose THAT IS DIRECTLY RELATED TO PROMOTING THE NOMINATION OR ELECTION OF A CANDIDATE. Such funds shall not be converted by any person to a personal use [which is unrelated to a political campaign or the holding of a public office or party position].

2. (A) AS USED IN THIS SECTION, EXPENDITURES FOR "PERSONAL USE" ARE DEFINED AS EXPENDITURES THAT:

(I) ARE FOR THE PERSONAL BENEFIT OF THE CANDIDATE OR ANY OTHER INDIVIDUAL;

(II) DEFRAY NORMAL LIVING EXPENSES OF THE CANDIDATE, IMMEDIATE FAMILY OF THE CANDIDATE, OR ANY OTHER INDIVIDUAL;

(III) ARE USED TO FULFILL ANY COMMITMENT, OBLIGATION, OR EXPENSE OF A PERSON THAT WOULD EXIST IRRESPECTIVE OF THE CANDIDATE'S ELECTION CAMPAIGN;

(IV) ARE PUT TO ANY USE FOR WHICH THE CANDIDATE WOULD BE REQUIRED TO TREAT THE AMOUNT OF THE EXPENDITURE AS GROSS INCOME UNDER SECTION SIXTY-ONE OF THE INTERNAL REVENUE CODE, OR ANY SUBSEQUENT CORRESPONDING SECTION OF THE INTERNAL REVENUE CODE OF THE UNITED STATES.

(B) EXPENDITURES FOR PERSONAL USE SHALL INCLUDE, BUT ARE NOT LIMITED TO, EXPENSES FOR THE FOLLOWING THAT ARE NOT RELATED TO CAMPAIGN PURPOSES OR ACTIVITIES:

(I) CRIMINAL ATTORNEY OR LEGAL FEES;

(II) FOOD;

(III) SALARY PAYMENTS TO A PERSON OR A FAMILY MEMBER;

(IV) AUTOMOBILE PURCHASES OR LEASES;

(V) TRAVEL AND MILEAGE;

(VI) RESIDENTIAL OR HOUSEHOLD ITEMS;

(VII) MORTGAGE, RENT, OR UTILITY PAYMENTS;

(VIII) FUNERAL, CREMATION, OR BURIAL;

(IX) CLOTHING;

(X) TUITION PAYMENTS;

(XI) CHILDCARE;

(XII) DUES, FEES, OR GRATUITIES AT A COUNTRY CLUB, HEALTH CLUB, FRATERNAL ORGANIZATION OR PROFESSIONAL ORGANIZATION OR RECREATIONAL FACILITY;

(XIII) ADMISSION TO A SPORTING EVENT, CONCERT, THEATER, OR OTHER FORM OF ENTERTAINMENT;

(XIV) PAYMENT OF ANY FINES, FEES, OR PENALTIES; AND

(XV) ANY OTHER EXPENDITURE DESIGNATED BY THE COMMISSION ON OFFICIAL CONDUCT AS CONSTITUTING PERSONAL USE.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.

PART I

Section 1. Section 14-126 of the election law, as amended by section 3 of part E of chapter 399 of the laws of 2011, is amended to read as follows:

S 14-126. Violations; penalties. 1. Any person who fails to file a statement required to be filed by this article shall be subject to a civil penalty, not in excess of one thousand dollars, to be recoverable in a special proceeding or civil action to be brought by the state board of elections [or], other board of elections OR BY THE COMMISSION ON OFFICIAL CONDUCT. Any person who, three or more times within a given election cycle for such term of office, fails to file a statement or

statements required to be filed by this article, shall be subject to a civil penalty, not in excess of ten thousand dollars, to be recoverable as provided for in this subdivision.

2. Any person who, acting as or on behalf of a candidate or political committee, under circumstances evincing an intent to violate such law, unlawfully accepts a contribution in excess of a contribution limitation established in this article, shall be required to refund such excess amount and shall be subject to a civil penalty equal to the excess amount plus a fine of up to ten thousand dollars, to be recoverable in a special proceeding or civil action to be brought by the state board of elections.

3. (A) Any person who knowingly and willfully fails to file a statement required to be filed by this article within ten days after the date provided for filing such statement or any person who knowingly and willfully violates any other provision of this article shall be guilty of a misdemeanor.

(B) ANY CANDIDATE OR PERSON ACTING AS OR ON BEHALF OF A CANDIDATE OR POLITICAL COMMITTEE WHO KNOWINGLY AND WILLFULLY FAILS TO FILE A STATEMENT REQUIRED TO BE FILED BY THIS ARTICLE WITHIN THIRTY DAYS AFTER THE DATE PROVIDED FOR FILING SUCH STATEMENT, UNLESS GRANTED AN EXTENSION BY THE STATE BOARD OF ELECTIONS OR OTHER BOARD OF ELECTIONS, SHALL BE SUBJECT TO A CIVIL PENALTY OF ONE THOUSAND DOLLARS FOR THE FIRST OFFENSE AND TWO THOUSAND FIVE HUNDRED DOLLARS FOR THE SECOND OFFENSE AND EVERY OFFENSE COMMITTED THEREAFTER TO BE RECOVERABLE IN A SPECIAL PROCEEDING OR CIVIL ACTION TO BE BROUGHT BY THE COMMISSION ON OFFICIAL CONDUCT. CANDIDATES SHALL BE PLACED ON NOTICE BY THE BOARD OF ELECTIONS, AND WILL BE LIABLE FOR ANY CRIMINAL OR CIVIL PENALTIES FOR THE TREASURER'S FAILURE TO FILE REQUIRED DISCLOSURE REPORTS.

4. Any person who knowingly and willfully contributes, accepts or aids or participates in the acceptance of a contribution in an amount exceeding an applicable maximum specified in this article shall be guilty of a misdemeanor.

5. Any person who shall, acting on behalf of a candidate or political committee, knowingly and willfully solicit, organize or coordinate the formation of activities of one or more unauthorized committees, make expenditures in connection with the nomination for election or election of any candidate, or solicit any person to make any such expenditures, for the purpose of evading the contribution limitations of this article, shall be guilty of a class E felony.

S 2. This act shall take effect immediately.

PART J

Section 1. The legislative law is amended by adding a new section 5-b to read as follows:

S 5-B. LIMITS ON TIME A LEGISLATOR MAY SERVE AS A LEGISLATIVE LEADER. NO MEMBER OF THE LEGISLATURE MAY BE ELECTED TO SERVE MORE THAN FOUR CONSECUTIVE TWO YEAR TERMS AS THE TEMPORARY PRESIDENT OF THE SENATE, MINORITY LEADER OF THE SENATE, SPEAKER OF THE ASSEMBLY, MINORITY LEADER OF THE ASSEMBLY OR THE CHAIRPERSON OF ANY SENATE OR ASSEMBLY COMMITTEE.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.

S 3. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in

its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

S 4. This act shall take effect immediately; provided, however, that the applicable effective dates of Parts A through J of this act shall be as specifically set forth in the last section of such Parts.