

New York State Joint Commission on Public Ethics

Reform V

This proposal would amend subdivision 9-a of section 94 of the executive law by adding a new paragraph (d) to enable the Commission to authorize the chairman or designated staff to make public the status of a potential investigative matter where the existence or substance of the matter has been made public.

Subdivision 9-a of section 94 of the executive law is amended by adding a new paragraph (d) to read as follows:

9-a. (a) When an individual becomes a commissioner or staff of the commission, that individual shall be required to sign a non-disclosure statement.

(b) Except as otherwise required or provided by law, testimony received or any other information obtained by a commissioner or staff of the commission shall not be disclosed by any such individual to any person or entity outside the commission during the pendency of any matter. Any confidential communication to any person or entity outside the commission related to the matters before the commission may occur only as authorized by the commission.

(c) The commission shall establish procedures necessary to prevent the unauthorized disclosure of any information received by any member of the commission or staff of the commission. Any breaches of confidentiality shall be investigated by the inspector general and appropriate action shall be taken. Any commissioner or person employed by the commission who intentionally and without authorization releases confidential information received by the commission shall be guilty of a class A misdemeanor.

(d) Notwithstanding paragraph (b) of this subdivision and subdivision thirteen of this section, the commission may, in the public interest or under extraordinary circumstances, if the public is otherwise aware of the existence of such actual or potential investigative matter, authorize the chairman or designated staff to publicly disclose that: (1) such matter is pending before the commission; (2) that such matter has been closed by the commission; or (3) that the commission has deferred action on the matter at the request of a prosecutor, other law enforcement agency, or due to another pending proceeding. Before authorizing such disclosure, the commission shall provide the subject of such investigation the opportunity to be heard regarding the public release of such information.