



Sen. Heather A. Steans

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1 AMENDMENT TO SENATE BILL 643

2 AMENDMENT NO. _____. Amend Senate Bill 643 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Officials and Employees Ethics Act is
5 amended by changing Sections 20-50, 20-90, and 20-95 as
6 follows:

7 (5 ILCS 430/20-50)

8 Sec. 20-50. Investigation reports.

9 (a) If an Executive Inspector General, upon the conclusion
10 of an investigation, determines that reasonable cause exists to
11 believe that a violation has occurred, then the Executive
12 Inspector General shall issue a summary report of the
13 investigation. The report shall be delivered to the appropriate
14 ultimate jurisdictional authority and to the head of each State
15 agency affected by or involved in the investigation, if
16 appropriate. The appropriate ultimate jurisdictional authority

1 or agency head shall respond to the summary report within 20
2 days, in writing, to the Executive Inspector General. The
3 response shall include a description of any corrective or
4 disciplinary action to be imposed.

5 (a-5) After the Executive Inspector General issues a
6 summary report of the investigation, the ultimate
7 jurisdictional authority or agency head may, as necessary,
8 disclose the summary report and any other supporting documents
9 received from the Executive Inspector General to agency staff
10 who are necessary and responsible for determining and imposing
11 discipline and, as strictly necessary, to an employee accused
12 of wrongdoing for the purpose of determining and imposing
13 appropriate discipline.

14 (b) The summary report of the investigation shall include
15 the following:

16 (1) A description of any allegations or other
17 information received by the Executive Inspector General
18 pertinent to the investigation.

19 (2) A description of any alleged misconduct discovered
20 in the course of the investigation.

21 (3) Recommendations for any corrective or disciplinary
22 action to be taken in response to any alleged misconduct
23 described in the report, including but not limited to
24 discharge.

25 (4) Other information the Executive Inspector General
26 deems relevant to the investigation or resulting

1 recommendations.

2 (c) Within 30 days after receiving a response from the
3 appropriate ultimate jurisdictional authority or agency head
4 under subsection (a), the Executive Inspector General shall
5 notify the Commission and the Attorney General if the Executive
6 Inspector General believes that a complaint should be filed
7 with the Commission. If the Executive Inspector General desires
8 to file a complaint with the Commission, the Executive
9 Inspector General shall submit the summary report and
10 supporting documents to the Attorney General. If the Attorney
11 General concludes that there is insufficient evidence that a
12 violation has occurred, the Attorney General shall notify the
13 Executive Inspector General and the Executive Inspector
14 General shall deliver to the Executive Ethics Commission a copy
15 of the summary report and response from the ultimate
16 jurisdictional authority or agency head. If the Attorney
17 General determines that reasonable cause exists to believe that
18 a violation has occurred, then the Executive Inspector General,
19 represented by the Attorney General, may file with the
20 Executive Ethics Commission a complaint. The complaint shall
21 set forth the alleged violation and the grounds that exist to
22 support the complaint. The complaint must be filed with the
23 Commission within 18 months after the most recent act of the
24 alleged violation or of a series of alleged violations except
25 where there is reasonable cause to believe that fraudulent
26 concealment has occurred. To constitute fraudulent concealment

1 sufficient to toll this limitations period, there must be an
2 affirmative act or representation calculated to prevent
3 discovery of the fact that a violation has occurred. If a
4 complaint is not filed with the Commission within 6 months
5 after notice by the Inspector General to the Commission and the
6 Attorney General, then the Commission may set a meeting of the
7 Commission at which the Attorney General shall appear and
8 provide a status report to the Commission.

9 (c-5) Within 30 days after receiving a response from the
10 appropriate ultimate jurisdictional authority or agency head
11 under subsection (a), if the Executive Inspector General does
12 not believe that a complaint should be filed, the Executive
13 Inspector General shall deliver to the Executive Ethics
14 Commission a statement setting forth the basis for the decision
15 not to file a complaint and a copy of the summary report and
16 response from the ultimate jurisdictional authority or agency
17 head. An Inspector General may also submit a redacted version
18 of the summary report and response from the ultimate
19 jurisdictional authority if the Inspector General believes
20 either contains information that, in the opinion of the
21 Inspector General, should be redacted prior to releasing the
22 report, may interfere with an ongoing investigation, or
23 identifies an informant or complainant.

24 (c-10) If, after reviewing the documents, the Commission
25 believes that further investigation is warranted, the
26 Commission may request that the Executive Inspector General

1 provide additional information or conduct further
2 investigation. The Commission may also appoint a Special
3 Executive Inspector General to investigate or refer the summary
4 report and response from the ultimate jurisdictional authority
5 to the Attorney General for further investigation or review. If
6 the Commission requests the Attorney General to investigate or
7 review, the Commission must notify the Attorney General and the
8 Inspector General. The Attorney General may not begin an
9 investigation or review until receipt of notice from the
10 Commission. If, after review, the Attorney General determines
11 that reasonable cause exists to believe that a violation has
12 occurred, then the Attorney General may file a complaint with
13 the Executive Ethics Commission. If the Attorney General
14 concludes that there is insufficient evidence that a violation
15 has occurred, the Attorney General shall notify the Executive
16 Ethics Commission and the appropriate Executive Inspector
17 General.

18 (d) A copy of the complaint filed with the Executive Ethics
19 Commission must be served on all respondents named in the
20 complaint and on each respondent's ultimate jurisdictional
21 authority in the same manner as process is served under the
22 Code of Civil Procedure.

23 (e) A respondent may file objections to the complaint
24 within 30 days after notice of the petition has been served on
25 the respondent.

26 (f) The Commission shall meet, either in person or by

1 telephone, at least 30 days after the complaint is served on
2 all respondents in a closed session to review the sufficiency
3 of the complaint. The Commission shall issue notice by
4 certified mail, return receipt requested, to the Executive
5 Inspector General, Attorney General, and all respondents of the
6 Commission's ruling on the sufficiency of the complaint. If the
7 complaint is deemed to sufficiently allege a violation of this
8 Act, then the Commission shall include a hearing date scheduled
9 within 4 weeks after the date of the notice, unless all of the
10 parties consent to a later date. If the complaint is deemed not
11 to sufficiently allege a violation, then the Commission shall
12 send by certified mail, return receipt requested, a notice to
13 the Executive Inspector General, Attorney General, and all
14 respondents of the decision to dismiss the complaint.

15 (g) On the scheduled date the Commission shall conduct a
16 closed meeting, either in person or, if the parties consent, by
17 telephone, on the complaint and allow all parties the
18 opportunity to present testimony and evidence. All such
19 proceedings shall be transcribed.

20 (h) Within an appropriate time limit set by rules of the
21 Executive Ethics Commission, the Commission shall (i) dismiss
22 the complaint, (ii) issue a recommendation of discipline to the
23 respondent and the respondent's ultimate jurisdictional
24 authority, (iii) impose an administrative fine upon the
25 respondent, (iv) issue injunctive relief as described in
26 Section 50-10, or (v) impose a combination of (ii) through

1 (iv).

2 (i) The proceedings on any complaint filed with the
3 Commission shall be conducted pursuant to rules promulgated by
4 the Commission.

5 (j) The Commission may designate hearing officers to
6 conduct proceedings as determined by rule of the Commission.

7 (k) In all proceedings before the Commission, the standard
8 of proof is by a preponderance of the evidence.

9 (l) Within 30 days after the issuance of a final
10 administrative decision that concludes that a violation
11 occurred, the Executive Ethics Commission shall make public the
12 entire record of proceedings before the Commission, the
13 decision, any recommendation, any discipline imposed, and the
14 response from the agency head or ultimate jurisdictional
15 authority to the Executive Ethics Commission.

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

17 (5 ILCS 430/20-90)

18 Sec. 20-90. Confidentiality.

19 (a) The identity of any individual providing information or
20 reporting any possible or alleged misconduct to an Executive
21 Inspector General or the Executive Ethics Commission shall be
22 kept confidential and may not be disclosed without the consent
23 of that individual, unless the individual consents to
24 disclosure of his or her name or disclosure of the individual's
25 identity is otherwise required by law. The confidentiality

1 granted by this subsection does not preclude the disclosure of
2 the identity of a person in any capacity other than as the
3 source of an allegation.

4 (b) Subject to the provisions of Section 20-52,
5 commissioners, employees, and agents of the Executive Ethics
6 Commission, the Executive Inspectors General, and employees
7 and agents of each Office of an Executive Inspector General,
8 the Attorney General, and the employees and agents of the
9 office of the Attorney General, and the head and employees of a
10 State agency affected by or involved in an investigation shall
11 keep confidential and shall not disclose information exempted
12 from disclosure under the Freedom of Information Act or by this
13 Act, provided the identity of any individual providing
14 information or reporting any possible or alleged misconduct to
15 the Executive Inspector General for the Governor may be
16 disclosed to an Inspector General appointed or employed by a
17 Regional Transit Board in accordance with Section 75-10.

18 (Source: P.A. 96-555, eff. 8-18-09; 96-1528, eff. 7-1-11.)

19 (5 ILCS 430/20-95)

20 Sec. 20-95. Exemptions.

21 (a) Documents generated by an ethics officer under this
22 Act, except Section 5-50, are exempt from the provisions of the
23 Freedom of Information Act.

24 (b) Any allegations and related documents submitted to an
25 Executive Inspector General and any pleadings and related

1 documents brought before the Executive Ethics Commission are
2 exempt from the provisions of the Freedom of Information Act so
3 long as the Executive Ethics Commission does not make a finding
4 of a violation of this Act. If the Executive Ethics Commission
5 finds that a violation has occurred, the entire record of
6 proceedings before the Commission, the decision and
7 recommendation, and the response from the agency head or
8 ultimate jurisdictional authority to the Executive Ethics
9 Commission are not exempt from the provisions of the Freedom of
10 Information Act but information contained therein that is
11 otherwise exempt from the Freedom of Information Act must be
12 redacted before disclosure as provided in the Freedom of
13 Information Act. A summary report released by the Executive
14 Ethics Commission under Section 20-52 is a public record, but
15 information redacted by the Executive Ethics Commission shall
16 not be part of the public record.

17 (c) Meetings of the Commission are exempt from the
18 provisions of the Open Meetings Act.

19 (d) Unless otherwise provided in this Act, all
20 investigatory files, ~~and~~ reports and requests for information
21 of or by the Office of an Executive Inspector General, other
22 than monthly reports required under Section 20-85, are
23 confidential, are exempt from disclosure under the Freedom of
24 Information Act, and shall not be divulged to any person or
25 agency, except as necessary (i) to a law enforcement authority,
26 (ii) to the ultimate jurisdictional authority, (iii) to the

1 Executive Ethics Commission, (iv) to another Inspector General
2 appointed pursuant to this Act, ~~or~~ (v) to an Inspector General
3 appointed or employed by a Regional Transit Board in accordance
4 with Section 75-10, or (vi) to the head of a State agency
5 affected by or involved in the investigation.

6 (Source: P.A. 96-555, eff. 8-18-09; 96-1528, eff. 7-1-11.)".