



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0322

by Rep. Scott Drury

SYNOPSIS AS INTRODUCED:

- 5 ILCS 430/10-10
- 5 ILCS 430/10-15
- 5 ILCS 430/10-20 new
- 5 ILCS 430/50-5

Amends the State Officials and Employees Ethics Act. Makes the gift ban apply to additional classes of persons. Places caps on gifts that may be accepted as exempt under the educational materials and missions exemption and the travel expenses for State business exemption. Deletes exemptions that authorize the acceptance of gifts provided by an individual on the basis of personal friendship; gifts made through bequests, inheritances, and other transfers at death; and gifts of food. Exempts from the gift ban the cost of food or beverages consumed at certain receptions, meals, and meetings. Establishes a procedure for the reporting of all gifts that are accepted as exempt from the gift ban. Authorizes the Secretary of State to institute a system for the reporting of accepted gifts. Increases penalties for violations of the gift ban.

LRB100 04212 RJF 14218 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning ethics.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Officials and Employees Ethics Act is
5 amended by changing Sections 10-10, 10-15, and 50-5 and by
6 adding Section 10-20 as follows:

7 (5 ILCS 430/10-10)

8 Sec. 10-10. Gift ban. Except as otherwise provided in this
9 Article, no officer, member, or State employee shall
10 intentionally solicit or accept any gift from any prohibited
11 source or in violation of any federal or State statute, rule,
12 or regulation. This ban applies to and includes any relative of
13 the officer, member, or State employee, including those people
14 related to the individual as father, mother, son, daughter,
15 brother, sister, uncle, aunt, great aunt, great uncle, first
16 cousin, nephew, niece, husband, wife, civil union partner,
17 grandfather, grandmother, grandson, granddaughter,
18 father-in-law, mother-in-law, sister-in-law, stepfather,
19 stepmother, stepson, stepdaughter, stepbrother, stepsister,
20 half brother, or half sister, as well as any individual related
21 to the individual's spouse in any of the manners described
22 above the spouse of and immediate family living with the
23 officer, member, or State employee. No prohibited source shall

1 intentionally offer or make a gift that violates this Section.

2 (Source: P.A. 93-617, eff. 12-9-03.)

3 (5 ILCS 430/10-15)

4 Sec. 10-15. Gift ban; exceptions. The restriction in
5 Section 10-10 does not apply to the following gifts provided to
6 an officer, member, or State employee:

7 (1) Opportunities, benefits, and services that are
8 available on the same conditions as for the general public.

9 (2) Anything for which the officer, member, or State
10 employee pays the market value.

11 (3) Any (i) contribution that is lawfully made under
12 the Election Code or under this Act or (ii) activities
13 associated with a fundraising event in support of a
14 political organization or candidate.

15 (4) Educational materials and missions, provided that
16 the maximum daily amount that may be accepted by an
17 officer, member, or State employee (exclusive of air, rail,
18 or boat fare) shall not exceed \$111 per day. With respect
19 to air, rail, or boat fare, an officer, member, or State
20 employee may only accept coach class tickets or their
21 equivalent and shall only travel on carriers available to
22 the general public. This exception may be further defined
23 by rules adopted by the appropriate ethics commission or by
24 the Auditor General for the Auditor General and employees
25 of the Office of the Auditor General.

1 (5) Travel expenses for a meeting to discuss State
2 business, provided that the maximum daily amount that may
3 be accepted by an officer, member, or State employee
4 (exclusive of air, rail, or boat fare) shall not exceed
5 \$111 per day. With respect to air, rail or boat fare, an
6 officer, member, or State employee may only accept coach
7 class tickets or their equivalent and shall only travel on
8 carriers available to the general public. This exception
9 may be further defined by rules adopted by the appropriate
10 ethics commission or by the Auditor General for the Auditor
11 General and employees of the Office of the Auditor General.

12 (6) A gift from a relative, meaning those people
13 related to the individual as father, mother, son, daughter,
14 brother, sister, uncle, aunt, great aunt, great uncle,
15 first cousin, nephew, niece, husband, wife, civil union
16 partner, grandfather, grandmother, grandson,
17 granddaughter, father-in-law, mother-in-law, son-in-law,
18 daughter-in-law, brother-in-law, sister-in-law,
19 stepfather, stepmother, stepson, stepdaughter,
20 stepbrother, stepsister, half brother, half sister, and
21 any individual related to the individual's spouse in any of
22 the manners described above ~~including the father, mother,~~
23 ~~grandfather, or grandmother of the individual's spouse and~~
24 ~~the individual's fiance or fiancée.~~

25 (7) (Blank). ~~Anything provided by an individual on the~~
26 ~~basis of a personal friendship unless the member, officer,~~

1 ~~or employee has reason to believe that, under the~~
2 ~~circumstances, the gift was provided because of the~~
3 ~~official position or employment of the member, officer, or~~
4 ~~employee and not because of the personal friendship.~~

5 ~~In determining whether a gift is provided on the basis~~
6 ~~of personal friendship, the member, officer, or employee~~
7 ~~shall consider the circumstances under which the gift was~~
8 ~~offered, such as:~~

9 ~~(i) the history of the relationship between the~~
10 ~~individual giving the gift and the recipient of the~~
11 ~~gift, including any previous exchange of gifts between~~
12 ~~those individuals;~~

13 ~~(ii) whether to the actual knowledge of the member,~~
14 ~~officer, or employee the individual who gave the gift~~
15 ~~personally paid for the gift or sought a tax deduction~~
16 ~~or business reimbursement for the gift; and~~

17 ~~(iii) whether to the actual knowledge of the~~
18 ~~member, officer, or employee the individual who gave~~
19 ~~the gift also at the same time gave the same or similar~~
20 ~~gifts to other members, officers, or employees.~~

21 (8) (Blank). ~~Food or refreshments not exceeding \$75 per~~
22 ~~person in value on a single calendar day; provided that the~~
23 ~~food or refreshments are (i) consumed on the premises from~~
24 ~~which they were purchased or prepared or (ii) catered. For~~
25 ~~the purposes of this Section, "catered" means food or~~
26 ~~refreshments that are purchased ready to eat and delivered~~

1 ~~by any means.~~

2 (9) Food, refreshments, lodging, transportation, and
3 other benefits resulting from the outside business or
4 employment activities (or outside activities that are not
5 connected to the duties of the officer, member, or employee
6 as an office holder or employee) of the officer, member, or
7 employee, or the spouse of the officer, member, or
8 employee, if the benefits have not been offered or enhanced
9 because of the official position or employment of the
10 officer, member, or employee, and are customarily provided
11 to others in similar circumstances.

12 (10) Intra-governmental and inter-governmental gifts.
13 For the purpose of this Act, "intra-governmental gift"
14 means any gift given to a member, officer, or employee of a
15 State agency from another member, officer, or employee of
16 the same State agency; and "inter-governmental gift" means
17 any gift given to a member, officer, or employee of a State
18 agency, by a member, officer, or employee of another State
19 agency, of a federal agency, or of any governmental entity.

20 (11) (Blank). ~~Bequests, inheritances, and other~~
21 ~~transfers at death.~~

22 (12) Any item or items from any one prohibited source
23 during any calendar year having a cumulative total value of
24 less than \$100.

25 (13) Admission to and the cost of food or beverages
26 consumed at a reception, meal, or meeting by an

1 organization before whom the recipient appears to speak or
2 answer questions as part of a scheduled program and to
3 which all members of the General Assembly were invited.

4 Each of the exceptions listed in this Section is mutually
5 exclusive and independent of one another.

6 (Source: P.A. 93-617, eff. 12-9-03.)

7 (5 ILCS 430/10-20 new)

8 Sec. 10-20. Disclosure of accepted gifts.

9 (a) Any officer, member, or State employee who receives any
10 item from a prohibited source under an exception provided in
11 Section 10-15 shall, within 15 days after receipt, file with
12 the Secretary of State a report disclosing the receipt of the
13 gift. The report shall be verified under oath under Section
14 1-109 of the Code of Civil Procedure attesting to the accuracy
15 of the report. The report shall be a public record and shall:
16 (i) list the name of the officer, member, or State employee who
17 accepted the gift; (ii) describe in detail each individual gift
18 received; (iii) include the date on which the gift was
19 received; (iv) include the amount of the gift or, if the exact
20 amount is not known, the fair market value of each gift; (v)
21 include the name, address, and employer of the prohibited
22 source who provided the gift; (vi) describe the subject matter
23 of any lobbying activity, as that term is defined in the
24 Lobbyist Registration Act, that occurred in connection with the
25 gift; and (vii) state the specific exception or exceptions in

1 Section 10-15 under which the gift was accepted and why those
2 exceptions bring the officer, member, or State employee's
3 acceptance of the gift outside the purview of Section 10-10. If
4 the gift was accepted in connection with an educational mission
5 or travel to a meeting to discuss State business, the report
6 shall provide a daily account of all gifts accepted following
7 the requirements set forth in this subsection (a).

8 (b) The Secretary of State may create a standard form that
9 an officer, member, or State employee shall use in complying
10 with subsection (a).

11 (c) Notwithstanding any other provision of this Act or any
12 other law, the Secretary of State may institute an
13 Internet-based system for the reports described in subsection
14 (a). The determination to institute such a system shall be in
15 the sole discretion of the Secretary of State and shall meet
16 the requirements set out in this Section. In any system of
17 Internet-based filing of the reports described in subsection
18 (a) instituted by the Secretary of State:

19 (1) Any filing of an Internet-based report shall be the
20 equivalent of the filing of the verified, written, dated,
21 and signed report described in subsection (a).

22 (2) If the Secretary of State institutes an
23 Internet-based filing system for the reports described in
24 subsection (a), the Secretary shall establish a
25 password-protected website to receive the filings of those
26 statements. A website established under this Section shall

1 set forth and provide a means for the filer to respond to
2 the form's required questions. A website established under
3 this Section shall set forth and provide a means for
4 generating a printable receipt page, acknowledging filing.

5 (3) In the first year of the implementation of a system
6 of Internet-based filing of the reports described in
7 subsection (a), each person required to file such a
8 statement is to be notified in writing of his or her
9 obligation to file his or her report by way of the
10 Internet-based system. If access to the website requires a
11 code or password, this information shall be included in the
12 notice prescribed by this paragraph.

13 (4) When a person required to file a report described
14 in subsection (a) has supplied the Secretary of State with
15 an e-mail address for the purpose of receiving notices
16 under this Act by e-mail, a notice sent by e-mail shall be
17 the equivalent of a notice sent by first class mail. A
18 person who has supplied such an e-mail address shall notify
19 the Secretary of State when his or her e-mail address
20 changes or if he or she no longer wishes to receive notices
21 by e-mail.

22 (5) If the Secretary of State institutes a system of
23 Internet-based filing of the reports described in
24 subsection (a), he or she shall make the contents of such
25 reports filed with him or her available for inspection and
26 copying on a publicly accessible website in a searchable

1 format. Such postings shall not include the addresses of
2 the filers or of any prohibited source set forth therein.

3 (5 ILCS 430/50-5)

4 Sec. 50-5. Penalties.

5 (a) A person is guilty of a Class A misdemeanor if that
6 person intentionally violates any provision of Section 5-15,
7 5-30, 5-40, or 5-45 or Article 15.

8 (a-1) An ethics commission may levy an administrative fine
9 for a violation of Section 5-45 of this Act of up to 3 times the
10 total annual compensation that would have been obtained in
11 violation of Section 5-45.

12 (b) A person who intentionally violates any provision of
13 Section 5-20, 5-35, 5-50, or 5-55 is guilty of a business
14 offense subject to a fine of at least \$1,001 and up to \$5,000.

15 (c) A person who intentionally violates any provision of
16 Article 10 is guilty of a Class 4 felony and is subject to a
17 fine in an amount equal to the greater of (i) \$1,001 or (ii)
18 five times the total value of all items received in violation
19 of Article 10. A person who intentionally violates any
20 provision of Article 10 is guilty of a business offense and
21 subject to a fine of at least \$1,001 and up to \$5,000.

22 (d) Any person who intentionally makes a false report
23 alleging a violation of any provision of this Act to an ethics
24 commission, an inspector general, the State Police, a State's
25 Attorney, the Attorney General, or any other law enforcement

1 official is guilty of a Class A misdemeanor.

2 (e) An ethics commission may levy an administrative fine of
3 up to \$5,000 against any person who violates this Act, who
4 intentionally obstructs or interferes with an investigation
5 conducted under this Act by an inspector general, or who
6 intentionally makes a false, frivolous, or bad faith
7 allegation.

8 (f) In addition to any other penalty that may apply,
9 whether criminal or civil, a State employee who intentionally
10 violates any provision of Section 5-5, 5-15, 5-20, 5-30, 5-35,
11 5-45, or 5-50, Article 10, Article 15, or Section 20-90 or
12 25-90 is subject to discipline or discharge by the appropriate
13 ultimate jurisdictional authority.

14 (Source: P.A. 96-555, eff. 8-18-09.)