

Reform P

This proposal would amend paragraph (c) of subdivision 13 of Executive Law 94 to increase the period of time in which the Commission may initiate enforcement actions. Currently, the Commission has jurisdiction for only one year after the subject's departure from state service or termination from party service or candidacy, and one year from the subject's last filing made pursuant to the Lobbying Act. The proposal would extend the Commission's jurisdiction over a subject to five years. Such a time period is consistent with the period which a criminal action involving misconduct in public office by a public servant under Criminal Procedure Law §30.10(3)(b) may be commenced, and so ensures that the Commission is not at a disadvantage compared to criminal law enforcement agencies in bringing an action concerning public misconduct. In addition, the proposed change allows for the tolling of any period of time during which another state or law enforcement agency investigating the matter requests that the Commission refrain from bringing an action. The added provision allows the Commission to work cooperatively with other investigating agencies without jeopardizing its own jurisdiction.

Paragraph (c) of subdivision 13 of section 94 of the executive law is amended to read as follows:

- (c) **(i)** The jurisdiction of the commission when acting pursuant to this section shall continue notwithstanding that a statewide elected official or a state officer or employee or member of the legislature or legislative employee separates from state service, or a political party chair ceases to hold such office, or a candidate ceases to be a candidate, or a lobbyist or client of a lobbyist ceases to act as such, provided that the commission notifies such individual or entity of the alleged violation of law pursuant to paragraph (a) of this subdivision within ~~one-year~~ **five years** from his or her separation from state service or his or her termination of party service or candidacy, or from his, her or its last report filed pursuant to article one-A of the legislative law.
- (ii) In calculating the five year period under paragraph (c)(i), any period of time for which the Commission is in receipt of a request from another law enforcement agency to refrain from initiating an investigation pursuant to paragraph (a) shall be excluded, and such five year period shall be extended by a period equal to the time between the Commission's receipt of the request and the other state or law enforcement agency's withdrawal of the request. Nothing in this paragraph shall limit the commission's discretion on whether to proceed with any investigation proceeding enforcement action.** Nothing in this section shall serve to limit the jurisdiction of the commission in enforcement of subdivision eight of section seventy-three of the public officers law.