

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- CODE OF ETHICS

Introduced By: Senators Ciccone, Burke, Raptakis, Rogers, de la Cruz, Tikoian, Gallo,
DiPalma, Urso, and Acosta

Date Introduced: March 28, 2025

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 36-14-2 and 36-14-5 of the General Laws in Chapter 36-14 entitled
2 "Code of Ethics" are hereby amended to read as follows:

3 **36-14-2. Definitions.**

4 As used in this chapter:

5 (1) "Any person within his or her family" means a spouse and any dependent children of
6 any public official or public employee as well as a person who is related to any public official or
7 public employee, whether by blood, adoption or marriage, as any of the following: father, mother,
8 son, daughter, brother, sister, grandfather, grandmother, grandson, granddaughter, father-in-law,
9 mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepfather, stepmother,
10 stepson, stepdaughter, stepbrother, stepsister, halfbrother or halvesister;

11 (2) "Business" means a sole proprietorship, partnership, firm, corporation, holding
12 company, joint stock company, receivership, trust, or any other entity recognized in law through
13 which business for profit or not for profit is conducted;

14 (3) "Business associate" means a person joined together with another person to achieve a
15 common financial objective;

16 (4) "Employees of state and local government, of boards, commissions and agencies"
17 means any full time or part time employees in the classified, nonclassified and unclassified service
18 of the state or of any city or town within the state, any individuals serving in any appointed state or
19 municipal position, and any employees of any public or quasi-public state or municipal board,

1 commission, or corporation;

2 (5) "Governmental function" means any action that is public in nature and is performed for
3 the common good of all the people;

4 (6) "Interested person" means a person or a representative of a person or business that has
5 a direct financial interest in a decision that the person subject to the Code of Ethics is authorized to
6 make, or to participate in the making of, as part of their official duties.

7 ~~(6)~~(7) "Open and public process" means the open solicitation for bids or proposals from
8 the general public by public announcement or public advertising followed by a public disclosure
9 of all bids or proposals considered and contracts awarded;

10 ~~(7)~~(8) "Person" means an individual or a business entity;

11 (9) "Single interested person" shall include all employees or representatives of an
12 individual, business, organization or entity.

13 ~~(8)~~(10)(i) "State agency" means any department, division, agency, commission, board,
14 office, bureau, authority, or quasi-public authority within Rhode Island, either branch of the Rhode
15 Island general assembly, or an agency or committee thereof, the judiciary, or any other agency that
16 is in any branch of Rhode Island state government and which exercises governmental functions
17 other than in an advisory nature;

18 (ii) "Municipal agency" means any department, division, agency, commission, board,
19 office, bureau, authority, quasi-public authority, or school, fire or water district within Rhode Island
20 other than a state agency and any other agency that is in any branch of municipal government and
21 exercises governmental functions other than in an advisory nature;

22 ~~(9)~~(11) "State or municipal appointed official" means any officer or member of a state or
23 municipal agency as defined herein who is appointed for a term of office specified by the
24 constitution or a statute of this state or a charter or ordinance of any city or town or who is appointed
25 by or through the governing body or highest official of state or municipal government;

26 ~~(10)~~(12) "State or municipal elected official" means any person holding any elective public
27 office pursuant to a general or special election;

28 ~~(11)~~(13) A person's natural child, adopted child, or stepchild is his or her "dependent child"
29 during a calendar year if the person provides over fifty percent (50%) of the child's support during
30 the year;

31 ~~(12)~~(14) A person "represents" him or herself before a state or municipal agency if he or
32 she participates in the presentation of evidence or arguments before that agency for the purpose of
33 influencing the judgment of the agency in his or her own favor;

34 ~~(13)~~(15) A person "represents" another person before a state or municipal agency if he or

1 she is authorized by that other person to act, and does in fact act, as that other person's attorney at
2 law or his or her attorney in fact in the presentation of evidence or arguments before that agency
3 for the purpose of influencing the judgment of the agency in favor of that other person.

4 ~~(14)~~(16) "Major decision-making position" means the executive or administrative head or
5 heads of a state agency, whether elected or appointed or serving as an employee and all members
6 of the judiciary, both state and municipal. For state agencies, a "major decision-making position"
7 shall include the positions of deputy director, executive director, assistant director and chief of
8 staff.

9 **36-14-5. Prohibited activities.**

10 (a) No person subject to this code of ethics shall have any interest, financial or otherwise,
11 direct or indirect, or engage in any business, employment, transaction, or professional activity, or
12 incur any obligation of any nature, which is in substantial conflict with the proper discharge of his
13 or her duties or employment in the public interest and of his or her responsibilities as prescribed in
14 the laws of this state, as defined in § 36-14-7.

15 (b) No person subject to this code of ethics shall accept other employment which will either
16 impair his or her independence of judgment as to his or her official duties or employment or require
17 him or her, or induce him or her, to disclose confidential information acquired by him or her in the
18 course of and by reason of his or her official duties.

19 (c) No person subject to this code of ethics shall willfully and knowingly disclose, for
20 pecuniary gain, to any other person, confidential information acquired by him or her in the course
21 of and by reason of his or her official duties or employment or use any information for the purpose
22 of pecuniary gain.

23 (d) No person subject to this code of ethics shall use in any way his or her public office or
24 confidential information received through his or her holding any public office to obtain financial
25 gain, other than that provided by law, for him or herself or any person within his or her family, any
26 business associate, or any business by which the person is employed or which the person represents.

27 (e) No person subject to this code of ethics shall:

28 (1) Represent him or herself before any state or municipal agency of which he or she is a
29 member or by which he or she is employed. In cases of hardship, the ethics commission may permit
30 such representation upon application by the official provided that he or she shall first:

31 (i) Advise the state or municipal agency in writing of the existence and the nature of his or
32 her interest in the matter at issue;

33 (ii) Recuse him or herself from voting on or otherwise participating in the agency's
34 consideration and disposition of the matter at issue; and

1 (iii) Follow any other recommendations the ethics commission may make to avoid any
2 appearance of impropriety in the matter.

3 (2) Represent any other person before any state or municipal agency of which he or she is
4 a member or by which he or she is employed.

5 (3) Act as an expert witness before any state or municipal agency of which he or she is a
6 member or by which he or she is employed with respect to any matter the agency's disposition of
7 which will or can reasonably be expected to directly result in an economic benefit or detriment to
8 him or herself, or any person within his or her family, or any business associate of the person, or
9 any business by which that person is employed or which the person represents.

10 (4) Shall engage in any of the activities prohibited by subsection (e)(1), (e)(2), or (e)(3) of
11 this section for a period of one year after he or she has officially severed his or her position with
12 said state or municipal agency; provided, however, that this prohibition shall not pertain to a matter
13 of public record in a court of law.

14 (f) No business associate of any person subject to this code of ethics shall represent him or
15 herself or any other person, or act as an expert witness before the state or municipal agency of
16 which the person is a member or by which the person is employed unless:

17 (1) He or she shall first advise the state or municipal agency of the nature of his or her
18 business relationship with the person subject to this code of ethics; and

19 (2) The person subject to this code of ethics shall recuse him or herself from voting on or
20 otherwise participating in the agency's consideration and disposition of the matter at issue.

21 (g) No person subject to this code of ethics, or spouse (if not estranged), dependent child,
22 or business associate of the person, or any business by which the person is employed or which the
23 person represents, shall solicit or accept any gift, loan, political contribution, reward, or promise of
24 future employment based on any understanding that the vote, official action, or judgment of the
25 person would be influenced thereby.

26 (h) No person subject to this code of ethics, or any person within his or her family or
27 business associate of the person, or any business entity in which the person or any person within
28 his or her family or business associate of the person has a ten percent (10%) or greater equity
29 interest or five thousand dollars (\$5,000) or greater cash value interest, shall enter into any contract
30 with any state or municipal agency unless the contract has been awarded through an open and public
31 process, including prior public notice and subsequent public disclosure of all proposals considered
32 and contracts awarded; provided, however, that contracts for professional services which have been
33 customarily awarded without competitive bidding shall not be subject to competitive bidding if
34 awarded through a process of public notice and disclosure of financial details.

1 (i) No person shall give or offer to any person covered by this code of ethics, or to any
2 candidate for public office, or to any person within his or her family or business associate of any
3 person, or to any business by which the person is employed or which the person represents, any
4 gift, loan, political contribution, reward, or promise of future employment based on any
5 understanding or expectation that the vote, official action, or judgment of the person would be
6 influenced thereby.

7 (j) No person shall use for any commercial purpose information copied from any statements
8 required by this chapter or from lists compiled from the statements.

9 (k) No person shall knowingly and willfully make a false or frivolous complaint under this
10 chapter.

11 (l) No candidate for public office, or any person within his or her family, business associate
12 of the candidate, or any business by which the candidate is employed or which the candidate
13 represents, shall solicit or accept any gift, loan, political contribution, reward, or promise of future
14 employment based on any understanding that the vote, official action, or judgment of the candidate
15 would be influenced thereby.

16 (m) No person subject to this code of ethics shall, either directly or indirectly, through any
17 government agency, or through a business associate, or through any other person, threaten or
18 intimidate any complainant or witness or any family member of any complainant or witness in any
19 proceeding before the state ethics commission.

20 (1) In addition to any rights a complainant or witness may have under the Rhode Island
21 Whistleblowers' Protection Act, chapter 50 of title 28 or under any other statute, a complainant or
22 witness may bring a civil action in superior court for appropriate injunctive relief, or actual
23 damages, or both and attorney's fees within three (3) years after the occurrence of the alleged
24 violation of subsection (m) above.

25 (2) The initiation of litigation by a complainant or witness pursuant to subsection (m)(1)
26 shall not constitute a violation of any confidentiality provisions of this chapter.

27 (n)(1) No state elected official, while holding state office and for a period of one year after
28 leaving state office, shall seek or accept employment with any other state agency, as defined in §
29 36-14-2(8)(i), other than employment which was held at the time of the official's election or at the
30 time of enactment of this subsection, except as provided herein.

31 (2) Nothing contained herein shall prohibit any general officer or the general assembly
32 from appointing any state elected official to a senior policy-making, discretionary, or confidential
33 position on the general officer's or the general assembly's staff, and in the case of the governor, to
34 a position as a department director; nor shall the provisions herein prohibit any state elected official

1 from seeking or accepting a senior policy-making, discretionary, or confidential position on any
2 general officer's or the general assembly's staff, or from seeking or accepting appointment as a
3 department director by the governor.

4 (3) Nothing contained herein shall prohibit a state elected official from seeking or being
5 elected for any other constitutional office.

6 (4) Nothing contained herein shall prohibit the Rhode Island ethics commission from
7 authorizing exceptions to this subsection where such exemption would not create an appearance of
8 impropriety.

9 (o)(1) No person holding a senior policy-making, discretionary, or confidential position on
10 the staff of any state elected official or the general assembly shall seek or accept any other
11 employment by any state agency as defined in § 36-14-2(8)(i), while serving as such policy-
12 making, discretionary, or confidential staff member and for a period of one year after leaving that
13 state employment as a member of the state elected official's or the general assembly's senior policy-
14 making, discretionary, or confidential staff.

15 (2) Notwithstanding the foregoing, a person holding a senior policy-making, discretionary,
16 or confidential staff position who has a minimum of five (5) years of uninterrupted state service
17 shall be exempt from the provisions of this section. "State service" as used herein means service in
18 the classified, unclassified and nonclassified services of the state, but shall not include service in
19 any state elective office.

20 (3) Nothing contained herein shall prohibit any general officer or the general assembly
21 from appointing any such senior policy-making, discretionary, or confidential member of the staff
22 of any state elected official or the general assembly to any other senior policymaking, discretionary,
23 or confidential position on any general officer's or the general assembly's staff, and in the case of
24 the governor, to a position as a department director; nor shall the provisions hereof prohibit any
25 senior policy-making, discretionary, or confidential member of the staff of any state elected official
26 or the general assembly from seeking or accepting any other senior policy-making, discretionary,
27 or confidential position on any general officer's or the general assembly's staff, or from seeking or
28 accepting appointment as a department director by the governor.

29 (4) Nothing contained herein shall prohibit a person holding a senior policy-making,
30 discretionary, or confidential staff position from seeking or being elected for any constitutional
31 office.

32 (5) Nothing contained herein shall prohibit the Rhode Island ethics commission from
33 authorizing exceptions to this subsection where such exemption would not create an appearance of
34 impropriety.

1 (p) No person subject to the code of ethics, either directly or as the beneficiary of a gift or
2 other thing of value given to a spouse or dependent child, shall accept or receive any gift of cash,
3 forbearance or forgiveness of indebtedness from an interested person, as defined herein, without
4 the interested person receiving lawful consideration of equal or greater value in return.

5 (q) No person subject to the code of ethics, either directly or as the beneficiary of a gift or
6 other thing of value given to a spouse or dependent child, shall accept or receive any gift(s) or other
7 thing(s) having either a fair market value or actual cost greater than fifty dollars (\$50.00), but in no
8 case having either an aggregate fair market value or aggregate actual cost greater than two hundred
9 fifty dollars (\$250) in any calendar year including, but not limited to, gifts, loans, rewards, promises
10 of future employment, favors or services, gratuities of special discounts, from a single interested
11 person, as defined herein, without the interested person receiving lawful consideration of equal or
12 greater value in return.

13 SECTION 2. This act shall take effect upon passage.

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LC002321
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- CODE OF ETHICS

1 This act would increase for persons subject to the Code of Ethics the maximum value of
2 an acceptable gift to fifty dollars (\$50.00) from a single interested person, but in no case can the
3 gift have an aggregate value of more than two hundred fifty dollars (\$250) in any calendar year.

4 This act would take effect upon passage.

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