

House No. 95

Message from His Excellency the Governor recommending legislation relative to improving the laws relating to ethics and lobbying.

The Commonwealth of Massachusetts



EXECUTIVE DEPARTMENT
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DEVAL L. PATRICK
GOVERNOR

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LIEUTENANT GOVERNOR

January 7, 2009

To the Honorable Senate and House of Representatives:

I am filing for your consideration the attached bill entitled, “An Act to Improve the Laws Relating to Ethics and Lobbying.”

This proposed legislation is the culmination of 60 days of thoughtful and diligent work by the Task Force on Public Integrity, a 13-member bi-partisan group which included my Chief Legal Counsel, eight members of the public, and four legislators representing the Senate and House Ethics Committees. The Task Force was charged with proposing specific recommendations to improve the Commonwealth’s ethics and lobbying laws. The bill incorporates input from experts as well as the public.

The Task Force identified significant gaps and weaknesses in the mechanisms for investigating and enforcing the ethics and lobbying rules, the laws defining the obligations of lobbyists, the penalties imposed for violations, and the education requirements for government employees and lobbyists. This bill includes a series of proposals to strengthen investigative and enforcement authority, improve the lobbying laws, enhance penalties, and impose education and training requirements.

Under this bill, the State Ethics Commission is empowered to promulgate rules and regulations, to issue mandatory summonses, and to share information with other agencies responsible for enforcing other state laws relating to public integrity.

The bill empowers the Secretary of State with the authority to issue regulations and implement the lobbying laws, to issue mandatory summonses, and to impose fines and other sanctions. It also directs the Secretary to, upon request, issue confidential, binding advisory opinions providing guidance on the lobbying laws.

The bill provides the Attorney General with several investigative and enforcement tools, including the authority to make consensual recordings of conversations in public corruption cases, to seek penalties for a new statutory obstruction of justice offense, and to convene a statewide grand jury. In addition, the bill creates a new criminal offense prohibiting persons from fraudulently violating or causing another to violate the standards of conduct provisions of the conflict of interest law.

This bill also strengthens and clarifies the lobbying laws. Specifically, the bill includes improved definitions of executive and legislative agents, a definition of lobbying that includes acts done in preparation for a communication to influence a government employee, a revolving door provision that applies to the executive branch, and clearer reporting requirements.

The existing civil and criminal penalties for violations of the ethics and lobbying laws are inadequate for effective enforcement and deterrence. In both areas, the laws have not been updated in decades and include maximum civil and criminal sanctions that are far below those that apply in the federal system and in many other states and are inadequate to reflect the Commonwealth's necessary commitment to integrity in our public officials and our government. Accordingly, this bill calls for tougher penalties, including increases in the maximum fines and prison terms for bribery and the full range of other ethics and lobbying related offenses.

In both the areas of ethics and lobbying, there are insufficient mechanisms in place to ensure that those who must comply with rules have a necessary understanding of what those rules require and what steps they can take to ensure their own compliance. Accordingly, this bill includes recommendations to address this deficiency through mandatory education. The bill requires the Ethics Commission to provide all government employees with information concerning the ethics laws, and to provide a mandatory online training course for state employees. The Secretary of State will be required to provide all lobbyists with training on the lobbying laws.

The attached summary describes each section of the proposed legislation.

Now is the time to assure ourselves and the public that preserving integrity in our government is one of our highest priorities and that the consequences for breaching the public trust will be serious, swift and certain. I urge your prompt and favorable action on this bill.

Sincerely,

DEVAL L. PATRICK,
Governor.

SUMMARY OF LEGISLATION

SECTIONS 1 & 2. Amends section 39 of chapter 3 to update the definitions of “legislative agent” and “executive agent” to include the terms “legislative lobbying” and “executive lobbying” and to reduce the amount of permissible incidental lobbying from 50 hours or \$5,000 in any 6-month reporting period to 10 hours or \$2,500 in any 3-month reporting period.

SECTIONS 3 & 4. Amends section 39 of chapter 3 to add definitions of “legislative lobbying” and “executive lobbying” that include municipal lobbying connected to state lobbying and acts done in preparation for an actual communication with a government employee.

SECTION 5. Amends section 39 of chapter 3 to update the definition of “client” to include persons, corporations, partnerships, associations, and other entities.

SECTION 6 & 65. Amends section 41 of chapter 3 to require all legislative and executive agents to annually complete a certification course offered by the Secretary of State’s Office prior to registering as a legislative or executive agent.

SECTION 7. Amends section 41 of chapter 3 to require the Secretary of State to issue each legislative and executive agent a license every year.

SECTION 8. Amends section 41 of chapter 3 to direct the Secretary of State to enact regulations to implement the lobbying laws, and to provide confidential, binding advisory opinions.

SECTION 9, 13 & 15. Amends sections 43, 44, and 37 of chapter 3 to require lobbying reports filed by legislative and executive agents, lobbyist organizations, and employers of legislative and executive agents to be filed quarterly.

SECTION 10 & 16. Amends sections 43 and 47 of chapter 3 to require all executive and legislative agents to file reports, regardless of whether they are registered and their names appear on the docket.

SECTION 11. Amends section 43 of chapter 3 to update the information that must be reported by legislative and executive agents to include: the identification of the client for whom the agent provided lobbying services; the legislative bills or government action that the agent sought to influence; the position the agent took on each bill or government action; the amount of compensation the agent received; and business associations the agent has with public officials.

SECTION 12 & 17. Amends sections 43 and 47 of chapter 3 to increase the penalty applicable to legislative and executive agents and employers of legislative and executive agents who file late statements from \$250 if the statement is less than 10 days late or \$500 if the statement is more than 10 days late to \$50 per day for the first 20 days late and \$100 per day for every day after the twentieth day.

SECTION 14. Amends section 45 of chapter 3 to provide the Secretary of State with civil enforcement authority over the lobbying laws, including authority to subpoena documents and

testimony; conduct adjudicatory proceedings; impose civil fines of up to \$10,000 per violation; and suspend and revoke a violator's license.

SECTION 18. Amends section 48 of chapter 3 to increase the criminal penalty for violating the lobbying laws from a fine of not less than \$100 and not more than \$5,000, to a fine of up to \$10,000, or up to 5 years imprisonment in a state prison, or up to 2 1/2 years in a house of correction, or both.

SECTION 19. Amends section 49 of chapter 3 to provide the Attorney General with civil enforcement authority over violations of registration, filing fee, identification card requirements, and violations concerning improper agreements to influence decisions of executive branch employees or legislation.

SECTION 20. Adds a new section 13E to chapter 268 providing penalties of up to \$25,000, or up to 10 years imprisonment in a state prison, or up to 2 1/2 years in a house of correction, or both for obstruction of justice.

SECTION 21. Amends section 2 of chapter 268A to increase the maximum criminal penalty for giving or receiving a bribe to influence an official act from a fine of \$5,000, or 3 years imprisonment in a state prison (or 2 1/2 years in a house of correction), or both to a fine of up to \$100,000, or up to 10 years imprisonment in a state prison (or up to 2 1/2 years in a house of correction), or both.

SECTIONS 22 & 24. Amends section 3 of chapter 268A to clearly prohibit gratuities of substantial value given to a state, county, or municipal employee for or because of the employee's official position. The Commission is required to adopt regulations to define substantial value (which shall not be less than \$50) and establish exceptions where the circumstances do not present a genuine risk of a conflict or appearance of a conflict.

SECTIONS 23, 25, 28-31, 33-36, 38-41. Amends sections 3 to 8, 11 to 14, and 17 to 20 of chapter 268A to increase the penalties for gifts and gratuities, receiving compensation for state action, revolving door violations, participation in a matter in which employee has a financial interest, financial interest in the contract of a state agency, and directing a bidder to a particular insurer on public building or construction contract from a maximum of \$3,000, or 2 years imprisonment in a state prison (or 2 1/2 years in a house of correction), or both (a maximum of \$5,000, or 2 years imprisonment in a state prison (or 2 1/2 years in a house of correction), or both for directing a bidder to a particular insurer) to a maximum of \$10,000, 5 years imprisonment in a state prison (or 2 1/2 years in a house of correction), or both.

SECTIONS 26, 27, 47, 48 & 59. Amends section 5(e) of chapter 268A and section 1 of chapter 268B to include executive agents and executive lobbying to the revolving door provisions.

SECTIONS 32, 37 & 42. Amends sections 9, 15, and 21 of chapter 268A to allow the Commission to recover, after an adjudicatory proceeding, the amount of the economic advantage resulting from a violation or restitution up to \$25,000 without filing a separate lawsuit. The violator may obtain review of the Commission's decision in Superior Court.

SECTION 43. Amends section 23 of chapter 268A to give the Commission jurisdiction over false claims by government employees.

SECTION 45. Amends chapter 268A to add section 26 to impose criminal penalties for fraudulently violating section 23(b)(1), (2) or 23(c) or, with fraudulent intent, causing another person to violate section 23(b)(1), (2) or 23(c), of a fine of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or by both such fine and imprisonment.

SECTIONS 44, 46, 66 & 67. Amends chapter 268A to add sections 27 to 29 to provide that all government employees receive a summary of the conflict of interest laws from the Ethics Commission within 30 days of becoming a government employee and every year thereafter (with a 90-day transition period for current employees); to provide that the Ethics Commission establish an online training program on the conflict of interest laws and that all government employees must take the online training program within 30 days of becoming a government employee and every 2 years thereafter (with a 90-day transition period for current employees); and to provide that each municipality designate a senior level employee to serve as its liaison to the Ethics Commission and that the Ethics Commission develop a certification program for municipalities and provide training to the designated liaisons.

SECTION 49. Amends section 2 of chapter 268B to provide that the Commission will be guaranteed an annual base budget of no less than the preceding year.

SECTION 50. Amends section 2(m) of chapter 268B to authorize the Secretary of State and the Inspector General to provide personnel and other assistance to the Commission, just as the State Police, the State Auditor, the Comptroller, the Attorney General, and the Director of OCPF are currently authorized to do.

SECTION 51. Amends section 3(a) of chapter 268B to provide the Ethics Commission with rulemaking authority to implement the conflict of interest laws.

SECTION 52. Amends section 4 of chapter 268B to expand the Commission's authority to share information with the offices of: the Attorney General, the United States Attorney, the District Attorney, the Inspector General, the Secretary of State, and the Office of Campaign and Political Finance.

SECTION 53. Amends section 4(c) of chapter 268B to include a 5 year statute of limitations for ethics violations, beginning from the date the Commission learns of the violation. Notwithstanding the 5 year statute of limitations, the Commission is prohibited from bringing any action for a violation that occurred more than 6 years from the date of the most recent alleged misconduct.

SECTION 54. Amends section 4(d) of chapter 268B to mandate compliance with summonses issued by the Ethics Commission and allow the recipient to seek a court order quashing the summons.

SECTION 55. Amends section 4(j)(3) of chapter 268B to increase the penalty for a civil violation of any conflict of interest law other than bribery or any financial disclosure law from a maximum of \$2,000 per violation to a maximum of \$10,000 per violation. The civil penalty for bribery is increased to \$25,000.

SECTIONS 56 & 57. Amends sections 4(j) and 4(k) of chapter 268B to clarify that the Ethics Commission's authority to file an action in Superior Court to enforce an order and the Superior Court's ability to review the order applies to orders issued in accordance with chapter 268A in addition to chapter 268B.

SECTION 58. Amends section 4 of chapter 268 B to allow the Attorney General, along with the Ethics Commission, to civilly enforce the conflict of interest laws.

SECTION 60. Amends section 6 of chapter 268B to conform to the existing gift prohibition in the lobbying laws by prohibiting gifts from legislative or executive agents to government officials or employees.

SECTIONS 61 & 62. Amends section 7 of chapter 268B to increase the penalty for willfully making false statements in a proceeding before the Ethics Commission or for willfully filing a materially false SFI from a maximum of a \$1,000 fine, or 3 years imprisonment in a state prison or 2 1/2 years in a house of correction, or both to a maximum of a \$10,000 fine, 5 years imprisonment in a state prison or 2 1/2 years in a house of correction, or both.

SECTION 63. Amends section 99 of chapter 272 to allow one-party consent monitoring and recording of conversations with judicial approval in state corruption cases.

SECTION 64. Adds a new chapter 277A to provide for a statewide grand jury with jurisdiction throughout Massachusetts.

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT IMPROVING THE LAWS RELATING TO ETHICS AND LOBBYING.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 39 of chapter 3 of the General Laws, as appearing in the 2006 Official Edition, is
2 hereby amended by striking out the definition of “Executive agent” and inserting in place thereof the
3 following definition:-

4 “Executive agent”, a person who for compensation or reward engages in executive lobbying, which
5 includes at least one communication with a government employee. The term “executive agent” shall
6 include a person who, as part of his regular and usual business or professional activities and not simply
7 incidental thereto, engages in executive lobbying, whether or not any compensation in addition to the
8 salary for such activities is received for such services. For the purposes of this definition a person shall be
9 presumed to engage in activity covered by this definition in a manner that is simply incidental to his
10 regular and usual business or professional activities if he: (i) engages in any activity or activities covered
11 by this definition for not more than 10 hours during any reporting period; and (ii) receives less than
12 \$2,500 during any reporting period, for any activity or activities covered by this definition.

13 SECTION 2. Section 39 of chapter 3, as so appearing, is hereby further amended by striking out the
14 definition of “Legislative agent” and inserting in place thereof the following definition:-

15 “Legislative agent”, a person who for compensation or reward engages in legislative lobbying, which
16 includes at least one communication with a government employee. The term “legislative agent” shall
17 include a person who, as part of his regular and usual business or professional activities and not simply
18 incidental thereto, engages in legislative lobbying, whether or not any compensation in addition to the
19 salary for such activities is received for such services. For purposes of this definition a person shall be
20 presumed to engage in activity covered by this definition in a manner that is simply incidental to his

21 regular and usual business or professional activities if he: (i) engages in any activity or activities covered
22 by this definition for not more than 10 hours during any reporting period; and (ii) receives less than
23 \$2,500 during any reporting period, for any activity or activities covered by this definition.

24 SECTION 3. Section 39 of chapter 3, as so appearing, is hereby further amended by inserting after the
25 definition of “Executive agent” the following definition:-

26 “Executive lobbying,” any act to influence or to attempt to influence the decision of any officer or
27 employee of the executive branch or an authority, including but not limited to statewide constitutional
28 officers and employees thereof, where such decision concerns legislation or the adoption, defeat or
29 postponement of a standard, rate, rule or regulation pursuant thereto, or any act to communicate directly
30 with a covered executive official to influence a decision concerning policy or procurement. The term
31 includes acts to influence or attempt to influence the decision of any officer or employee of a city or town
32 when those acts are intended to carry out a common purpose with executive lobbying at the state level;
33 and includes strategizing, planning, research, and other background work only if performed in connection
34 with or for use in an actual communication with a government employee for purposes of the acts
35 described in this definition.

36 SECTION 4. Section 39 of chapter 3, as so appearing, is hereby further amended by inserting after the
37 definition of “Legislative agent” the following definition:-

38 “Legislative lobbying,” any act to promote, oppose or influence legislation, or to promote, oppose or
39 influence the governor’s approval or veto thereof. Acts to influence legislation shall include, without
40 limitation, any action to influence the introduction, sponsorship, consideration, action or nonaction with
41 respect to any legislation. The term includes acts to influence or attempt to influence the decision of any
42 officer or employee of a city or town when those acts are intended to carry out a common purpose with
43 legislative lobbying at the state level; and includes strategizing, planning, research, and other background
44 work only if performed in connection with or for use in an actual communication with a government
45 employee for purposes of the acts described in this definition.

46 SECTION 5. Section 39 of chapter 3, as so appearing, is hereby further amended by striking out the
47 definition of “Client” and inserting in place thereof the following definition:-

48 “Client”, any person, corporation, partnership, association, or other entity that contracts with another
49 person, corporation, partnership, association, or other entity to receive lobbying services.

50 -----SECTION 6. Section 41 of chapter 3, as so appearing, is hereby amended by inserting after
51 the first paragraph the following paragraph:-

52 The state secretary shall offer educational seminars on the requirements of sections 39 to 50, inclusive, for
53 all legislative agents and executive agents. The seminars shall be conducted in-person or offered online
54 through the state secretary's website. All new legislative and executive agents, as defined by section 39,
55 shall, before registering with the state secretary, and every year thereafter, complete an in-person or
56 online seminar offered by the state secretary. Completion of the in-person or online seminar shall be a
57 requirement for annual registration with the state secretary. If requested by the state secretary, the
58 commonwealth, acting through the superintendent of the state bureau of office buildings, shall provide, at
59 no cost to the state secretary, suitable facilities for such seminars. The state secretary shall adopt
60 regulations for implementing this section.

61 SECTION 7. The last paragraph of section 41 of chapter 3, as so appearing, is hereby amended by
62 striking out the first sentence and inserting in place thereof the following 3 sentences:- Upon registration,
63 the state secretary shall issue to each legislative agent and executive agent a license which shall entitle the
64 holder to act as an executive or legislative agent for a client that has filed a registration statement under
65 this section. A nontransferable identification card shall evidence this license and shall include the agent's
66 name and photograph. Each license shall expire on December 31 of each year, unless sooner suspended
67 or revoked under section 45.

68 SECTION 8. Section 41 of chapter 3, as so appearing, is hereby further amended by adding the following
69 2 paragraphs:-

70 The state secretary shall adopt regulations under chapter 30A to carry out sections 39 to 50, inclusive.

71 The state secretary shall, upon written request from a person who is or may be subject to sections 39 to
72 50, inclusive, render advisory opinions on the requirements of those sections. An opinion rendered by the
73 state secretary, until and unless amended or revoked, shall be a defense in a criminal action brought under
74 sections 39 to 50, inclusive, and shall be binding on the state secretary and the attorney general in any
75 subsequent proceedings concerning the person who requested the opinion and who acted in good faith,
76 unless material facts were omitted or misstated by the person in the request for an opinion. Such requests
77 shall be confidential; but the state secretary may publish such opinions if the name of the requesting
78 person and any other identifying information is not included in such publication unless the requesting
79 person consents to such inclusion.

80 SECTION 9. Section 43 of chapter 3, as so appearing, is hereby further amended by striking out, in lines
81 1 to 3, the words "On or before the fifteenth day of July, complete from January first through June
82 thirtieth; and the fifteenth day of January, complete from July first to December thirty-first of the
83 preceding year" and inserting in place thereof the following words:- On or before April 15, complete from
84 January 1 through March 31; on or before July 15, complete from April 1 through June 30; on or before

85 October 15, complete from July 1 through September 30; and on or before January 15, complete from
86 October 1 to December 31 of the preceding year.

87 SECTION 10. Section 43 of chapter 3, as so appearing, is hereby amended by striking out, in line 4, the
88 words “appearing on the docket”.

89 SECTION 11. Section 43 of chapter 3, as so appearing, is hereby further amended by striking out the
90 third paragraph and inserting in place thereof the following 2 paragraphs:-

91 Every executive and legislative agent shall include in the statement required by this section for the
92 relevant reporting period: (1) the identification of each client for whom the legislative or executive agent
93 provided lobbying services; (2) a list of all bill numbers of legislation and other governmental action that
94 the executive or legislative agent acted to promote, oppose or influence; (3) a statement of the executive
95 or legislative agent’s position on each such bill or other governmental action; (4) the identification of the
96 client or clients on whose behalf the executive or legislative agent was acting with respect to each such
97 bill or governmental action; and (5) the amount of compensation received for executive or legislative
98 lobbying from each client with respect to each such bill or action. The disclosure shall be required
99 regardless of whether the executive or legislative agent specifically referenced the bill number or other
100 governmental action while acting to promote, oppose or influence legislation, and shall be as complete as
101 practicable.

102 Every executive and legislative agent shall also include in the statement required by this section all direct
103 business associations with public officials.

104 SECTION 12. The fourth paragraph of section 43 of chapter 3, as so appearing, is hereby amended by
105 striking out the second sentence and inserting in place thereof the following sentence:- This penalty shall
106 be in the amount of \$50 per day up to the twentieth day and an additional \$100 per day for every day after
107 the twentieth day until the statement is filed. The state secretary may waive the above penalties for good
108 cause.

109 SECTION 13. Section 44 of chapter 3, as so appearing, is hereby amended by striking out, in lines 1 to 3,
110 the words “On or before the fifteenth day of July, complete from January first through June thirtieth; and
111 the fifteenth day of January, complete from July first to December thirty-first of the preceding year” and
112 inserting in place thereof the following words:- On or before April 15, complete from January 1 through
113 March 31; on or before July 15, complete from April 1 through June 30; on or before October 15,
114 complete from July 1 through September 30; and on or before January 15, complete from October 1 to
115 December 31 of the preceding year.

116 SECTION 14. Chapter 3 of the General Laws is hereby further amended by striking out section 45 and
117 inserting in place thereof the following section:-

118 Section 45. (a) Upon receipt of a sworn complaint signed under pains and penalties of perjury, or upon
119 receipt of evidence which is deemed sufficient by the state secretary, the state secretary shall initiate a
120 preliminary inquiry into any alleged violation of sections 39 to 50, inclusive, of this chapter. At the
121 beginning of a preliminary inquiry into any such alleged violation, the state secretary shall notify the
122 attorney general of such action. All proceedings and records relating to a preliminary inquiry or initial
123 staff review to determine whether to initiate an inquiry shall be confidential, except that the state secretary
124 may provide to: (1) the attorney general, the United States Attorney or a district attorney of competent
125 jurisdiction evidence which may be used in a criminal proceeding; (2) the inspector general information
126 concerning fraud, waste, or abuse in the expenditure of public funds; (3) the state ethics commission
127 concerning violations of chapters 268A and 268B; and (4) the director of the office of campaign and
128 political finance information concerning violations of chapter 55. Any information provided by the state
129 secretary pursuant to this section shall be confidential in accordance with this section and section 4 of
130 chapter 268B, except that such information may be used by the officer or agency to whom it was provided
131 in any investigation or subsequent proceedings. The state secretary shall notify any person who is the
132 subject of the preliminary inquiry of the existence of such inquiry and the general nature of the alleged
133 violation within 30 days of the commencement of the inquiry.

134 (b) If a preliminary inquiry fails to indicate reasonable cause for belief that any provision of sections 39 to
135 50, inclusive, of this chapter has been violated, the state secretary shall immediately terminate the inquiry
136 and so notify, in writing, the complainant, if any, and the person who had been the subject of the inquiry.

137 (c) If a preliminary inquiry indicates reasonable cause for belief that any provision of sections 39 to 50,
138 inclusive, of this chapter has been violated, the state secretary may initiate an adjudicatory proceeding to
139 determine whether there has been such a violation.

140 (d) The state secretary may require by summons the attendance and testimony of witnesses and the
141 production of books, papers and other records relating to any matter being investigated by it pursuant to
142 this chapter. Such summons may be issued by the state secretary and shall be served in the same manner
143 as summonses for witnesses in civil cases, and all provisions of law relative to summonses issued in such
144 cases, including the compensation of witnesses, shall apply to summonses issued by the state secretary.
145 Such summonses shall have the same force, and be obeyed in the same manner, and under the same
146 penalties in case of default, as if issued by order of a justice of the superior court and may be quashed
147 only upon motion of the summonsed party and by order of a justice of the superior court .

148 (e) The state secretary or his designee may administer oaths and may hear testimony or receive other
149 evidence in any proceeding.

150 (f) All testimony in an adjudicatory proceeding shall be under oath. All parties shall have the right to call
151 and examine witnesses, to introduce exhibits, to cross-examine witnesses who testify, to submit evidence,
152 and to be represented by counsel. Before testifying, all witnesses shall be given a copy of the regulations
153 governing adjudicatory proceedings. All witnesses shall be entitled to be represented by counsel.

154 (g) Any person whose name is mentioned during an adjudicatory proceeding of the state secretary and
155 who may be adversely affected thereby may appear personally before the state secretary on his own
156 behalf, with or without an attorney, to give a statement in opposition to such adverse mention or file a
157 written statement of such opposition for incorporation into the record of the proceeding.

158 (h) All hearings in adjudicatory proceedings of the state secretary carried out pursuant to the provisions of
159 this section shall be public.

160 (i) Within 30 days after completion of deliberations, the state secretary shall publish a written report of his
161 findings and conclusions.

162 (j) Upon a finding pursuant to an adjudicatory proceeding that there has been a violation of this chapter,
163 the state secretary may issue an order:

164 (1) requiring the violator to cease and desist such violation of sections 39 to 50, inclusive, of this
165 chapter;

166 (2) requiring the violator to file any report, statement or other information as required by sections 39
167 to 50, inclusive, of this chapter;

168 (3) suspending for a specified period or revoking the license and registration of the violator; or

169 (4) requiring the violator to pay a civil penalty of not more than \$10,000 for each violation of this
170 chapter.

171 The state secretary may file a civil action in superior court to enforce this order.

172 (k) Final action by the state secretary under this section shall be subject to review in superior court upon
173 petition of any party in interest filed within 30 days after the action for which review is sought. The court
174 shall enter a judgment enforcing, modifying, or setting aside the order of the state secretary, or it may
175 remand the proceedings to the state secretary for such further action as the court may direct. If the court
176 modifies or sets aside the state secretary's order or remands the proceedings to the state secretary, the
177 court shall determine whether such modification, set aside, or remand is substantial. If the court does find
178 such modification, set aside, or remand to be substantial, the petitioner shall be entitled to be reimbursed
179 from the treasury of the commonwealth for reasonable attorneys' fees and all court costs incurred by him

180 in the defense of the charges contained in the proceedings. The amount of such reimbursement shall be
181 awarded by the court but shall not exceed \$20,000 per person, per case.

182 SECTION 15. Section 47 of chapter 3, as so appearing, is hereby amended by striking out, in lines 1 to 3,
183 the words “On or before the fifteenth day of July, complete from January first through June thirtieth; and
184 the fifteenth day of January, complete from July first to December thirty-first of the preceding year” and
185 inserting in place thereof the following words:- On or before April 15, complete from January 1 through
186 March 31; on or before July 15, complete from April 1 through June 30; on or before October 15,
187 complete from July 1 through September 30; and on or before January 15, complete from October 1 to
188 December 31 of the preceding year.

189 SECTION 16. Section 47 of chapter 3, as so appearing, is hereby further amended by striking out, in
190 lines 4 and 5, the words “whose name appears upon the docket”.

191 SECTION 17. The second paragraph of section 47 of chapter 3, as so appearing, is hereby amended by
192 striking out the second sentence and inserting in place thereof the following sentence:- This penalty shall
193 be in the amount of \$50 per day up to the twentieth day and an additional \$100 per day for every day after
194 the twentieth day until the statement is filed. The state secretary may waive these penalties for good
195 cause.

196 SECTION 18. Section 48 of chapter 3, as so appearing, is hereby amended by striking out, in line 3, the
197 words “five thousand dollars” and inserting in place thereof the following words:- \$10,000, or by
198 imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more
199 than 2 1/2 years, or by both such fine and imprisonment.

200 SECTION 19. Section 49 of chapter 3, as so appearing, is hereby amended by inserting after the first
201 sentence the following 2 sentences:- These courts may also, upon application of the attorney general,
202 grant equitable or mandamus relief to enforce sections 41 and 42 and the provisions of section 43
203 prohibiting the offering or giving of or paying for gifts, meals, beverages, or other items. Relief under
204 this section may include (a) an order to pay to the commonwealth an amount equal to the value of any
205 compensation or thing paid or received in violation of section 42, or the value of any gift, meal, beverage,
206 or other item given or received in violation of section 43; and (b) a civil penalty of up to \$10,000 for each
207 violation of sections 41 to 47, inclusive.

208 SECTION 20. Chapter 268 of the General Laws is hereby amended by inserting after section 13D the
209 following section:-

210 Section 13E. (a) As used in this section, “official proceeding” means a proceeding before a court or grand
211 jury of the commonwealth, or a proceeding before a state agency or commission, which proceeding is

212 authorized by law and relates to an alleged violation of a criminal statute or the laws and regulations
213 enforced by the state ethics commission, the state secretary, the office of the inspector general, or the
214 office of campaign and political finance, for which the attorney general may issue a civil investigative
215 demand.

216 (b) Whoever alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do
217 so, with the intent to impair the record, document or object's integrity or availability for use in an official
218 proceeding, whether or not the proceeding is pending at that time, shall be punished, by (i) a fine of not
219 more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house
220 of correction for not more than 2 1/2 years, or by both such fine and imprisonment, or (ii) if the official
221 proceeding involves a violation of a criminal statute, by a fine of not more than \$25,000, or by
222 imprisonment in the state prison for not more than 10 years, or in a jail or house of correction for not
223 more than 2 1/2 years, or by both such fine and imprisonment.

224 (c) The record, document, or other object need not be admissible in evidence or free of a claim of
225 privilege.

226 (d) A prosecution under this section may be brought in the county where the official proceeding was or
227 would have been convened or where the alleged conduct constituting an offense occurred.

228 SECTION 21. Section 2 of chapter 268A of the General Laws, as so appearing, is hereby amended by
229 striking out, in lines 46 to 49, the words "five thousand dollars or by imprisonment in the state prison for
230 not more than three years or in a jail or house of correction for not more than two and one half years, or
231 by both such fine and imprisonment in a jail or house of correction" and inserting in place thereof the
232 following words:- \$100,000, or by imprisonment in the state prison for not more than 10 years, or in a jail
233 or house of correction for not more than 2 1/2 years, or by both such fine and imprisonment.

234 SECTION 22 . Section 3 of chapter 268A, as so appearing, is hereby amended by striking out clauses (a)
235 and (b) and inserting in place thereof the following 2 clauses:-

236 (a) Whoever, otherwise than as provided by law for the proper discharge of his official duties, directly or
237 indirectly gives, offers, or promises anything of substantial value to any present or former state, county, or
238 municipal employee or to any member of the judiciary, or to any person selected to be such an employee
239 or member of the judiciary for or because of the employee's official position; or

240 (b) Whoever, being a present or former state, county, or municipal employee or member of the judiciary,
241 or person selected to be such an employee or member of the judiciary, otherwise than as provided by law
242 for the proper discharge of his official duties, directly or indirectly asks, demands, exacts, solicits, seeks,

243 accepts, receives, or agrees to receive anything of substantial value for himself for or because of the
244 employee's official position; or.

245 SECTION 23. Section 3 of chapter 268A, as so appearing, is hereby further amended by striking out, in
246 lines 30 and 31, the words "three thousand dollars or by imprisonment for not more than three years, or
247 both" and inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison
248 for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or by both such
249 fine and imprisonment.

250 SECTION 24. Section 3 of chapter 268A, as so appearing, is hereby further amended by adding the
251 following paragraph:-

252 The commission shall adopt regulations: (i) defining "substantial value," provided however that
253 "substantial value" shall not be less than \$50; (ii) establishing exclusions for ceremonial gifts; (iii)
254 establishing exclusions for gifts given solely because of family or friendship; and (iv) establishing
255 additional exclusions for other situations that do not present a genuine risk of a conflict or the appearance
256 of a conflict of interest.

257 SECTION 25. Section 4 of chapter 268A, as so appearing, is hereby amended by striking out, in lines 17
258 and 18, the words "three thousand dollars or by imprisonment for not more than two years, or both" and
259 inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison for not
260 more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or by both such fine
261 and imprisonment.

262 SECTION 26. Section 5 of chapter 268A, as so appearing, is hereby amended by inserting after the word
263 "legislative", in line 26, the following words:- or executive.

264 SECTION 27. Section 5 of chapter 268A, as so appearing, is hereby further amended by inserting after
265 the word "body", in line 28, the following words:- , as determined by the commission pursuant to
266 regulation.

267 SECTION 28. Section 5 of chapter 268A, as so appearing, is hereby further amended by striking out, in
268 lines 41 and 42, the words "three thousand dollars or by imprisonment for not more than two years, or
269 both" and inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison
270 for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or by both such
271 fine and imprisonment.

272 SECTION 29. Section 6 of chapter 268A, as so appearing, is hereby amended by striking out, in lines 7
273 and 8, the words "three thousand dollar or by imprisonment for not more than two years, or both" and
274 inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison for not

275 more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or by both such fine
276 and imprisonment.

277 SECTION 30. Section 7 of chapter 268A, as so appearing, is hereby amended by striking out, in lines 5
278 and 6, the words “three thousand dollar or by imprisonment for not more than two years, or both” and
279 inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison for not
280 more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or by both such fine
281 and imprisonment.

282 SECTION 31. Section 8 of chapter 268A, as so appearing, is hereby amended by striking out, in lines 17
283 and 18, the words “five thousand dollars or by imprisonment for not more than two years, or both” and
284 inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison for not
285 more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or by both such fine
286 and imprisonment.

287 SECTION 32. Chapter 268A is hereby further amended by striking out section 9 and inserting in place
288 thereof the following section:-

289 Section 9. (a) In addition to any other remedies provided by law, any violation of sections 2 to 8,
290 inclusive, which has substantially influenced the action taken by any state agency in any particular matter,
291 shall be grounds for avoiding, rescinding or canceling the action on such terms as the interests of the
292 commonwealth and innocent third persons require.

293 (b) In addition to the remedies set forth in subsection (a), the state ethics commission upon a finding
294 pursuant to an adjudicatory proceeding that a person has acted to his economic advantage in violation of
295 sections 2 to 8, inclusive, or section 23, may issue an order: (1) requiring the violator to pay the
296 commission on behalf of the commonwealth damages in the amount of the economic advantage or \$500,
297 whichever is greater; and (2) requiring the violator to make restitution to an injured third party. If there
298 has been no final criminal judgment of conviction or acquittal of the same violation, upon receipt of the
299 written approval of the attorney general, the commission may order payment of additional damages in an
300 amount not exceeding twice the amount of the economic advantage or \$500, and payment of such
301 additional damages shall bar any criminal prosecution for the same violation.

302 The maximum damages that the commission may order a violator to pay under this section shall be
303 \$25,000. If the commission determines that the damages authorized by this section exceed \$25,000, it
304 may bring a civil action against the violator to recover such damages.

305 (c) The remedies authorized by this section shall be in addition to any civil penalty imposed by the state
306 ethics commission in accordance with clause (3) of subsection (j) of section 4 of chapter 268B.

307 SECTION 33. Section 11 of chapter 268A, as so appearing, is hereby amended by striking out, in lines
308 16 and 17, the words “three thousand dollars or by imprisonment for not more than two years, or both”
309 and inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison for
310 not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or by both such
311 fine and imprisonment.

312 SECTION 34. Section 12 of chapter 268A, as so appearing, is hereby amended by striking out, in lines
313 24 and 25, the words “three thousand dollars or by imprisonment for not more than two years, or both”
314 and inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison for
315 not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or by both such
316 fine and imprisonment.

317 SECTION 35. Section 13 of chapter 268A, as so appearing, is hereby amended by striking out, in lines 7
318 and 8, the words “three thousand dollars or by imprisonment for not more than two years, or both” and
319 inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison for not
320 more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or by both such fine
321 and imprisonment.

322 SECTION 36. Section 14 of chapter 268A, as so appearing, is hereby amended by striking out, in lines 5
323 and 6, the words “three thousand dollars or by imprisonment for not more than two years, or both” and
324 inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison for not
325 more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or by both such fine
326 and imprisonment.

327 SECTION 37. Chapter 268A of the General Laws is hereby further amended by striking out section 15
328 and inserting in place thereof the following section:-

329 Section 15. (a) In addition to any other remedies provided by law, a violation of sections 2, 3, 8, or 11 to
330 14, inclusive, which has substantially influenced the action taken by any county agency in any particular
331 matter, shall be grounds for avoiding, rescinding, or canceling the action on such terms as the interests of
332 the county and innocent third persons require.

333 (b) In addition to the remedies set forth in subsection (a), the state ethics commission, upon a finding
334 pursuant to an adjudicatory proceeding that a person has acted to his economic advantage in violation of
335 sections 2, 3, 8, 11 to 14, inclusive, or 23, may issue an order (1) requiring the violator to pay the
336 commission on behalf of the county damages in the amount of the economic advantage or \$500,
337 whichever is greater; and (2) requiring the violator to make restitution to an injured third party. If there
338 has been no final criminal judgment of conviction or acquittal of the same violation, upon receipt of the
339 written approval of the attorney general and the district attorney, the commission may order payment of

340 additional damages in an amount not exceeding twice the amount of the economic advantage or \$500, and
341 payment of such additional damages shall bar any criminal prosecution for the same violation.

342 The maximum damages that the commission may order a violator to pay under this section shall be
343 \$25,000. If the commission determines that the damages authorized by this section exceed \$25,000, it
344 may bring a civil action against the violator to recover such damages.

345 (c) The remedies authorized by this section shall be in addition to any civil penalty imposed by the
346 commission in accordance with clause (3) of subsection (j) of section 4 of chapter 268B.

347 SECTION 38. Section 17 of chapter 268A, as so appearing, is hereby amended by striking out, in lines
348 16 and 17, the words “three thousand dollars or by imprisonment for not more than two years, or both”
349 and inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison for
350 not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or by both such
351 fine and imprisonment.

352 SECTION 39. Section 18 of chapter 268A, as so appearing, is hereby amended by striking out, in lines
353 22 and 23, the words “three thousand dollars or by imprisonment for not more than two years, or both”
354 and inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison for
355 not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or by both such
356 fine and imprisonment.

357 SECTION 40. Section 19 of chapter 268A, as so appearing, is hereby amended by striking out, in lines 7
358 and 8, the words “three thousand dollars or by imprisonment for not more than two years, or both” and
359 inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison for not
360 more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or by both such fine
361 and imprisonment.

362 SECTION 41. Section 20 of chapter 268A, as so appearing, is hereby amended by striking out, in lines 5
363 and 6, the words “three thousand dollars or by imprisonment for not more than two years, or both” and
364 inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison for not
365 more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or by both such fine
366 and imprisonment.

367 SECTION 42. Chapter 268A is hereby further amended by striking out section 21 and inserting in place
368 thereof the following section:-

369 Section 21. (a) In addition to any other remedies provided by law, a finding by the commission pursuant
370 to an adjudicatory proceeding that there has been any violation of sections 2, 3, 8, or 17 to 20, inclusive,
371 which has substantially influenced the action taken by any municipal agency in any particular matter,

372 shall be grounds for avoiding, rescinding, or canceling the action of said municipal agency upon request
373 by said municipal agency on such terms as the interests of the municipality and innocent third persons
374 require.

375 (b) In addition to the remedies set forth in subsection (a), the commission, upon a finding pursuant to an
376 adjudicatory proceeding that a person has acted to his economic advantage in violation of sections 2, 3, 8,
377 17 to 20, inclusive, or 23, may issue an order (1) requiring the violator to pay the commission on behalf of
378 the municipality damages in the amount of the economic advantage or \$500, whichever is greater; and (2)
379 requiring the violator to make restitution to an injured third party. If there has been no final criminal
380 judgment of conviction or acquittal of the same violation, upon receipt of the written approval of the
381 district attorney, the commission may order payment of additional damages in an amount not exceeding
382 twice the amount of the economic advantage or \$500, and payment of such additional damages shall bar
383 any criminal prosecution for the same violation.

384 The maximum damages that the commission may order a violator to pay under this section shall be
385 \$25,000. If the commission determines that the damages authorized by this section exceed \$25,000, it
386 may bring a civil action against the violator to recover such damages.

387 (c) The remedies authorized by this section shall be in addition to any civil penalty imposed by the
388 commission in accordance with clause (3) of subsection (j) of section 4 of chapter 268B.

389 SECTION 43. Section 23 of chapter 268A, as so appearing, is hereby amended by inserting after clause
390 (3) of subsection (b), the following clause:-

391 (4) present a false or fraudulent claim to his employer for any payment or benefit of substantial value.

392 SECTION 44. Section 23 of chapter 268A, as so appearing, is hereby further amended by striking out
393 subsection (f).

394 SECTION 45. Chapter 268A is hereby further amended by adding the following section:-

395 Section 26. Any person who, with fraudulent intent, violates subsection (b)(1), (b)(2) or (c) of Section 23,
396 and any person who, with fraudulent intent, causes any other person to violate subsection (b)(1), (2) or (c)
397 of Section 23 shall be punished by a fine of not more than \$10,000, or by imprisonment in the state prison
398 for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or by both such
399 fine and imprisonment.

400 SECTION 46. Chapter 268A is hereby further amended by adding the following 3 sections:-

401 Section 27. The state ethics commission shall prepare, and update as necessary, summaries of this
402 chapter for state, county, and municipal employees, respectively, which the commission shall publish on

403 its official website. Every state, county, and municipal employee shall, within 30 days of becoming such
404 an employee, and on an annual basis thereafter, be furnished with a summary of this chapter prepared by
405 the commission and sign a written acknowledgment that he has been provided with such a summary.
406 Municipal employees shall be furnished with the summary by, and file an acknowledgment with, the city
407 or town clerk. Appointed state and county employees shall be furnished with the summary by, and file an
408 acknowledgment with, the employee's appointing authority or his designee. Elected state and county
409 employees shall be furnished with the summary by, and file an acknowledgment with, the commission.
410 The commission shall establish procedures for implementing this section and ensuring compliance.

411 Section 28. The state ethics commission shall prepare and update from time to time the following online
412 training programs, which the commission shall publish on its official website:

413 (1) a program which shall provide a general introduction to the requirements of this chapter. Every state,
414 county, and municipal employee shall, within 30 days after becoming such an employee, and every 2
415 years thereafter, complete the online training program. Upon completion of the online training program,
416 the Commission shall log and maintain an electronic record of completion for 6 years.

417 (2) a program which shall provide information on the requirements of this chapter applicable to former
418 state, county, and municipal employees.

419 The state ethics commission shall establish procedures for implementing this section and ensuring
420 compliance.

421 Section 29. Each municipality, acting through its city council, board of selectmen, or board of aldermen,
422 shall designate a senior level employee of the municipality as its liaison to the state ethics commission.
423 The municipality shall notify the commission in writing of any change to such designation within 30 days
424 of such change. The commission shall disseminate information to the designated liaisons and conduct
425 educational seminars for designated liaisons on a regular basis on a schedule to be determined by the
426 commission in consultation with the municipalities.

427 SECTION 47. Section 1 of chapter 268B, as so appearing, is hereby amended by inserting after clause (f)
428 the following clause:-

429 (f 1/2) "executive agent" means any person who is an executive agent as defined in section 39 of chapter
430 3;

431 SECTION 48. Section 1 of chapter 268B, as so appearing, is hereby further amended by striking out
432 clause (k) and inserting in place thereof the following clause:-

433 (k) "legislative agent" means any person who is a legislative agent as defined in section 39 of chapter 3;

434 SECTION 49. Section 2 of chapter 268B, as so appearing, is hereby amended by adding the following
435 subsection:-

436 (n) Subject to appropriation, the commission shall receive an appropriation for the operations of the
437 commission in an amount no less than the amount of the appropriation for the immediately preceding
438 fiscal year. The general court shall appropriate additional amounts to the state ethics commission as may
439 be necessary and appropriate.

440 SECTION 50. Section 2 of chapter 268B, as so appearing, is hereby further amended by inserting after
441 the words “attorney general,” in line 61, the following words:- inspector general, state secretary,.

442 SECTION 51. Section 3 of chapter 268B, as so appearing, is hereby amended by striking out, in lines 4
443 and 5, the words “; provided, however, that the rules and regulations shall be” and inserting in place
444 thereof the following words:- , including but not.

445 SECTION 52. Subsection (a) of section 4 of chapter 268B of the General Laws, is hereby amended by
446 striking out the third sentence and inserting in place thereof the following 2 sentences:- All commission
447 proceedings and records relating to a preliminary inquiry or initial staff review to determine whether to
448 initiate an inquiry shall be confidential, except that the commission may provide to: (1) the attorney
449 general, the United States Attorney or a district attorney of competent jurisdiction information which may
450 be used in a criminal proceeding; (2) the inspector general information concerning fraud, waste, or abuse
451 in the expenditure of public funds; (3) the state secretary information concerning violations of sections 39
452 to 50, inclusive, of chapter 3; and (4) the director of the office of campaign and political finance
453 information concerning violations of chapter 55. Any information provided by the commission pursuant
454 to this section shall be confidential in accordance with this section, except that such information may be
455 used by the officer or agency to whom it was provided in any investigation or subsequent proceedings.

456 SECTION 53. Subsection (c) of section 4 of chapter 268B, as so appearing, is hereby amended by adding
457 the following sentence:- The commission shall initiate such an adjudicatory hearing within 5 years from
458 the date the commission learns of the alleged violation, but not more than 6 years from the date of the last
459 conduct relating to the alleged violation.

460 SECTION 54. Subsection (d) of section 4 of chapter 268B, as so appearing, is hereby amended by
461 striking out the last sentence and inserting in place thereof the following sentence:- Such summonses shall
462 have the same force, and be obeyed in the same manner, and under the same penalties in case of default,
463 as if issued by order of a justice of the superior court and may be quashed only upon motion of the
464 summonsed party and by order of a justice of the superior court.

465 SECTION 55. Subsection (j) of section 4 of chapter 268B, as so appearing, is hereby further amended by
466 striking out, in lines 73 and 74, the words “two thousand dollars for each violation of this chapter or said
467 chapter two hundred and sixty-eight A” and inserting in place thereof the following words:- \$10,000 for
468 each violation of this chapter or chapter 268A, with the exception of a violation of section 2 of chapter
469 268A, which shall be subject to a civil penalty of not more than \$25,000.

470 SECTION 56. Subsection (j) of section 4 of chapter 268B, as so appearing, is hereby further amended by
471 inserting after the word “order”, in line 76, the following words:- and any order issued by the commission
472 in accordance with chapter 268A.

473 SECTION 57. Subsection (k) of section 4 of chapter 268B, as so appearing, is hereby further amended by
474 inserting after the words “pursuant to this chapter”, in line 77, the following words:- or chapter 268A.

475 SECTION 58. Section 4 of chapter 268B, as so appearing, is hereby further amended by inserting after
476 subsection (k) the following subsection:-

477 (l) The superior court shall have concurrent jurisdiction to issue orders under subsection (j) in a civil
478 action brought by the attorney general. In any such action, an advisory opinion of the commission under
479 clause (g) of section 3 shall be binding to the same extent as it is against the commission under that
480 clause.

481 SECTION 59. Section 5 of chapter 268B, as so appearing, is hereby amended by inserting after the word
482 “legislative”, in line 68, the following words:- or executive

483 SECTION 60. Chapter 268B, is hereby further amended by striking out section 6 and inserting in place
484 thereof the following section:-

485 Section 6. No executive or legislative agent shall knowingly and willfully offer or give to any public
486 official or public employee or a member of such person’s immediate family, and no public official or
487 public employee or member of such person’s immediate family shall knowingly and willfully solicit or
488 accept from any executive or legislative agent, any gift of any kind or nature; provided, however, that
489 these prohibitions shall not apply to gifts given by an executive or legislative agent to a public official or
490 public employee who is a member of his immediate family or a relative within the third degree of
491 consanguinity or of such agent’s spouse or the spouse of any such relative.

492 SECTION 61. Section 7 of chapter 268B, as so appearing, is hereby amended by striking out, in line 7,
493 the words “files a false” and inserting in place thereof the following words:- willfully files a materially
494 false

495 SECTION 62. Section 7 of chapter 268B, as so appearing, is hereby further amended by striking out, in
496 lines 9 and 10, the words “one thousand dollars or by imprisonment in the state prison for not more than
497 three years” and inserting in place thereof the following words:- \$10,000, or by imprisonment in the
498 state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or
499 by both such fine and imprisonment.

500 SECTION 63. Paragraph 4 of subsection B of section 99 of chapter 272, as so appearing, is hereby
501 amended by adding the following 2 sentences:- Furthermore, it shall not constitute an interception for an
502 investigative or law enforcement officer, as defined in this section, to record or transmit a wire or oral
503 communication if the officer is a party to such communication or has been given prior authorization to
504 record or transmit the communication by such a party and (a) the recording or transmission is made in the
505 course of an investigation of bribery or other crime involving the use or prospective use of an official
506 position by a state, municipal, or county employee; and (b) a judge of competent jurisdiction determines
507 pursuant to the procedures set out in chapter 276 that there is probable cause that evidence of such a crime
508 will be recorded or transmitted. There shall not be a requirement that any investigation of bribery or other
509 crime involving the use or prospective use of an official position by a state, municipal, or county
510 employee involves organized crime in order to obtain such judicial approval.

511 SECTION 64. The General Laws are hereby further amended by inserting after chapter 277 the following
512 chapter:-

513 CHAPTER 277A

514 Statewide Grand Jury

515 Section 1. Upon written application of the attorney general to the chief justice of the superior court
516 department, with good cause stated therein, the chief justice may authorize the convening of a statewide
517 grand jury with jurisdiction extending throughout the commonwealth.

518 Section 2. The chief justice of the superior court department shall, upon granting an application, receive
519 recommendations from the attorney general as to the county in which the statewide grand jury shall sit.
520 Upon receiving the attorney general’s recommendations, the chief justice shall choose 1 of those
521 recommended locations as the site where the grand jury shall sit. Once a county has been selected, the
522 chief justice shall direct the regional administrative judge from the county selected to appoint, and
523 reappoint as necessary, a superior court judge to preside over the statewide grand jury.

524 Section 3. The presiding superior court judge shall consult with the attorney general and district attorney
525 for the relevant district about the nature and scope of the investigation and shall thereafter designate and
526 authorize an existing county grand jury to serve as a statewide grand jury for purposes of the investigation

527 specified in the written application, or, alternatively, convene and preside over a specially empaneled
528 statewide grand jury.

529 Section 4. A specially empaneled statewide grand jury shall be drawn and selected in the same manner as
530 the county grand jury in the county in which the specially empaneled statewide grand jury sits. A
531 specially empaneled statewide grand jury may, at the discretion of the presiding superior court judge,
532 draw jurors from counties adjoining the one in which the statewide grand jury is to sit.

533 Section 5. A specially empaneled statewide grand jury convened pursuant to this chapter shall sit for a
534 period not to exceed 18 months. The presiding superior court judge may extend this period if, in
535 accordance with section 1A of chapter 277 and section 41 of chapter 234A, public necessity requires
536 further time by the grand jury to complete an investigation then in progress.

537 Section 6. The attorney general or her assistant shall attend each session of a statewide grand jury and
538 may prosecute any indictment returned by it. The attorney general or her assistant shall have the same
539 powers and duties in relation to a statewide grand jury that she has in relation to a county grand jury,
540 except as otherwise provided by law.

541 Section 7. Indictments shall be returned in the county where the statewide grand jury sits and shall
542 thereafter be transferred to the county specified by the grand jury on the indictment. Venue for purposes
543 of trial of offenses indicted by a statewide grand jury shall be in any county where venue would otherwise
544 be proper.

545 Section 8. No provision of this chapter shall be construed as limiting the jurisdiction of county grand
546 juries or district attorneys in the commonwealth. Except as otherwise provided by law, an investigation
547 by a statewide grand jury shall not preempt an investigation by any other grand jury or agency having
548 jurisdiction over the same subject matter.

549 SECTION 65. Every person who is a legislative agent or executive agent as defined by section 39 of
550 chapter 3 of the General Laws on the effective date of this act, shall, within 90 days after the effective
551 date of this act, and every year thereafter, complete an in-person or online seminar offered by the state
552 secretary in accordance with section 41 of chapter 3.

553 SECTION 66. In accordance with section 26 of chapter 268A of the General Laws, inserted by this act,
554 within 90 days after the effective date of this act every state, county, and municipal employee shall be
555 provided a summary of chapter 268A prepared by the state ethics commission and shall file a written
556 acknowledgment as required by that section.

557 SECTION 67. Within 90 days after the effective date of this act, each municipality shall provide written
558 notification to the state ethics commission of the liaison designated under section 28 of chapter 268A of
559 the General Laws.