



Senate

File No. 771

General Assembly

February Session, 2008

(Reprint of File No. 419)

Substitute Senate Bill No. 333
As Amended by Senate Amendment Schedule
"A" and House Amendment Schedule "A"

Approved by the Legislative Commissioner
May 1, 2008

AN ACT CONCERNING COMPREHENSIVE ETHICS REFORMS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) As used in sections 1 to 3,
2 inclusive, of this act:

3 (1) "Public official" means public official, as defined in section 1-79
4 of the 2008 supplement to the general statutes, a judge of any court
5 either elected or appointed, and any elected or appointed municipal
6 official;

7 (2) "State or municipal employee" means state employee, as defined
8 in section 5-154 of the general statutes, and includes an employee of
9 any quasi-public agency, as defined in section 1-120 of the general
10 statutes, or any person, whether appointed or under contract, who
11 provides services for a city, town or other political subdivision of the
12 state for which a pension is provided; and

13 (3) "Crime related to state or municipal office" means any of the
14 following criminal offenses committed by a person while serving as a

15 public official or state or municipal employee:

16 (A) The committing, aiding or abetting of an embezzlement of
17 public funds from the state, a municipality or a quasi-public agency;

18 (B) The committing, aiding or abetting of any felonious theft from
19 the state, a municipality or a quasi-public agency;

20 (C) Bribery in connection with service as a public official or state or
21 municipal employee; or

22 (D) The committing of any felony by such person who, wilfully and
23 with the intent to defraud, realizes or obtains, or attempts to realize or
24 obtain, a profit, gain or advantage for himself or herself or for some
25 other person, through the use or attempted use of the power, rights,
26 privileges or duties of his or her position as a public official or state or
27 municipal employee.

28 Sec. 2. (NEW) (*Effective from passage*) (a) Notwithstanding any
29 provision of the general statutes, on or after the effective date of this
30 section, if any person is convicted of or pleads guilty or nolo
31 contendere to any crime related to state or municipal office in state
32 criminal or federal criminal court, the Attorney General shall apply to
33 the Superior Court for an order to revoke or reduce the pension of any
34 kind to which such person is otherwise entitled under the general
35 statutes for service as a public official or state or municipal employee.

36 (b) Except for an elected or an appointed public official, if any state
37 or municipal employee is convicted of or pleads guilty or nolo
38 contendere to any crime related to state or municipal office, in either
39 federal criminal or state criminal court, the value of any reduction or
40 revocation ordered by the Superior Court pursuant to subsection (c) of
41 this section shall not exceed the amount necessary to satisfy any fine,
42 restitution or other monetary order made by the criminal court in
43 addition to the amount necessary to pay the cost of such state or
44 municipal employee's incarceration, as determined pursuant to section
45 18-85a of the general statutes.

46 (c) In determining whether the pension shall be revoked or reduced,
47 the Superior Court shall consider and make findings on the following
48 factors:

49 (1) The severity of the crime related to state or municipal office for
50 which the person has been convicted or to which the person has pled
51 guilty or nolo contendere;

52 (2) The amount of monetary loss suffered by the state, a
53 municipality or a quasi-public agency or by any other person as a
54 result of the crime related to state or municipal office;

55 (3) The degree of public trust reposed in the person by virtue of the
56 person's position as a public official or state or municipal employee;

57 (4) If the crime related to state or municipal office was part of a
58 fraudulent scheme against the state or a municipality, the role of the
59 person in the fraudulent scheme against the state or a municipality;
60 and

61 (5) Any such other factors as, in the judgment of the Superior Court,
62 justice may require.

63 (d) If the court determines, or the Attorney General certifies, that a
64 public official or state or municipal employee, who was convicted of or
65 pled guilty or nolo contendere to a crime related to state or municipal
66 office, voluntarily provided information to the Attorney General, the
67 Auditors of Public Accounts or any state, federal or local law
68 enforcement official concerning the commission of such crime related
69 to state or municipal office by another public official or state or
70 municipal employee who had a greater degree of culpability for such
71 crime than the public official or state or municipal employee providing
72 such information, the court shall not reduce or revoke the pension of
73 such public official or state or municipal employee, provided such
74 public official or state or municipal employee voluntarily provided
75 such information prior to learning of a criminal investigation into such
76 crime related to state or municipal office.

77 (e) If the Superior Court determines that the pension of a person
78 should be reduced, it may, after taking into consideration the financial
79 needs and resources of any innocent spouse, dependents and
80 designated beneficiaries of the person, order that some or all of the
81 reduced pension be paid to any such innocent spouse, dependent or
82 beneficiary as justice may require.

83 (f) If the Superior Court determines that the pension of such person
84 should not be revoked or reduced, it shall order that the retirement or
85 other benefit or payment be made to such person.

86 (g) In all criminal proceedings in state or federal court in which the
87 defendant is a public official or a state or municipal employee who is
88 charged with a crime related to state or municipal office, the Attorney
89 General shall notify the prosecutor of the existence of the pension
90 revocation statute and the possibility that any fine, restitution or other
91 monetary order made by the court may be paid from such official's or
92 employee's pension.

93 (h) If any provision, clause or phrase of this section or of any order
94 or any action of the Attorney General hereunder is adjudged by any
95 court of competent jurisdiction to be invalid, or if the applicability
96 thereof to any person or circumstance is held invalid, such judgment
97 shall not invalidate the remainder of this section or such order or
98 action, and the applicability thereof to other persons and
99 circumstances shall not be affected thereby.

100 Sec. 3. (NEW) (*Effective from passage*) (a) Any person whose pension
101 is revoked pursuant to section 2 of this act shall be entitled to a return
102 of his or her contribution paid into the relevant pension fund, without
103 interest.

104 (b) Notwithstanding the provisions of subsection (a) of this section,
105 no payments in return of contributions shall be made or ordered
106 unless and until the Superior Court determines that the person whose
107 pension has been revoked pursuant to section 2 of this act has satisfied
108 in full any judgments or orders rendered by any court of competent

109 jurisdiction for the payment of restitution to the state or a municipality
110 for losses incurred as a result of the crime related to state or municipal
111 office. If the Superior Court determines that the person whose pension
112 has been revoked under section 2 of this act has failed to satisfy any
113 outstanding judgment or order of restitution rendered by any court of
114 competent jurisdiction, it may order that any funds otherwise due to
115 such person as a return of contribution, or any portion thereof, be paid
116 in satisfaction of the judgment or order.

117 (c) No provision of section 2 of this act or this section shall be
118 construed to prohibit or limit any payment made pursuant to a
119 qualified domestic relations order issued prior to any such conviction
120 or plea by: (1) Any public official or state or municipal employee who
121 is convicted of or pleads guilty or nolo contendere to any crime related
122 to state or municipal office; or (2) any state or municipal agency
123 responsible for the administration of such payment on behalf of such
124 public official or state or municipal employee.

125 (d) Notwithstanding the provisions of section 2 of this act, no
126 pension shall be reduced or revoked if the Internal Revenue Service
127 determines that such reduction or revocation will negatively affect or
128 invalidate the status of the state's government retirement plans or a
129 municipality's government retirement plans under Section 401(a) of
130 the Internal Revenue Code of 1986, or any subsequent corresponding
131 internal revenue code of the United States, as from time to time
132 amended.

133 Sec. 4. (NEW) (*Effective October 1, 2008*) (a) A public servant, as
134 defined in section 53a-146 of the general statutes, as amended by this
135 act, is guilty of failure to report bribery when the public servant: (1)
136 Knows that (A) another person has attempted to bribe such public
137 servant, as defined in section 53a-147 of the general statutes, or (B)
138 such public servant has witnessed either (i) a person attempting to
139 bribe another public servant, as defined in section 53a-147 of the
140 general statutes, or (ii) another public servant commit the crime of
141 bribe receiving, as defined in section 53a-148 of the general statutes;

142 and (2) does not, as soon as reasonably practicable, report such crime
143 to a law enforcement agency.

144 (b) Failure to report bribery is a class A misdemeanor.

145 Sec. 5. Section 53a-146 of the general statutes is repealed and the
146 following is substituted in lieu thereof (*Effective October 1, 2008*):

147 For purposes of this part:

148 (1) An "official proceeding" is any proceeding held or which may be
149 held before any legislative, judicial, administrative or other agency or
150 official authorized to take evidence under oath, including any referee,
151 hearing examiner, commissioner or notary or other person taking
152 evidence in connection with any proceeding.

153 (2) "Benefit" means monetary advantage, or anything regarded by
154 the beneficiary as a monetary advantage, including benefit to any
155 person or entity in whose welfare the beneficiary is interested.

156 (3) "Public servant" is an officer or employee of government or a
157 quasi-public agency, as defined in section 1-120, elected or appointed,
158 and any person participating as advisor, consultant or otherwise, paid
159 or unpaid, in performing a governmental function.

160 (4) "Government" includes any branch, subdivision or agency of the
161 state or any locality within it.

162 (5) "Labor official" means any duly appointed or elected
163 representative of a labor organization or any duly appointed or elected
164 trustee or representative of an employee welfare trust fund.

165 (6) "Witness" is any person summoned, or who may be summoned,
166 to give testimony in an official proceeding.

167 (7) "Juror" is any person who has been drawn or summoned to serve
168 or act as a juror in any court.

169 (8) "Physical evidence" means any article, object, document, record
170 or other thing of physical substance which is or is about to be
171 produced or used as evidence in an official proceeding.

172 (9) "Person selected to be a public servant" means any person who
173 has been nominated or appointed to be a public servant.

174 Sec. 6. (NEW) (*Effective from passage*) Not later than December 31,
175 2010, the Office of State Ethics shall establish and administer a
176 program of mandatory training on the code of ethics for public officials
177 as set forth in chapter 10 of the general statutes. Such program shall
178 provide such training to members of the General Assembly upon first
179 election to the General Assembly, and for all members of the General
180 Assembly every four years beginning in 2011, except that, in the event
181 there is a significant revision of the code of ethics for public officials, as
182 determined by the Joint Committee on Legislative Management, said
183 committee shall request that the Office of State Ethics conduct a
184 training for all members of the General Assembly before the date of the
185 next regularly scheduled training.

186 Sec. 7. Subsection (k) of section 1-79 of the 2008 supplement to the
187 general statutes is repealed and the following is substituted in lieu
188 thereof (*Effective July 1, 2008*):

189 (k) "Public official" means any state-wide elected officer, any
190 member or member-elect of the General Assembly, any person
191 appointed to any office of the legislative, judicial or executive branch
192 of state government by the Governor or an appointee of the Governor,
193 with or without the advice and consent of the General Assembly, any
194 public member or representative of the teachers' unions or state
195 employees' unions appointed to the Investment Advisory Council
196 pursuant to subsection (a) of section 3-13b, any person appointed or
197 elected by the General Assembly or by any member of either house
198 thereof, [and] any member or director of a quasi-public agency and the
199 spouse of the Governor, but shall not include a member of an advisory
200 board, a judge of any court either elected or appointed or a senator or

201 representative in Congress.

202 Sec. 8. Section 1-225 of the 2008 supplement to the general statutes is
203 repealed and the following is substituted in lieu thereof (*Effective July*
204 *1, 2008*):

205 (a) The meetings of all public agencies, except executive sessions, as
206 defined in subdivision (6) of section 1-200, shall be open to the public.
207 The votes of each member of any such public agency upon any issue
208 before such public agency shall be reduced to writing and made
209 available for public inspection within forty-eight hours and shall also
210 be recorded in the minutes of the session at which taken. [, which]
211 Within seven days of the session to which such minutes refer, such
212 minutes shall be available for public inspection [within seven days of
213 the session to which they refer] and posted on such public agency's
214 Internet web site, if available.

215 (b) Each such public agency of the state shall file not later than
216 January thirty-first of each year in the office of the Secretary of the
217 State the schedule of the regular meetings of such public agency for the
218 ensuing year and shall post such schedule on such public agency's
219 Internet web site, if available, except that such [provision]
220 requirements shall not apply to the General Assembly, either house
221 thereof or to any committee thereof. Any other provision of the
222 Freedom of Information Act notwithstanding, the General Assembly at
223 the commencement of each regular session in the odd-numbered years,
224 shall adopt, as part of its joint rules, rules to provide notice to the
225 public of its regular, special, emergency or interim committee
226 meetings. The chairperson or secretary of any such public agency of
227 any political subdivision of the state shall file, not later than January
228 thirty-first of each year, with the clerk of such subdivision the schedule
229 of regular meetings of such public agency for the ensuing year, and no
230 such meeting of any such public agency shall be held sooner than
231 thirty days after such schedule has been filed. The chief executive
232 officer of any multitown district or agency shall file, not later than
233 January thirty-first of each year, with the clerk of each municipal

234 member of such district or agency, the schedule of regular meetings of
235 such public agency for the ensuing year, and no such meeting of any
236 such public agency shall be held sooner than thirty days after such
237 schedule has been filed.

238 (c) The agenda of the regular meetings of every public agency,
239 except for the General Assembly, shall be available to the public and
240 shall be filed, not less than twenty-four hours before the meetings to
241 which they refer, (1) in such agency's regular office or place of
242 business, and (2) in the office of the Secretary of the State for any such
243 public agency of the state, in the office of the clerk of such subdivision
244 for any public agency of a political subdivision of the state or in the
245 office of the clerk of each municipal member of any multitown district
246 or agency. For any such public agency of the state, such agenda shall
247 be posted on the public agency's and the Secretary of the State's web
248 sites. Upon the affirmative vote of two-thirds of the members of a
249 public agency present and voting, any subsequent business not
250 included in such filed agendas may be considered and acted upon at
251 such meetings.

252 (d) Notice of each special meeting of every public agency, except for
253 the General Assembly, either house thereof or any committee thereof,
254 shall be posted not less than twenty-four hours before the meeting to
255 which such notice refers on the public agency's Internet web site, if
256 available, and given not less than twenty-four hours prior to the time
257 of such meeting by filing a notice of the time and place thereof in the
258 office of the Secretary of the State for any such public agency of the
259 state, in the office of the clerk of such subdivision for any public
260 agency of a political subdivision of the state and in the office of the
261 clerk of each municipal member for any multitown district or agency.
262 The secretary or clerk shall cause any notice received under this section
263 to be posted in his office. Such notice shall be given not less than
264 twenty-four hours prior to the time of the special meeting; provided, in
265 case of emergency, except for the General Assembly, either house
266 thereof or any committee thereof, any such special meeting may be
267 held without complying with the foregoing requirement for the filing

268 of notice but a copy of the minutes of every such emergency special
269 meeting adequately setting forth the nature of the emergency and the
270 proceedings occurring at such meeting shall be filed with the Secretary
271 of the State, the clerk of such political subdivision, or the clerk of each
272 municipal member of such multitown district or agency, as the case
273 may be, not later than seventy-two hours following the holding of such
274 meeting. The notice shall specify the time and place of the special
275 meeting and the business to be transacted. No other business shall be
276 considered at such meetings by such public agency. In addition, such
277 written notice shall be delivered to the usual place of abode of each
278 member of the public agency so that the same is received prior to such
279 special meeting. The requirement of delivery of such written notice
280 may be dispensed with as to any member who at or prior to the time
281 the meeting convenes files with the clerk or secretary of the public
282 agency a written waiver of delivery of such notice. Such waiver may be
283 given by telegram. The requirement of delivery of such written notice
284 may also be dispensed with as to any member who is actually present
285 at the meeting at the time it convenes. Nothing in this section shall be
286 construed to prohibit any agency from adopting more stringent notice
287 requirements.

288 (e) No member of the public shall be required, as a condition to
289 attendance at a meeting of any such body, to register the member's
290 name, or furnish other information, or complete a questionnaire or
291 otherwise fulfill any condition precedent to the member's attendance.

292 (f) A public agency may hold an executive session, as defined in
293 subdivision (6) of section 1-200, upon an affirmative vote of two-thirds
294 of the members of such body present and voting, taken at a public
295 meeting and stating the reasons for such executive session, as defined
296 in section 1-200.

297 (g) In determining the time within which or by when a notice,
298 agenda, record of votes or minutes of a special meeting or an
299 emergency special meeting are required to be filed under this section,
300 Saturdays, Sundays, legal holidays and any day on which the office of

301 the agency, the Secretary of the State or the clerk of the applicable
302 political subdivision or the clerk of each municipal member of any
303 multitown district or agency, as the case may be, is closed, shall be
304 excluded.

305 Sec. 9. Section 9-622 of the general statutes is repealed and the
306 following is substituted in lieu thereof (*Effective July 1, 2008*):

307 The following persons shall be guilty of illegal practices and shall be
308 punished in accordance with the provisions of section 9-623:

309 (1) Any person who, directly or indirectly, individually or by
310 another person, gives or offers or promises to any person any money,
311 gift, advantage, preferment, entertainment, aid, emolument or other
312 valuable thing for the purpose of inducing or procuring any person to
313 sign a nominating, primary or referendum petition or to vote or refrain
314 from voting for or against any person or for or against any measure at
315 any election, caucus, convention, primary or referendum;

316 (2) Any person who, directly or indirectly, receives, accepts,
317 requests or solicits from any person, committee, association,
318 organization or corporation, any money, gift, advantage, preferment,
319 aid, emolument or other valuable thing for the purpose of inducing or
320 procuring any person to sign a nominating, primary or referendum
321 petition or to vote or refrain from voting for or against any person or
322 for or against any measure at any such election, caucus, primary or
323 referendum;

324 (3) Any person who, in consideration of any money, gift, advantage,
325 preferment, aid, emolument or other valuable thing paid, received,
326 accepted or promised to the person's advantage or any other person's
327 advantage, votes or refrains from voting for or against any person or
328 for or against any measure at any such election, caucus, primary or
329 referendum;

330 (4) Any person who solicits from any candidate any money, gift,
331 contribution, emolument or other valuable thing for the purpose of

332 using the same for the support, assistance, benefit or expenses of any
333 club, company or organization, or for the purpose of defraying the cost
334 or expenses of any political campaign, primary, referendum or
335 election;

336 (5) Any person who, directly or indirectly, pays, gives, contributes
337 or promises any money or other valuable thing to defray or towards
338 defraying the cost or expenses of any campaign, primary, referendum
339 or election to any person, committee, company, club, organization or
340 association, other than to a campaign treasurer, except that this
341 subdivision shall not apply to any expenses for postage, telegrams,
342 telephoning, stationery, express charges, traveling, meals, lodging or
343 photocopying incurred by any candidate for office or for nomination to
344 office, so far as may be permitted under the provisions of this chapter;

345 (6) Any person who, in order to secure or promote the person's own
346 nomination or election as a candidate, or that of any other person,
347 directly or indirectly, promises to appoint, or promises to secure or
348 assist in securing the appointment, nomination or election of any other
349 person to any public position, or to any position of honor, trust or
350 emolument; but any person may publicly announce the person's own
351 choice or purpose in relation to any appointment, nomination or
352 election in which the person may be called to take part, if the person is
353 nominated for or elected to such office;

354 (7) Any person who, directly or indirectly, individually or through
355 another person, makes a payment or promise of payment to a
356 campaign treasurer in a name other than the person's own, and any
357 campaign treasurer who knowingly receives a payment or promise of
358 payment, or enters or causes the same to be entered in the person's
359 accounts in any other name than that of the person by whom such
360 payment or promise of payment is made;

361 (8) Any person who knowingly and wilfully violates any provision
362 of this chapter;

363 (9) Any person who offers or receives a cash contribution in excess

364 of one hundred dollars to promote the success or defeat of any political
365 party, candidate or referendum question;

366 (10) Any person who solicits, makes or receives a contribution that
367 is otherwise prohibited by any provision of this chapter;

368 (11) Any department head or deputy department head of a state
369 department who solicits a contribution on behalf of, or for the benefit
370 of, any candidate for state, district or municipal office or any political
371 party;

372 (12) Any municipal employee who solicits a contribution on behalf
373 of, or for the benefit of, any candidate for state, district or municipal
374 office, any political committee or any political party, from (A) an
375 individual under the supervision of such employee, or (B) the spouse
376 or a dependent child of such individual; [or]

377 (13) Any person who makes a coordinated expenditure for a
378 candidate without the knowledge of said candidate. No candidate
379 shall be civilly or criminally liable with regard to any such coordinated
380 expenditure;

381 (14) Any chief of staff of a legislative caucus who solicits a
382 contribution on behalf of or for the benefit of any candidate for state,
383 district or municipal office from an employee of the legislative caucus;

384 (15) Any chief of staff for a state-wide elected official who solicits a
385 contribution on behalf of or for the benefit of any candidate for state,
386 district or municipal office from a member of such official's staff; or

387 (16) Any chief of staff for the Governor or Lieutenant Governor who
388 solicits a contribution on behalf of or for the benefit of any candidate
389 for state, district or municipal office from a member of the staff of the
390 Governor or Lieutenant Governor, or from any commissioner or
391 deputy commissioner of any state agency.

392 Sec. 10. Subsection (e) of section 1-79 of the 2008 supplement to the
393 general statutes is repealed and the following is substituted in lieu

394 thereof (*Effective July 1, 2008*):

395 (e) "Gift" means anything of value, which is directly and personally
396 received, unless consideration of equal or greater value is given in
397 return. "Gift" shall not include:

398 (1) A political contribution otherwise reported as required by law or
399 a donation or payment as described in subdivision (9) or (10) of
400 subsection (b) of section 9-601a;

401 (2) Services provided by persons volunteering their time, if
402 provided to aid or promote the success or defeat of any political party,
403 any candidate or candidates for public office or the position of
404 convention delegate or town committee member or any referendum
405 question;

406 (3) A commercially reasonable loan made on terms not more
407 favorable than loans made in the ordinary course of business;

408 (4) A gift received from (A) an individual's spouse, fiance or fiancée,
409 (B) the parent, brother or sister of such spouse or such individual, or
410 (C) the child of such individual or the spouse of such child;

411 (5) Goods or services (A) which are provided to a state agency or
412 quasi-public agency (i) for use on state or quasi-public agency
413 property, or (ii) that support an event, and (B) which facilitate state or
414 quasi-public agency action or functions. As used in this subdivision,
415 "state property" means (i) property owned by the state or a quasi-
416 public agency, or (ii) property leased to a state agency or quasi-public
417 agency;

418 (6) A certificate, plaque or other ceremonial award costing less than
419 one hundred dollars;

420 (7) A rebate, discount or promotional item available to the general
421 public;

422 (8) Printed or recorded informational material germane to state

423 action or functions;

424 (9) Food or beverage or both, costing less than fifty dollars in the
425 aggregate per recipient in a calendar year, and consumed on an
426 occasion or occasions at which the person paying, directly or
427 indirectly, for the food or beverage, or his representative, is in
428 attendance;

429 (10) Food or beverage or both, costing less than fifty dollars per
430 person and consumed at a publicly noticed legislative reception to
431 which all members of the General Assembly are invited and which is
432 hosted not more than once in any calendar year by a lobbyist or
433 business organization. For the purposes of such limit, (A) a reception
434 hosted by a lobbyist who is an individual shall be deemed to have also
435 been hosted by the business organization which he owns or is
436 employed by, and (B) a reception hosted by a business organization
437 shall be deemed to have also been hosted by all owners and employees
438 of the business organization who are lobbyists. In making the
439 calculation for the purposes of such fifty-dollar limit, the donor shall
440 divide the amount spent on food and beverage by the number of
441 persons whom the donor reasonably expects to attend the reception;

442 (11) Food or beverage or both, costing less than fifty dollars per
443 person and consumed at a publicly noticed reception to which all
444 members of the General Assembly from a region of the state are
445 invited and which is hosted not more than once in any calendar year
446 by a lobbyist or business organization. For the purposes of such limit,
447 (A) a reception hosted by a lobbyist who is an individual shall be
448 deemed to have also been hosted by the business organization which
449 he owns or is employed by, and (B) a reception hosted by a business
450 organization shall be deemed to have also been hosted by all owners
451 and employees of the business organization who are lobbyists. In
452 making the calculation for the purposes of such fifty-dollar limit, the
453 donor shall divide the amount spent on food and beverage by the
454 number of persons whom the donor reasonably expects to attend the
455 reception. As used in this subdivision, "region of the state" means the

456 established geographic service area of the organization hosting the
457 reception;

458 (12) A gift, including, but not limited to, food or beverage or both,
459 provided by an individual for the celebration of a major life event,
460 provided any such gift provided by an individual who is not a
461 member of the family of the recipient shall not exceed one thousand
462 dollars in value;

463 (13) Gifts costing less than one hundred dollars in the aggregate or
464 food or beverage provided at a hospitality suite at a meeting or
465 conference of an interstate legislative association, by a person who is
466 not a registrant or is not doing business with the state of Connecticut;

467 (14) Admission to a charitable or civic event, including food and
468 beverage provided at such event, but excluding lodging or travel
469 expenses, at which a public official or state employee participates in
470 his official capacity, provided such admission is provided by the
471 primary sponsoring entity;

472 (15) Anything of value provided by an employer of (A) a public
473 official, (B) a state employee, or (C) a spouse of a public official or state
474 employee, to such official, employee or spouse, provided such benefits
475 are customarily and ordinarily provided to others in similar
476 circumstances;

477 (16) Anything having a value of not more than ten dollars, provided
478 the aggregate value of all things provided by a donor to a recipient
479 under this subdivision in any calendar year shall not exceed fifty
480 dollars; or

481 (17) Training that is provided by a vendor for a product purchased
482 by a state or quasi-public agency which is offered to all customers of
483 such vendor.

484 Sec. 11. Subsection (g) of section 1-91 of the 2008 supplement to the
485 general statutes is repealed and the following is substituted in lieu

486 thereof (*Effective July 1, 2008*):

487 (g) "Gift" means anything of value, which is directly and personally
488 received, unless consideration of equal or greater value is given in
489 return. "Gift" shall not include:

490 (1) A political contribution otherwise reported as required by law or
491 a donation or payment described in subdivision (9) or (10) of
492 subsection (b) of section 9-601a;

493 (2) Services provided by persons volunteering their time, if
494 provided to aid or promote the success or defeat of any political party,
495 any candidate or candidates for public office or the position of
496 convention delegate or town committee member or any referendum
497 question;

498 (3) A commercially reasonable loan made on terms not more
499 favorable than loans made in the ordinary course of business;

500 (4) A gift received from (A) the individual's spouse, fiance or
501 fiancee, (B) the parent, brother or sister of such spouse or such
502 individual, or (C) the child of such individual or the spouse of such
503 child;

504 (5) Goods or services (A) which are provided to a state agency or
505 quasi-public agency (i) for use on state or quasi-public agency
506 property, or (ii) that support an event, and (B) which facilitate state or
507 quasi-public agency action or functions. As used in this subdivision,
508 "state property" means (i) property owned by the state or a quasi-
509 public agency, or (ii) property leased to a state or quasi-public agency;

510 (6) A certificate, plaque or other ceremonial award costing less than
511 one hundred dollars;

512 (7) A rebate, discount or promotional item available to the general
513 public;

514 (8) Printed or recorded informational material germane to state

515 action or functions;

516 (9) Food or beverage or both, costing less than fifty dollars in the
517 aggregate per recipient in a calendar year, and consumed on an
518 occasion or occasions at which the person paying, directly or
519 indirectly, for the food or beverage, or his representative, is in
520 attendance;

521 (10) Food or beverage or both, costing less than fifty dollars per
522 person and consumed at a publicly noticed legislative reception to
523 which all members of the General Assembly are invited and which is
524 hosted not more than once in any calendar year by a lobbyist or
525 business organization. For the purposes of such limit, (A) a reception
526 hosted by a lobbyist who is an individual shall be deemed to have also
527 been hosted by the business organization which he owns or is
528 employed by, and (B) a reception hosted by a business organization
529 shall be deemed to have also been hosted by all owners and employees
530 of the business organization who are lobbyists. In making the
531 calculation for the purposes of such fifty-dollar limit, the donor shall
532 divide the amount spent on food and beverage by the number of
533 persons whom the donor reasonably expects to attend the reception;

534 (11) Food or beverage or both, costing less than fifty dollars per
535 person and consumed at a publicly noticed reception to which all
536 members of the General Assembly from a region of the state are
537 invited and which is hosted not more than once in any calendar year
538 by a lobbyist or business organization. For the purposes of such limit,
539 (A) a reception hosted by a lobbyist who is an individual shall be
540 deemed to have also been hosted by the business organization which
541 he owns or is employed by, and (B) a reception hosted by a business
542 organization shall be deemed to have also been hosted by all owners
543 and employees of the business organization who are lobbyists. In
544 making the calculation for the purposes of such fifty-dollar limit, the
545 donor shall divide the amount spent on food and beverage by the
546 number of persons whom the donor reasonably expects to attend the
547 reception. As used in this subdivision, "region of the state" means the

548 established geographic service area of the organization hosting the
549 reception;

550 (12) A gift, including, but not limited to, food or beverage or both,
551 provided by an individual for the celebration of a major life event,
552 provided any such gift provided by an individual who is not a
553 member of the family of the recipient shall not exceed one thousand
554 dollars in value;

555 (13) Gifts costing less than one hundred dollars in the aggregate or
556 food or beverage provided at a hospitality suite at a meeting or
557 conference of an interstate legislative association, by a person who is
558 not a registrant or is not doing business with the state of Connecticut;

559 (14) Admission to a charitable or civic event, including food and
560 beverage provided at such event, but excluding lodging or travel
561 expenses, at which a public official or state employee participates in
562 his official capacity, provided such admission is provided by the
563 primary sponsoring entity;

564 (15) Anything of value provided by an employer of (A) a public
565 official, (B) a state employee, or (C) a spouse of a public official or state
566 employee, to such official, employee or spouse, provided such benefits
567 are customarily and ordinarily provided to others in similar
568 circumstances;

569 (16) Anything having a value of not more than ten dollars, provided
570 the aggregate value of all things provided by a donor to a recipient
571 under this subdivision in any calendar year shall not exceed fifty
572 dollars; or

573 (17) Training that is provided by a vendor for a product purchased
574 by a state or quasi-public agency which is offered to all customers of
575 such vendor.

576 Sec. 12. Subsection (f) of section 1-84b of the general statutes is
577 repealed and the following is substituted in lieu thereof (*Effective July*

578 1, 2008):

579 (f) No former public official or state employee (1) who participated
580 substantially in the negotiation or award of (A) a state contract valued
581 at an amount of fifty thousand dollars or more, or (B) a written
582 agreement for the approval of a payroll deduction slot described in
583 section 3-123g, or (2) who supervised the negotiation or award of such
584 a contract or agreement, shall accept employment with a party to the
585 contract or agreement other than the state for a period of one year after
586 his resignation from his state office or position if his resignation occurs
587 less than one year after the contract or agreement is signed. No party
588 to such a contract or agreement other than the state shall employ any
589 such former public official or state employee in violation of this
590 subsection.

591 Sec. 13. Subsections (a) and (b) of section 1-82 of the general statutes
592 are repealed and the following is substituted in lieu thereof (*Effective*
593 *from passage*):

594 (a) (1) Upon the complaint of any person on a form prescribed by
595 the board, signed under penalty of false statement, or upon its own
596 complaint, the ethics enforcement officer of the Office of State Ethics
597 shall investigate any alleged violation of this part or section 1-101nn of
598 the 2008 supplement to the general statutes. Not later than five days
599 after the receipt or issuance of such complaint, the board shall provide
600 notice of such receipt or issuance and a copy of the complaint by
601 registered or certified mail to any respondent against whom such
602 complaint is filed and shall provide notice of the receipt of such
603 complaint to the complainant. When the ethics enforcement officer of
604 the Office of State Ethics undertakes an evaluation of a possible
605 violation of this part or section 1-101nn of the 2008 supplement to the
606 general statutes prior to the filing of a complaint, the subject of the
607 evaluation shall be notified not later than five business days after an
608 Office of State Ethics staff member's first contact with a third party
609 concerning the matter.

610 (2) In the conduct of its investigation of an alleged violation of this
611 part or section 1-101nn of the 2008 supplement to the general statutes,
612 the Office of State Ethics shall have the power to hold hearings,
613 administer oaths, examine witnesses [,] and receive oral and
614 documentary evidence. [,] The Office of State Ethics may subpoena
615 witnesses under procedural rules adopted by the Citizen's Ethics
616 Advisory Board as regulations in accordance with the provisions of
617 chapter 54 to compel attendance before the Office of State Ethics and to
618 require the production for examination by the ethics enforcement
619 officer of the Office of State Ethics of any books and papers which the
620 Office of State Ethics deems relevant in any matter under investigation
621 or in question, provided any such subpoena is issued either pursuant
622 to a majority vote of the Citizen's Ethics Advisory Board or pursuant to
623 the signature of the chairperson of such board. The vice-chairperson of
624 such board may sign any such subpoena if the chairperson of such
625 board is unavailable. In the exercise of such powers, the Office of State
626 Ethics may use the services of the state police, who shall provide the
627 same upon the office's request. The Office of State Ethics shall make a
628 record of all proceedings conducted pursuant to this subsection. The
629 ethics enforcement officer of the Office of State Ethics may bring any
630 alleged violation of this part before a judge trial referee assigned by the
631 Chief Court Administrator for such purpose for a probable cause
632 hearing. Such judge trial referee shall be compensated in accordance
633 with the provisions of section 52-434 from such funds as may be
634 available to the Office of State Ethics. Any witness summoned before
635 the Office of State Ethics or a judge trial referee pursuant to this
636 subsection shall receive the witness fee paid to witnesses in the courts
637 of this state. During any investigation conducted pursuant to this
638 subsection or any probable cause hearing conducted pursuant to this
639 subsection, the respondent shall have the right to appear and be heard
640 and to offer any information which may tend to clear the respondent
641 of probable cause to believe the respondent has violated any provision
642 of this part or section 1-101nn of the 2008 supplement to the general
643 statutes. The respondent shall also have the right to be represented by
644 legal counsel and to examine and cross-examine witnesses. Not later

645 than ten days prior to the commencement of any hearing conducted
646 pursuant to this subsection, the Office of State Ethics shall provide the
647 respondent with a list of its intended witnesses. Any finding of
648 probable cause to believe the respondent is in violation of any
649 provisions of this part shall be made by a judge trial referee not later
650 than thirty days after the ethics enforcement officer brings such alleged
651 violation before such judge trial referee, except that such thirty-day
652 limitation period shall not apply if the judge trial referee determines
653 that good cause exists for extending such limitation period.

654 (b) If a judge trial referee determines that probable cause exists for
655 the violation of a provision of this part or section 1-101nn of the 2008
656 supplement to the general statutes, the board shall initiate hearings to
657 determine whether there has been a violation of this part or section 1-
658 101nn of the 2008 supplement to the general statutes. Any such
659 hearing shall be initiated by the board not later than thirty days after
660 the finding of probable cause by a judge trial referee and shall be
661 concluded not later than ninety days after its initiation, except that
662 such thirty or ninety-day limitation period shall not apply if the judge
663 trial referee determines that good cause exists for extending such
664 limitation period. A judge trial referee, who has not taken part in the
665 probable cause determination on the matter shall be assigned by the
666 Chief Court Administrator and shall be compensated in accordance
667 with section 52-434 out of funds available to the Office of State Ethics
668 and shall preside over such hearing and rule on all issues concerning
669 the application of the rules of evidence, which shall be the same as in
670 judicial proceedings. The trial referee shall have no vote in any
671 decision of the board. All hearings of the board held pursuant to this
672 subsection shall be open. At such hearing the board shall have the
673 same powers as the Office of State Ethics under subsection (a) of this
674 section and the respondent shall have the right to be represented by
675 legal counsel, the right to compel attendance of witnesses and the
676 production of books, documents, records and papers and to examine
677 and cross-examine witnesses. Not later than ten days prior to the
678 commencement of any hearing conducted pursuant to this subsection,

679 the Office of State Ethics shall provide the respondent with a list of its
680 intended witnesses. The judge trial referee shall, while engaged in the
681 discharge of the duties as provided in this subsection, have the same
682 authority as is provided in section 51-35 over witnesses who refuse to
683 obey a subpoena or to testify with respect to any matter upon which
684 such witness may be lawfully interrogated, and may commit any such
685 witness for contempt for a period no longer than thirty days. The
686 Office of State Ethics shall make a record of all proceedings pursuant
687 to this subsection. During the course of any such hearing, no ex-parte
688 communication shall occur between the board, or any of its members,
689 and: (1) The judge trial referee, or (2) any staff member of the
690 Enforcement Division of the Office of State Ethics, concerning the
691 complaint or the respondent. The board shall find no person in
692 violation of any provision of this part or section 1-101nn of the 2008
693 supplement to the general statutes except upon the concurring vote of
694 six of its members present and voting. No member of the board shall
695 vote on the question of whether a violation of any provision of this
696 part has occurred unless such member was physically present for the
697 duration of any hearing held pursuant to this subsection. Not later
698 than fifteen days after the public hearing conducted in accordance with
699 this subsection, the board shall publish its finding and a memorandum
700 of the reasons therefor. Such finding and memorandum shall be
701 deemed to be the final decision of the board on the matter for the
702 purposes of chapter 54. The respondent, if aggrieved by the finding
703 and memorandum, may appeal therefrom to the Superior Court in
704 accordance with the provisions of section 4-183.

705 Sec. 14. Subsections (a) and (b) of section 1-93 of the general statutes
706 are repealed and the following is substituted in lieu thereof (*Effective*
707 *from passage*):

708 (a) (1) Upon the complaint of any person on a form prescribed by
709 the Office of State Ethics, signed under penalty of false statement, or
710 upon its own complaint, the ethics enforcement officer of the Office of
711 State Ethics shall investigate any alleged violation of this part. Not
712 later than five days after the receipt or issuance of such complaint, the

713 Office of State Ethics shall provide notice of such receipt or issuance
714 and a copy of the complaint by registered or certified mail to any
715 respondent against whom such complaint is filed and shall provide
716 notice of the receipt of such complaint to the complainant. When the
717 Office of State Ethics undertakes an evaluation of a possible violation
718 of this part prior to the filing of a complaint, the subject of the
719 evaluation shall be notified not later than five business days after a
720 staff member of the Office of State Ethics undertakes the first contact
721 with a third party concerning the matter.

722 (2) In the conduct of its investigation of an alleged violation of this
723 part, the Office of State Ethics shall have the power to hold hearings,
724 administer oaths, examine witnesses [,] and receive oral and
725 documentary evidence. [,] The Office of State Ethics may subpoena
726 witnesses under procedural rules adopted by the Citizen's Ethics
727 Advisory Board as regulations in accordance with the provisions of
728 chapter 54 to compel attendance before the Office of State Ethics and to
729 require the production for examination by the ethics enforcement
730 officer of the Office of State Ethics of any books and papers which the
731 ethics enforcement officer of the Office of State Ethics deems relevant
732 in any matter under investigation or in question, provided any such
733 subpoena is issued either pursuant to a majority vote of the Citizen's
734 Ethics Advisory Board or pursuant to the signature of the chairperson
735 of such board. The vice-chairperson of such board may sign any such
736 subpoena if the chairperson of such board is unavailable. In the
737 exercise of such powers, the Office of State Ethics may use the services
738 of the state police, who shall provide the same upon the office's
739 request. The Office of State Ethics shall make a record of all
740 proceedings conducted pursuant to this subsection. Any witness
741 summoned before the Office of State Ethics or a judge trial referee
742 pursuant to this subsection shall receive the witness fee paid to
743 witnesses in the courts of this state. The ethics enforcement officer of
744 the Office of State Ethics may bring any alleged violation of this part
745 before a judge trial referee assigned by the Chief Court Administrator
746 for such purpose for a probable cause hearing. Such judge trial referee

747 shall be compensated in accordance with the provisions of section 52-
748 434 from such funds as may be available to the Office of State Ethics.
749 The respondent shall have the right to appear at any hearing held
750 pursuant to this subsection and be heard and to offer any information
751 which may tend to clear the respondent of probable cause to believe
752 the respondent has violated any provision of this part. The respondent
753 shall also have the right to be represented by legal counsel and to
754 examine and cross-examine witnesses. Not later than ten days prior to
755 the commencement of any hearing conducted pursuant to this
756 subsection, the Office of State Ethics shall provide the respondent with
757 a list of its intended witnesses. Any finding of probable cause to
758 believe the respondent is in violation of any provision of this part shall
759 be made by a judge trial referee not later than thirty days after the
760 ethics enforcement officer brings such alleged violation before such
761 judge trial referee, except that such thirty-day limitation period shall
762 not apply if the judge trial referee determines that good cause exists for
763 extending such limitation period.

764 (b) If a judge trial referee indicates that probable cause exists for the
765 violation of a provision of this part, the board shall initiate hearings to
766 determine whether there has been a violation of this part. Any such
767 hearing shall be initiated by the board not later than thirty days after
768 the finding of probable cause by a judge trial referee and shall be
769 concluded not later than ninety days after its initiation, except that
770 such thirty-day or ninety-day limitation period shall not apply if the
771 judge trial referee determines that good cause exists for extending such
772 limitation period. A judge trial referee, who has not taken part in the
773 probable cause determination on the matter shall be assigned by the
774 Chief Court Administrator and shall be compensated in accordance
775 with section 52-434 out of funds available to the board and shall
776 preside over such hearing and rule on all issues concerning the
777 application of the rules of evidence, which shall be the same as in
778 judicial proceedings. The trial referee shall have no vote in any
779 decision of the board. All hearings of the board held pursuant to this
780 subsection shall be open. At such hearing the board shall have the

781 same powers as the Office of State Ethics under subsection (a) of this
 782 section and the respondent shall have the right to be represented by
 783 legal counsel, the right to compel attendance of witnesses and the
 784 production of books, documents, records and papers and to examine
 785 and cross-examine witnesses. Not later than ten days prior to the
 786 commencement of any hearing conducted pursuant to this subsection,
 787 the Office of State Ethics shall provide the respondent with a list of its
 788 intended witnesses. The judge trial referee shall, while engaged in the
 789 discharge of the duties as provided in this subsection, have the same
 790 authority as is provided in section 51-35 over witnesses who refuse to
 791 obey a subpoena or to testify with respect to any matter upon which
 792 such witness may be lawfully interrogated, and may commit any such
 793 witness for contempt for a period no longer than thirty days. The
 794 Office of State Ethics shall make a record of all proceedings pursuant
 795 to this subsection. During the course of any such hearing, no ex-parte
 796 communication shall occur between the board, or any of its members,
 797 and: (1) The judge trial referee, or (2) any staff member of the
 798 Enforcement Division of the Office of State Ethics, concerning the
 799 complaint or the respondent. The board shall find no person in
 800 violation of any provision of this part except upon the concurring vote
 801 of [two-thirds] six of its members present and voting. No member of
 802 the board shall vote on the question of whether a violation of any
 803 provision of this part has occurred unless such member was physically
 804 present for the duration of any hearing held pursuant to this
 805 subsection. Not later than fifteen days after the public hearing
 806 conducted in accordance with this subsection, the board shall publish
 807 its finding and a memorandum of the reasons therefor. Such finding
 808 and memorandum shall be deemed to be the final decision of the
 809 board on the matter for the purposes of chapter 54. The respondent, if
 810 aggrieved by the finding and memorandum, may appeal therefrom to
 811 the Superior Court in accordance with the provisions of section 4-183.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>October 1, 2008</i>	New section
Sec. 5	<i>October 1, 2008</i>	53a-146
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>July 1, 2008</i>	1-79(k)
Sec. 8	<i>July 1, 2008</i>	1-225
Sec. 9	<i>July 1, 2008</i>	9-622
Sec. 10	<i>July 1, 2008</i>	1-79(e)
Sec. 11	<i>July 1, 2008</i>	1-91(g)
Sec. 12	<i>July 1, 2008</i>	1-84b(f)
Sec. 13	<i>from passage</i>	1-82(a) and (b)
Sec. 14	<i>from passage</i>	1-93(a) and (b)

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Judicial Dept.	GF - Revenue Gain	Potential Minimal	Potential Minimal
Judicial Department (Probation); Correction, Dept.	GF - Cost	Potential	Potential
Office of State Ethics	GF - Cost	Minimal	Minimal
Comptroller Misc. Accounts (Fringe Benefits)	GF, State Employees Retirement Fund	See Below	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect
Various Municipalities	See Below

Explanation

The revocation or reduction of retirement benefits permitted under the bill may result in a savings to the state employee retirement system and the municipal employee retirement system, which are administered by the Office of the State Comptroller (OSC). The potential savings to the retirement systems is dependent upon the degree to which retirement benefits are reduced or revoked.

In instances where a state retirement benefit is revoked, there would also be a savings to the state's retiree health insurance account since eligibility for retiree health insurance is tied to eligibility for a retirement benefit. Additionally, when a person's retirement benefit is revoked, the bill specifies that they are entitled to a refund of their contributions without interest. This would reduce the retirement fund savings for those employees who contributed to their pensions. It would not impact the savings associated with Tier II members of the

state employees retirement system, since that tier is noncontributory.

There could potentially be actuarial consulting costs to the OSC, which would be dependent on the volume of cases associated with the implementation of any reductions or revocations of retirement benefits.

The bill makes it a crime, punishable by a fine of up to \$2,000 and/or a prison term of up to 1 year, for any public servant to fail to report bribery. Any revenue gain from criminal fines under the bill would be minimal. To the extent that offenders are prosecuted criminally and subsequently convicted or plead guilty, the state could incur a cost associated with incarceration and/or probation supervision in the community. On average, it costs the state \$3,736 to supervise an offender on probation in the community as compared to \$44,165 to incarcerate the offender.

The Citizens' Advisory Board has 9 members, of which 6 must be present to vote on the determination of a violation and impose penalties at the conclusion of a hearing. The bill requires at least 6 voting members of the board be physically present for the duration of a hearing. The members are compensated \$200 per hearing. To the extent that this provision increases the number of members at hearings, a minimal cost would be incurred.

Senate "A" strikes the original bill and the associated fiscal impact and has the fiscal impact described above.

House "A" excludes elected and appointed public officials from the limitation on the maximum value of a court-ordered pension revocation or reduction, which could result in a potential savings to the retirement systems, depending upon the amount to which these retirement benefits are reduced or revoked.

OLR Bill Analysis**sSB 333 (File 419, as amended by Senate "A" and House "A")******AN ACT CONCERNING COMPREHENSIVE ETHICS REFORMS.*****SUMMARY:**

This bill:

1. generally permits state courts to revoke or reduce any retirement or other benefit due to state or municipal officials or employees who commit certain crimes related to their employment;
2. makes it a class A misdemeanor for public servants to fail to report a bribe;
3. expands illegal campaign finance practices to cover certain solicitations by chiefs of staff;
4. makes several changes to state codes of ethics such as limiting gift exceptions, prohibiting state contractors from hiring certain former public officials and state employees, restricting the Office of State Ethics' (OSE) authority to issue subpoenas, prohibiting *ex parte* communications during OSE hearings on ethics complaints, limiting Citizens' Advisory Board members who can act on ethics complaints, and subjecting the governor's spouse to the code;
5. requires OSE to provide mandatory training to legislators on the Code of Ethics for Public Officials; and
6. requires public agencies to post, on available web sites, meeting dates, times, and minutes required by law to be publicly

disclosed.

*Senate Amendment "A" deletes the provisions in the original bill on (1) a Legislative Code of Conduct and a Legislative Ethics Committee to enforce it and (2) the appearance of impropriety. It (1) eliminates the language in the original bill that made the corrupt officials provision retroactive; (2) caps the amount of pension reduction or revocation unless public interest demands otherwise; (3) expands the conduct that constitutes failure to report a bribe; (4) expands illegal campaign finance practices; (5) makes several changes to the state codes of ethics; (6) requires public agencies to post meeting information on websites; and (7) requires mandatory ethics training every four, rather than every two, years as provided in the original bill.

*House Amendment "A" eliminates the pension reduction or revocation cap in Senate "A" and replaces it with a cap applicable to state and municipal employees only.

EFFECTIVE DATE: July 1, 2008, except that (1) provisions on corrupt officials, ethics training, and ethics enforcement procedures are effective upon passage and (2) the bribery provision is effective on October 1, 2008.

§§ 1-3 — CORRUPT OFFICIALS

With two exceptions, the bill permits state courts to revoke or reduce any retirement or other benefit due to state or municipal public officials or employees or quasi-public agency members and directors who commit certain crimes related to their employment. Under the exceptions, (1) no revocation or reduction prohibits or limits benefits that are the subject of a qualified domestic relations order (e.g., child support) and (2) no pension may be reduced or revoked if the IRS determines that the action will negatively affect or invalidate the status of the state's or a municipality's government retirement plans under Section 401 (a) of the Internal Revenue Code of 1986.

The bill requires the court to order payment of any benefit or

payment that is not revoked or reduced.

Crimes Related to Office or Employment

The bill requires the attorney general to apply to the Superior Court for an order to revoke or reduce the benefits of a public official or employee who, on and after the bill's passage, is convicted of or pleads guilty or *nolo contendere* (no contest) in federal or state court to:

1. committing or aiding or abetting the embezzlement of public funds from the state, a municipality, or a quasi-public agency;
2. committing or aiding or abetting any felonious theft from the state, a municipality, or a quasi-public agency;
3. bribery connected to his or her role as a public official or employee; or
4. felonies committed willfully and with intent to defraud to obtain or attempt to obtain an advantage for himself or herself or others through the use or attempted use of his or her office.

The attorney general must notify the prosecutor in these criminal cases of the pension revocation statute and that the pension may be used to pay any fine, restitution, or other monetary order the court issues.

"Public officials" are (1) statewide elected officers, (2) legislators and legislators-elect, (3) judges, (4) gubernatorial appointees, (5) municipal elected and appointed officials, (6) public members and union representatives on the Investment Advisory Council, (7) quasi-public agency members and directors, and (8) people appointed or elected by the General Assembly or either chamber. The term does not include advisory board members or members of Congress.

"State employees" includes employees of quasi-public agencies.

Amount of Revocation or Reduction

The bill caps the value of revocation or reduction for state or

municipal employees at the amount necessary to satisfy any fine, restitution, or other monetary order the criminal court issues plus the cost of incarceration.

Sentencing Considerations

When determining whether to revoke or reduce a public official's or employee's benefits or payments, the bill requires the court to consider:

1. the severity of the crime;
2. the amount of money the state, municipality, quasi-public agency, or anyone else lost as a result of the crime;
3. the degree of public trust reposed in the person by virtue of his or her position;
4. if the crime was part of a fraudulent scheme against the state or a municipality, the defendant's role in it; and
5. any other factors the court determines that justice requires.

The court cannot revoke or reduce the pension benefits of a public official or employee who cooperated with the state as a whistleblower before learning of the criminal investigation. This prohibition applies only if the court determines or the attorney general certifies that the official or employee voluntarily provided information to the attorney general, state auditors, or a law enforcement agency against a person more blameworthy than the official or employee.

After determining to reduce pension benefits, the court must consider the needs of an innocent spouse or beneficiary and may order that all or part of the benefits be paid to the spouse or beneficiary.

Revoked Benefits

If an official's or employee's pension is revoked, the bill entitles the person to the return of any contributions he or she made to it, without interest. But, the repayment cannot be made until the court determines

that the official or employee has fully satisfied any judgment or court-ordered restitution related to the crime against the office. If the court determines that he or she has not, it may deduct the unpaid amount from the individual's pension contributions.

§§ 4 AND 5 — BRIBERY

The bill makes it a class A misdemeanor for public servants to fail to report a bribe (see BACKGROUND). Public servants commit this crime when they do not report to a law enforcement agency as soon as reasonably practicable that (1) another person has attempted to bribe them by promising, offering, transferring, or agreeing to transfer to them any benefit as consideration for their decision, opinion, recommendation, or vote; (2) they knowingly witnessed someone attempting to bribe another public servant; or (3) they know another public servant committed bribe receiving. By law, a person is guilty of bribe receiving if he or she solicits, accepts, or agrees to accept any benefit for, because of, or inconsideration for his or her decision, opinion, recommendation, or vote.

The bill expands the definition of "public servant" that applies to existing bribery and bribe receiving crimes, as well as this new crime. The bill expands the public servants covered by these crimes to include quasi-public agency officers and employees. Elected and appointed government officers and employees and people performing a government function, including advisors and consultants, are already covered.

§ 9 — CAMPAIGN FINANCE

The bill makes it an illegal campaign practice for chiefs of staff to solicit contributions from certain people on behalf of, or for the benefit of, any state, district, or municipal office candidate. Under the bill, the chief of staff (1) for a legislative caucus cannot solicit an employee of the caucus, (2) for a statewide elected official cannot solicit a member of the official's office, and (3) for the governor or lieutenant governor cannot solicit from any member of the official's office or from any state commissioner or deputy commissioner.

By law, it is an illegal campaign finance practice for, among other things, state department heads and their deputies to solicit political contributions at any time, and for anyone to knowingly and willfully violate a campaign finance law. Campaign finance violators are subject to criminal penalties of up to five years in prison, a \$5,000 fine, or both for knowing and willful violations. They are also subject to civil penalties of up to \$2,000 per offense.

STATE ETHICS CODE

§§ 13 and 14 — Ethics Complaint Enforcement

By law, when an ethics complaint is filed with OSE, the office conducts probable cause investigations, including hearings. If probable cause is found, OSE's Citizens' Advisory Board initiates a hearing to determine whether there has been a violation. A judge trial referee conducts the hearing. Both OSE and its advisory board can subpoena witnesses and records during their respective proceedings.

Subpoenas. The bill restricts OSE's authority to issue subpoenas by requiring it to get (1) approval from a majority of the advisory board members or (2) the chairperson of the board to sign the subpoena. It authorizes the vice chair to sign the subpoena if the chair is unavailable.

Ex Parte Communications. During the hearing on whether a violation has occurred, the bill prohibits ex parte communications about the complaint or respondent between the board or any of its members and the judge trial referee conducting the hearing or a member of OSE's staff.

Voting on Existence of Violation. By law, the Citizens' Advisory Board, at the conclusion of the hearing, determines whether a violation occurred and, if so, imposes penalties. The bill restricts the board members who can vote on whether a violation occurred to those who were physically present during the entire violation hearing.

The bill makes a technical change by specifying the number of

board members, rather than the fraction of the board, necessary to find a violation of the State Code for Lobbyists. The bill requires six members, rather than two-thirds of the board, to find a violation. By law, there are nine board members.

§§ 10 and 11 — Gifts

With several exceptions, the law prohibits public officials, candidates for public office, and state employees from accepting gifts (generally anything of value over \$10) from lobbyists. It also prohibits public officials and state employees from accepting gifts from people doing, or seeking to do, business with their agency; people engaged in activities regulated by their agency; or prequalified state contractors. The law also prohibits these people from giving gifts to public officials and employees.

The bill caps at \$1,000 the exception for gifts provided at celebrations of major life events by people unrelated to the recipient. Major life events include a ceremony commemorating an individual's induction into religious adulthood such as a confirmation or bar or bat mitzvah, a wedding, a funeral, and the birth or adoption of a child. It does not include any event that occurs on an annual basis such as an anniversary (Conn. State Agency Regulations § 1-92-53).

§ 12 — Employment Restrictions

The bill prohibits a party to a state contract or agreement from employing a former public official or state employee who substantially helped negotiate or award a contract valued at \$50,000 or more or an agreement for the approval of a payroll deduction. The prohibition applies to employees or officials who resign within one year after the contract or agreement is signed and ends one year after the resignation. The law already prohibits former officials and employees from accepting the job. The penalty for violations is a fine of up to \$10,000. First-time intentional violations are punishable by up to one year in prison, a \$2,000, or both. Subsequent intentional violations are punishable by up to five years in prison, a \$5,000 fine, or both.

§ 7 — Governor's Spouse

The bill makes the governor's spouse subject to the State Ethics Code for Public Officials by extending the definition of "public official" to include him or her. The bill does not similarly expand the definition under the State Code of Ethics for Lobbyists; therefore, lobbyists are not required to report expenditures that they make to benefit the governor's spouse in the financial reports they file with OSE.

Currently, "public officials" are statewide elected officers, legislators and legislators-elect, gubernatorial appointees, public members and union representatives on the Investment Advisory Council, quasi-public agency members and directors, and people appointed or elected by the General Assembly or any house thereof. The term does not include judges, advisory board members, or members of Congress.

§ 6 — TRAINING

By December 31, 2010, the bill requires OSE to establish and administer a program for providing mandatory training to legislators on the Code of Ethics for Public Officials. The program must provide for mandatory training of (1) newly elected legislators and (2) all legislators every four years beginning in 2011. However, the Legislative Management Committee must request OSE to train all legislators before the next regularly scheduled training if it determines that there has been a significant revision to the Code of Ethics for Public Officials.

BACKGROUND

Penalties for Class A Misdemeanors

A class A misdemeanor is punishable by up to one year in prison, a \$2,000 fine, or both.

Related Bill

sHB 5507 (File 391), reported by the Government Administration and Elections Committee, permits courts to revoke or reduce pension

benefits, makes failure to report a bribe a crime, and requires legislators to attend biennial ethics training.

Legislative History

On April 9, the Senate referred this bill to the Judiciary Committee, which reported it without change on April 11.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 13 Nay 0 (03/17/2008)

Judiciary Committee

Joint Favorable

Yea 22 Nay 3 (04/11/2008)