

1 AN ACT relating to the executive branch code of ethics.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 11A.080 is amended to read as follows:

- 4 (1) (a) Upon a complaint signed under penalty of perjury by any person, or upon its
5 own motion, the commission shall conduct a preliminary investigation of any
6 alleged violation of this chapter.
- 7 (b) The preliminary investigation shall begin not later than ten (10) days after the
8 next commission meeting following the receipt of the sworn complaint, or, if
9 the investigation is initiated by the commission's own motion, not later than
10 ten (10) days after the date of the adoption of the motion.
- 11 (c) Within ten (10) days of the commencement of the preliminary investigation,
12 the commission shall forward a copy of the complaint, if one has been filed, or
13 a statement of possible violations being investigated, and a general statement
14 of the applicable law to the person alleged to have committed a violation.
- 15 (2) All commission proceedings and records relating to a preliminary investigation
16 shall be confidential until a final determination is made by the commission, except:
- 17 (a) The commission may turn over to the Attorney General, the United States
18 Attorney, or the Commonwealth's attorney of the jurisdiction in which the
19 offense allegedly occurred, evidence which may be used in criminal
20 proceedings or, at its discretion, may at any time turn over to the Personnel
21 Board, ~~or~~ the Auditor of Public Accounts, or **any other agency with**
22 **jurisdiction to review, audit, or investigate the alleged offense** ~~both~~,
23 evidence which may be used by ~~either or both~~ of those agencies for
24 investigative purposes;
- 25 (b) If the alleged violator publicly discloses the existence of a preliminary
26 investigation, the commission may publicly confirm the existence of the
27 inquiry and, in its discretion, make public any documents which were issued

1 to either party;

2 (c) If the matter being investigated was referred to the commission from another
3 state agency, the commission may inform the referring state agency of the
4 status of any preliminary investigation and of any action taken on the matter.

5 (3) If the commission determines in the preliminary investigation that the facts are not
6 sufficient to constitute a violation of this chapter, the commission shall immediately
7 terminate the investigation and notify in writing the complainant, if any, and the
8 person alleged to have committed a violation. The commission may confidentially
9 inform the alleged violator of potential violations and provide information to ensure
10 future compliance with the law. If the alleged violator publicly discloses the
11 existence of such action by the commission, the commission may confirm the
12 existence of the resolution and, in its discretion, make public any documents which
13 were issued to the alleged violator.

14 (4) If the commission, during the course of the preliminary investigation, finds probable
15 cause to believe that a violation of this chapter has occurred, the commission may,
16 upon majority vote:

17 (a) Due to mitigating circumstances such as lack of significant economic
18 advantage or gain by the alleged violator, lack of significant economic loss to
19 the state, or lack of significant impact on public confidence in government, in
20 writing, confidentially reprimand the alleged violator for potential violations
21 of the law and provide a copy of the reprimand to the alleged violator's
22 appointing authority, if any. If the alleged violator publicly discloses the
23 existence of such an action, the commission may confirm the existence of the
24 action and, in its discretion, make public any documents which were issued to
25 the alleged violator; or

26 (b) Initiate an administrative proceeding to determine whether there has been a
27 violation.