

**HOUSE . . . . . No. 95**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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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  
2 Official Edition, is hereby amended by striking out the definition of “Executive agent” and  
3 inserting in place thereof the following definition:-

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

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

17 “Legislative agent”, a person who for compensation or reward engages in legislative  
18 lobbying, which includes at least one communication with a government employee. The term  
19 “legislative agent” shall include a person who, as part of his regular and usual business or  
20 professional activities and not simply incidental thereto, engages in legislative lobbying, whether  
21 or not any compensation in addition to the salary for such activities is received for such services.  
22 For purposes of this definition a person shall be presumed to engage in activity covered by this  
23 definition in a manner that is simply incidental to his regular and usual business or professional  
24 activities if he: (i) engages in any activity or activities covered by this definition for not more  
25 than 10 hours during any reporting period; and (ii) receives less than \$2,500 during any reporting  
26 period, for any activity or activities covered by this definition.

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

29 “Executive lobbying,” any act to influence or to attempt to influence the decision of any  
30 officer or employee of the executive branch or an authority, including but not limited to  
31 statewide constitutional officers and employees thereof, where such decision concerns legislation  
32 or the adoption, defeat or postponement of a standard, rate, rule or regulation pursuant thereto, or  
33 any act to communicate directly with a covered executive official to influence a decision  
34 concerning policy or procurement. The term includes acts to influence or attempt to influence  
35 the decision of any officer or employee of a city or town when those acts are intended to carry

36 out a common purpose with executive lobbying at the state level; and includes strategizing,  
37 planning, research, and other background work only if performed in connection with or for use in  
38 an actual communication with a government employee for purposes of the acts described in this  
39 definition.

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

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

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

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

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

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

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

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

78           The state secretary shall adopt regulations under chapter 30A to carry out sections 39 to  
79 50, inclusive.

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

90           SECTION 9. Section 43 of chapter 3, as so appearing, is hereby further amended by  
91 striking out, in lines 1 to 3, the words “On or before the fifteenth day of July, complete from  
92 January first through June thirtieth; and the fifteenth day of January, complete from July first to  
93 December thirty-first of the preceding year” and inserting in place thereof the following words:-  
94 On or before April 15, complete from January 1 through March 31; on or before July 15,  
95 complete from April 1 through June 30; on or before October 15, complete from July 1 through  
96 September 30; and on or before January 15, complete from October 1 to December 31 of the  
97 preceding year.

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

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

102           Every executive and legislative agent shall include in the statement required by this  
103 section for the relevant reporting period: (1) the identification of each client for whom the  
104 legislative or executive agent provided lobbying services; (2) a list of all bill numbers of  
105 legislation and other governmental action that the executive or legislative agent acted to promote,  
106 oppose or influence; (3) a statement of the executive or legislative agent’s position on each such  
107 bill or other governmental action; (4) the identification of the client or clients on whose behalf  
108 the executive or legislative agent was acting with respect to each such bill or governmental  
109 action; and (5) the amount of compensation received for executive or legislative lobbying from  
110 each client with respect to each such bill or action. The disclosure shall be required regardless of  
111 whether the executive or legislative agent specifically referenced the bill number or other  
112 governmental action while acting to promote, oppose or influence legislation, and shall be as  
113 complete as practicable.

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

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

121           SECTION 13. Section 44 of chapter 3, as so appearing, is hereby amended by striking  
122 out, in lines 1 to 3, the words “On or before the fifteenth day of July, complete from January first  
123 through June thirtieth; and the fifteenth day of January, complete from July first to December

124 thirty-first of the preceding year” and inserting in place thereof the following words:- On or  
125 before April 15, complete from January 1 through March 31; on or before July 15, complete  
126 from April 1 through June 30; on or before October 15, complete from July 1 through September  
127 30; and on or before January 15, complete from October 1 to December 31 of the preceding year.

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

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

146 inquiry and the general nature of the alleged violation within 30 days of the commencement of  
147 the inquiry.

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

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

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

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

166 (f) All testimony in an adjudicatory proceeding shall be under oath. All parties shall have  
167 the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses who



168 testify, to submit evidence, and to be represented by counsel. Before testifying, all witnesses  
169 shall be given a copy of the regulations governing adjudicatory proceedings. All witnesses shall  
170 be entitled to be represented by counsel.

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

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

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

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

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

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

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

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

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

191 (k) Final action by the state secretary under this section shall be subject to review in  
192 superior court upon petition of any party in interest filed within 30 days after the action for  
193 which review is sought. The court shall enter a judgment enforcing, modifying, or setting aside  
194 the order of the state secretary, or it may remand the proceedings to the state secretary for such  
195 further action as the court may direct. If the court modifies or sets aside the state secretary's  
196 order or remands the proceedings to the state secretary, the court shall determine whether such  
197 modification, set aside, or remand is substantial. If the court does find such modification, set  
198 aside, or remand to be substantial, the petitioner shall be entitled to be reimbursed from the  
199 treasury of the commonwealth for reasonable attorneys' fees and all court costs incurred by him  
200 in the defense of the charges contained in the proceedings. The amount of such reimbursement  
201 shall be awarded by the court but shall not exceed \$20,000 per person, per case.

202 SECTION 15. Section 47 of chapter 3, as so appearing, is hereby amended by striking  
203 out, in lines 1 to 3, the words "On or before the fifteenth day of July, complete from January  
204 first through June thirtieth; and the fifteenth day of January, complete from July first to  
205 December thirty-first of the preceding year" and inserting in place thereof the following words:-  
206 On or before April 15, complete from January 1 through March 31; on or before July 15,  
207 complete from April 1 through June 30; on or before October 15, complete from July 1 through  
208 September 30; and on or before January 15, complete from October 1 to December 31 of the  
209 preceding year.

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

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

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

221 SECTION 19. Section 49 of chapter 3, as so appearing, is hereby amended by inserting  
222 after the first sentence the following 2 sentences:- These courts may also, upon application of the  
223 attorney general, grant equitable or mandamus relief to enforce sections 41 and 42 and the  
224 provisions of section 43 prohibiting the offering or giving of or paying for gifts, meals,  
225 beverages, or other items. Relief under this section may include (a) an order to pay to the  
226 commonwealth an amount equal to the value of any compensation or thing paid or received in  
227 violation of section 42, or the value of any gift, meal, beverage, or other item given or received  
228 in violation of section 43; and (b) a civil penalty of up to \$10,000 for each violation of sections  
229 41 to 47, inclusive.

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

232 Section 13E. (a) As used in this section, “official proceeding” means a proceeding before  
233 a court or grand jury of the commonwealth, or a proceeding before a state agency or commission,  
234 which proceeding is authorized by law and relates to an alleged violation of a criminal statute or  
235 the laws and regulations enforced by the state ethics commission, the state secretary, the office of  
236 the inspector general, or the office of campaign and political finance, for which the attorney  
237 general may issue a civil investigative demand.

238 (b) Whoever alters, destroys, mutilates, or conceals a record, document, or other object,  
239 or attempts to do so, with the intent to impair the record, document or object’s integrity or  
240 availability for use in an official proceeding, whether or not the proceeding is pending at that  
241 time, shall be punished, by (i) a fine of not more than \$10,000, or by imprisonment in the state  
242 prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years,  
243 or by both such fine and imprisonment, or (ii) if the official proceeding involves a violation of a  
244 criminal statute, by a fine of not more than \$25,000, or by imprisonment in the state prison for  
245 not more than 10 years, or in a jail or house of correction for not more than 2 1/2 years, or by  
246 both such fine and imprisonment.

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

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

252 SECTION 21. Section 2 of chapter 268A of the General Laws, as so appearing, is hereby  
253 amended by striking out, in lines 46 to 49, the words “five thousand dollars or by imprisonment

254 in the state prison for not more than three years or in a jail or house of correction for not more  
255 than two and one half years, or by both such fine and imprisonment in a jail or house of  
256 correction” and inserting in place thereof the following words:- \$100,000, or by imprisonment in  
257 the state prison for not more than 10 years, or in a jail or house of correction for not more than 2  
258 1/2 years, or by both such fine and imprisonment.

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

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

266 (b) Whoever, being a present or former state, county, or municipal employee or member  
267 of the judiciary, or person selected to be such an employee or member of the judiciary, otherwise  
268 than as provided by law for the proper discharge of his official duties, directly or indirectly asks,  
269 demands, exacts, solicits, seeks, accepts, receives, or agrees to receive anything of substantial  
270 value for himself for or because of the employee’s official position; or.

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

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

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

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

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

290 SECTION 27. Section 5 of chapter 268A, as so appearing, is hereby further amended by  
291 inserting after the word “body”, in line 28, the following words:- , as determined by the  
292 commission pursuant to regulation.

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

298 SECTION 29. Section 6 of chapter 268A, as so appearing, is hereby amended by striking  
299 out, in lines 7 and 8, the words “three thousand dollar or by imprisonment for not more than two  
300 years, or both” and inserting in place thereof the following words:- \$10,000, or by imprisonment  
301 in the state prison for not more than 5 years, or in a jail or house of correction for not more than  
302 2 1/2 years, or by both such fine and imprisonment.

303 SECTION 30. Section 7 of chapter 268A, as so appearing, is hereby amended by striking  
304 out, in lines 5 and 6, the words “three thousand dollar or by imprisonment for not more than two  
305 years, or both” and inserting in place thereof the following words:- \$10,000, or by imprisonment  
306 in the state prison for not more than 5 years, or in a jail or house of correction for not more than  
307 2 1/2 years, or by both such fine and imprisonment.

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

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

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

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

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

332 (c) The remedies authorized by this section shall be in addition to any civil penalty  
333 imposed by the state ethics commission in accordance with clause (3) of subsection (j) of section  
334 4 of chapter 268B.

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



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

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

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

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

357 Section 15. (a) In addition to any other remedies provided by law, a violation of sections  
358 2, 3, 8, or 11 to 14, inclusive, which has substantially influenced the action taken by any county  
359 agency in any particular matter, shall be grounds for avoiding, rescinding, or canceling the action  
360 on such terms as the interests of the county and innocent third persons require.

361 (b) In addition to the remedies set forth in subsection (a), the state ethics commission,  
362 upon a finding pursuant to an adjudicatory proceeding that a person has acted to his economic  
363 advantage in violation of sections 2, 3, 8, 11 to 14, inclusive, or 23, may issue an order (1)  
364 requiring the violator to pay the commission on behalf of the county damages in the amount of  
365 the economic advantage or \$500, whichever is greater; and (2) requiring the violator to make  
366 restitution to an injured third party. If there has been no final criminal judgment of conviction or  
367 acquittal of the same violation, upon receipt of the written approval of the attorney general and  
368 the district attorney, the commission may order payment of additional damages in an amount not  
369 exceeding twice the amount of the economic advantage or \$500, and payment of such additional  
370 damages shall bar any criminal prosecution for the same violation.

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

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

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

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

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

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

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

399 Section 21. (a) In addition to any other remedies provided by law, a finding by the  
400 commission pursuant to an adjudicatory proceeding that there has been any violation of sections  
401 2, 3, 8, or 17 to 20, inclusive, which has substantially influenced the action taken by any  
402 municipal agency in any particular matter, shall be grounds for avoiding, rescinding, or canceling

403 the action of said municipal agency upon request by said municipal agency on such terms as the  
404 interests of the municipality and innocent third persons require.

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

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

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

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

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

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

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

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

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

436 Section 27. The state ethics commission shall prepare, and update as necessary,  
437 summaries of this chapter for state, county, and municipal employees, respectively, which the  
438 commission shall publish on its official website. Every state, county, and municipal employee  
439 shall, within 30 days of becoming such an employee, and on an annual basis thereafter, be  
440 furnished with a summary of this chapter prepared by the commission and sign a written  
441 acknowledgment that he has been provided with such a summary. Municipal employees shall be  
442 furnished with the summary by, and file an acknowledgment with, the city or town clerk.  
443 Appointed state and county employees shall be furnished with the summary by, and file an  
444 acknowledgment with, the employee's appointing authority or his designee. Elected state and  
445 county employees shall be furnished with the summary by, and file an acknowledgment with, the

446 commission. The commission shall establish procedures for implementing this section and  
447 ensuring compliance.

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

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

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

457 The state ethics commission shall establish procedures for implementing this section and  
458 ensuring compliance.

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

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

468 (f 1/2) “executive agent” means any person who is an executive agent as defined in  
469 section 39 of chapter 3;

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

472 (k) “legislative agent” means any person who is a legislative agent as defined in section  
473 39 of chapter 3;

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

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

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

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

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

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

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



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

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

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

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

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

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

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

531 Section 6. No executive or legislative agent shall knowingly and willfully offer or give to  
532 any public official or public employee or a member of such person's immediate family, and no  
533 public official or public employee or member of such person's immediate family shall  
534 knowingly and willfully solicit or accept from any executive or legislative agent, any gift of any  
535 kind or nature; provided, however, that these prohibitions shall not apply to gifts given by an  
536 executive or legislative agent to a public official or public employee who is a member of his  
537 immediate family or a relative within the third degree of consanguinity or of such agent's spouse  
538 or the spouse of any such relative.

539 SECTION 61. Section 7 of chapter 268B, as so appearing, is hereby amended by striking  
540 out, in line 7, the words "files a false" and inserting in place thereof the following words:-  
541 willfully files a materially false

542 SECTION 62. Section 7 of chapter 268B, as so appearing, is hereby further amended by  
543 striking out, in lines 9 and 10, the words "one thousand dollars or by imprisonment in the state  
544 prison for not more than three years" and inserting in place thereof the following words:-  
545 \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of  
546 correction for not more than 2 1/2 years, or by both such fine and imprisonment.

547 SECTION 63. Paragraph 4 of subsection B of section 99 of chapter 272, as so appearing,  
548 is hereby amended by adding the following 2 sentences:- Furthermore, it shall not constitute an  
549 interception for an investigative or law enforcement officer, as defined in this section, to record  
550 or transmit a wire or oral communication if the officer is a party to such communication or has

551 been given prior authorization to record or transmit the communication by such a party and (a)  
552 the recording or transmission is made in the course of an investigation of bribery or other crime  
553 involving the use or prospective use of an official position by a state, municipal, or county  
554 employee; and (b) a judge of competent jurisdiction determines pursuant to the procedures set  
555 out in chapter 276 that there is probable cause that evidence of such a crime will be recorded or  
556 transmitted. There shall not be a requirement that any investigation of bribery or other crime  
557 involving the use or prospective use of an official position by a state, municipal, or county  
558 employee involves organized crime in order to obtain such judicial approval.

559 SECTION 64. The General Laws are hereby further amended by inserting after chapter  
560 277 the following chapter:-

561 CHAPTER 277A

562 Statewide Grand Jury

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

566 Section 2. The chief justice of the superior court department shall, upon granting an  
567 application, receive recommendations from the attorney general as to the county in which the  
568 statewide grand jury shall sit. Upon receiving the attorney general's recommendations, the chief  
569 justice shall choose 1 of those recommended locations as the site where the grand jury shall sit.  
570 Once a county has been selected, the chief justice shall direct the regional administrative judge  
571 from the county selected to appoint, and reappoint as necessary, a superior court judge to preside  
572 over the statewide grand jury.

573           Section 3. The presiding superior court judge shall consult with the attorney general and  
574 district attorney for the relevant district about the nature and scope of the investigation and shall  
575 thereafter designate and authorize an existing county grand jury to serve as a statewide grand  
576 jury for purposes of the investigation specified in the written application, or, alternatively,  
577 convene and preside over a specially empaneled statewide grand jury.

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

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

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

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

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

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

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

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