



Sen. Melinda Bush

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1 AMENDMENT TO HOUSE BILL 138

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 138 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 20-20, 20-50, 20-85, 20-90, 25-5,  
6 25-10, 25-15, 25-20, 25-50, 25-70, 25-85, 25-90, 25-95, and  
7 50-5 and by adding Section 25-100 as follows:

8 (5 ILCS 430/20-20)

9 Sec. 20-20. Duties of the Executive Inspectors General. In  
10 addition to duties otherwise assigned by law, each Executive  
11 Inspector General shall have the following duties:

12 (1) To receive and investigate allegations of  
13 violations of this Act. An investigation may not be  
14 initiated more than one year after the most recent act of  
15 the alleged violation or of a series of alleged violations  
16 except where there is reasonable cause to believe that

1 fraudulent concealment has occurred. To constitute  
2 fraudulent concealment sufficient to toll this limitations  
3 period, there must be an affirmative act or representation  
4 calculated to prevent discovery of the fact that a  
5 violation has occurred. The Executive Inspector General  
6 shall have the discretion to determine the appropriate  
7 means of investigation as permitted by law.

8 (2) To request information relating to an  
9 investigation from any person when the Executive Inspector  
10 General deems that information necessary in conducting an  
11 investigation.

12 (3) To issue subpoenas to compel the attendance of  
13 witnesses for the purposes of testimony and production of  
14 documents and other items for inspection and copying and to  
15 make service of those subpoenas and subpoenas issued under  
16 item (7) of Section 20-15.

17 (4) To submit reports as required by this Act.

18 (5) To file pleadings in the name of the Executive  
19 Inspector General with the Executive Ethics Commission,  
20 through the Attorney General, as provided in this Article  
21 if the Attorney General finds that reasonable cause exists  
22 to believe that a violation has occurred.

23 (6) To assist and coordinate the ethics officers for  
24 State agencies under the jurisdiction of the Executive  
25 Inspector General and to work with those ethics officers.

26 (7) To participate in or conduct, when appropriate,

1 multi-jurisdictional investigations.

2 (8) To request, as the Executive Inspector General  
3 deems appropriate, from ethics officers of State agencies  
4 under his or her jurisdiction, reports or information on  
5 (i) the content of a State agency's ethics training program  
6 and (ii) the percentage of new officers and employees who  
7 have completed ethics training.

8 (9) To review hiring and employment files of each State  
9 agency within the Executive Inspector General's  
10 jurisdiction to ensure compliance with *Rutan v. Republican*  
11 *Party of Illinois*, 497 U.S. 62 (1990), and with all  
12 applicable employment laws.

13 (10) To establish a policy that ensures the appropriate  
14 handling and correct recording of all investigations  
15 conducted by the Office, and to ensure that the policy is  
16 accessible via the Internet in order that those seeking to  
17 report those allegations are familiar with the process and  
18 that the subjects of those allegations are treated fairly.

19 (11) To post information to the Executive Inspector  
20 General's website explaining to complainants and subjects  
21 of an investigation the legal limitations on the Executive  
22 Inspector General's ability to provide information to them  
23 and a general overview of the investigation process.

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

25 (5 ILCS 430/20-50)

1           Sec. 20-50. Investigation reports.

2           (a) If an Executive Inspector General, upon the conclusion  
3 of an investigation, determines that reasonable cause exists to  
4 believe that a violation has occurred, then the Executive  
5 Inspector General shall issue a summary report of the  
6 investigation. The report shall be delivered to the appropriate  
7 ultimate jurisdictional authority and to the head of each State  
8 agency affected by or involved in the investigation, if  
9 appropriate. The appropriate ultimate jurisdictional authority  
10 or agency head shall respond to the summary report within 20  
11 days, in writing, to the Executive Inspector General. The  
12 response shall include a description of any corrective or  
13 disciplinary action to be imposed. If the appropriate ultimate  
14 jurisdictional authority does not respond within 20 days, or  
15 within an extended time period as agreed to by the Executive  
16 Inspector General, an Executive Inspector General may proceed  
17 under subsection (c) as if a response had been received.

18           (b) The summary report of the investigation shall include  
19 the following:

20           (1) A description of any allegations or other  
21 information received by the Executive Inspector General  
22 pertinent to the investigation.

23           (2) A description of any alleged misconduct discovered  
24 in the course of the investigation.

25           (3) Recommendations for any corrective or disciplinary  
26 action to be taken in response to any alleged misconduct

1 described in the report, including but not limited to  
2 discharge.

3 (4) Other information the Executive Inspector General  
4 deems relevant to the investigation or resulting  
5 recommendations.

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

1 Commission within 18 months after the most recent act of the  
2 alleged violation or of a series of alleged violations except  
3 where there is reasonable cause to believe that fraudulent  
4 concealment has occurred. To constitute fraudulent concealment  
5 sufficient to toll this limitations period, there must be an  
6 affirmative act or representation calculated to prevent  
7 discovery of the fact that a violation has occurred. If a  
8 complaint is not filed with the Commission within 6 months  
9 after notice by the Inspector General to the Commission and the  
10 Attorney General, then the Commission may set a meeting of the  
11 Commission at which the Attorney General shall appear and  
12 provide a status report to the Commission.

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

1 identifies an informant or complainant.

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

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

1 (e) A respondent may file objections to the complaint  
2 within 30 days after notice of the petition has been served on  
3 the respondent.

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

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

24 (h) Within an appropriate time limit set by rules of the  
25 Executive Ethics Commission, the Commission shall (i) dismiss  
26 the complaint, (ii) issue a recommendation of discipline to the



1 respondent and the respondent's ultimate jurisdictional  
2 authority, (iii) impose an administrative fine upon the  
3 respondent, (iv) issue injunctive relief as described in  
4 Section 50-10, or (v) impose a combination of (ii) through  
5 (iv).

6 (i) The proceedings on any complaint filed with the  
7 Commission shall be conducted pursuant to rules promulgated by  
8 the Commission.

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

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

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

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

21 (5 ILCS 430/20-85)

22 Sec. 20-85. Monthly reports by Executive Inspector  
23 General. Each Executive Inspector General shall submit monthly  
24 reports to the appropriate executive branch constitutional  
25 officer, on dates determined by the executive branch

1 constitutional officer, indicating:

2 (1) the total number of allegations received since the  
3 date of the last report and the total number of allegations  
4 received since the date of the last report by category of  
5 claim;

6 (2) the total number of investigations initiated since  
7 the date of the last report and the total number of  
8 investigations initiated since the date of the last report  
9 by category of claim;

10 (3) the total number of investigations concluded since  
11 the date of the last report and the total number of  
12 investigations concluded since the date of the last report  
13 by category of claim;

14 (4) the total number of investigations pending as of  
15 the reporting date and the total number of investigations  
16 pending as of the reporting date by category of claim;

17 (5) the total number of complaints forwarded to the  
18 Attorney General since the date of the last report;

19 (6) the total number of actions filed with the  
20 Executive Ethics Commission since the date of the last  
21 report, ~~and~~ the total number of actions pending before the  
22 Executive Ethics Commission as of the reporting date , the  
23 total number of actions filed with the Executive Ethics  
24 Commission since the date of the last report by category of  
25 claim, and the total number of actions pending before the  
26 Executive Ethics Commission as of the reporting date by

1 category of claim; and

2 (7) the total number of allegations referred to any law  
3 enforcement agency since the date of the last report; -

4 (8) the total number of allegations referred to another  
5 investigatory body since the date of the last report; and

6 (9) the cumulative number of each of the foregoing for  
7 the current calendar year.

8 For the purposes of this Section, "category of claim" shall  
9 include discrimination claims, harassment claims, sexual  
10 harassment claims, retaliation claims, gift ban claims,  
11 prohibited political activity claims, revolving door  
12 prohibition claims, and other, miscellaneous, or  
13 uncharacterized claims.

14 The monthly report shall be available on the websites of  
15 the Executive Inspector General and the constitutional  
16 officer.

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

18 (5 ILCS 430/20-90)

19 Sec. 20-90. Confidentiality.

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

1 identity is otherwise required by law. The confidentiality  
2 granted by this subsection does not preclude the disclosure of  
3 the identity of a person in any capacity other than as the  
4 source of an allegation.

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

18 (c) In his or her discretion, an Executive Inspector  
19 General may notify complainants and subjects of an  
20 investigation with an update on the status of the respective  
21 investigation, including when the investigation is opened and  
22 closed.

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

24 (5 ILCS 430/25-5)

25 Sec. 25-5. Legislative Ethics Commission.

1 (a) The Legislative Ethics Commission is created.

2 (b) The Legislative Ethics Commission shall consist of 8  
3 commissioners appointed 2 each by the President and Minority  
4 Leader of the Senate and the Speaker and Minority Leader of the  
5 House of Representatives.

6 The terms of the initial commissioners shall commence upon  
7 qualification. Each appointing authority shall designate one  
8 appointee who shall serve for a 2-year term running through  
9 June 30, 2005. Each appointing authority shall designate one  
10 appointee who shall serve for a 4-year term running through  
11 June 30, 2007. The initial appointments shall be made within 60  
12 days after the effective date of this Act.

13 After the initial terms, commissioners shall serve for  
14 4-year terms commencing on July 1 of the year of appointment  
15 and running through June 30 of the fourth following year.  
16 Commissioners may be reappointed to one or more subsequent  
17 terms.

18 Vacancies occurring other than at the end of a term shall  
19 be filled by the appointing authority only for the balance of  
20 the term of the commissioner whose office is vacant.

21 Terms shall run regardless of whether the position is  
22 filled.

23 (c) The appointing authorities shall appoint commissioners  
24 who have experience holding governmental office or employment  
25 and may appoint commissioners who are members of the General  
26 Assembly as well as commissioners from the general public. A

1 commissioner who is a member of the General Assembly must  
2 recuse himself or herself from participating in any matter  
3 relating to any investigation or proceeding in which he or she  
4 is the subject or is a complainant. A person is not eligible to  
5 serve as a commissioner if that person (i) has been convicted  
6 of a felony or a crime of dishonesty or moral turpitude, (ii)  
7 is, or was within the preceding 12 months, engaged in  
8 activities that require registration under the Lobbyist  
9 Registration Act, (iii) is a relative of the appointing  
10 authority, ~~or~~ (iv) is a State officer or employee other than a  
11 member of the General Assembly, or (v) is a candidate for  
12 statewide office, federal office, or judicial office.

13 (c-5) If a commissioner is required to recuse himself or  
14 herself from participating in a matter as provided in  
15 subsection (c), the recusal shall create a temporary vacancy  
16 for the limited purpose of consideration of the matter for  
17 which the commissioner recused himself or herself, and the  
18 appointing authority for the recusing commissioner shall make a  
19 temporary appointment to fill the vacancy for consideration of  
20 the matter for which the commissioner recused himself or  
21 herself.

22 (d) The Legislative Ethics Commission shall have  
23 jurisdiction over current and former members of the General  
24 Assembly regarding events occurring during a member's term of  
25 office and current and former ~~all~~ State employees regarding  
26 events occurring during any period of employment where the

1 State employee's ~~whose~~ ultimate jurisdictional authority is  
2 (i) a legislative leader, (ii) the Senate Operations  
3 Commission, or (iii) the Joint Committee on Legislative Support  
4 Services. The jurisdiction of the Commission is limited to  
5 matters arising under this Act.

6 An officer or executive branch State employee serving on a  
7 legislative branch board or commission remains subject to the  
8 jurisdiction of the Executive Ethics Commission and is not  
9 subject to the jurisdiction of the Legislative Ethics  
10 Commission.

11 (e) The Legislative Ethics Commission must meet, either in  
12 person or by other technological means, monthly or as often as  
13 necessary. At the first meeting of the Legislative Ethics  
14 Commission, the commissioners shall choose from their number a  
15 chairperson and other officers that they deem appropriate. The  
16 terms of officers shall be for 2 years commencing July 1 and  
17 running through June 30 of the second following year. Meetings  
18 shall be held at the call of the chairperson or any 3  
19 commissioners. Official action by the Commission shall require  
20 the affirmative vote of 5 commissioners, and a quorum shall  
21 consist of 5 commissioners. Commissioners shall receive no  
22 compensation but may be reimbursed for their reasonable  
23 expenses actually incurred in the performance of their duties.

24 (f) No commissioner, other than a commissioner who is a  
25 member of the General Assembly, or employee of the Legislative  
26 Ethics Commission may during his or her term of appointment or

1 employment:

2 (1) become a candidate for any elective office;

3 (2) hold any other elected or appointed public office  
4 except for appointments on governmental advisory boards or  
5 study commissions or as otherwise expressly authorized by  
6 law;

7 (3) be actively involved in the affairs of any  
8 political party or political organization; or

9 (4) advocate for the appointment of another person to  
10 an appointed or elected office or position or actively  
11 participate in any campaign for any elective office.

12 (f-5) No commissioner who is a member of the General  
13 Assembly may be a candidate for statewide office, federal  
14 office, or judicial office. If a commissioner who is a member  
15 of the General Assembly files petitions to be a candidate for a  
16 statewide office, federal office, or judicial office, he or she  
17 shall be deemed to have resigned from his or her position as a  
18 commissioner on the date his or her name is certified for the  
19 ballot by the State Board of Elections or local election  
20 authority and his or position as a commissioner shall be deemed  
21 vacant. Such person may not be reappointed to the Commission  
22 during any time he or she is a candidate for statewide office,  
23 federal office, or judicial office.

24 (g) An appointing authority may remove a commissioner only  
25 for cause.

26 (h) The Legislative Ethics Commission shall appoint an



1 Executive Director subject to the approval of at least 3 of the  
2 4 legislative leaders. The compensation of the Executive  
3 Director shall be as determined by the Commission. The  
4 Executive Director of the Legislative Ethics Commission may  
5 employ, subject to the approval of at least 3 of the 4  
6 legislative leaders, and determine the compensation of staff,  
7 as appropriations permit.

8 (i) In consultation with the Legislative Inspector  
9 General, the Legislative Ethics Commission may develop  
10 comprehensive training for members and employees under its  
11 jurisdiction that includes, but is not limited to, sexual  
12 harassment, employment discrimination, and workplace civility.  
13 The training may be recommended to the ultimate jurisdictional  
14 authorities and may be approved by the Commission to satisfy  
15 the sexual harassment training required under Section 5-10.5 or  
16 be provided in addition to the annual sexual harassment  
17 training required under Section 5-10.5. The Commission may seek  
18 input from governmental agencies or private entities for  
19 guidance in developing such training.

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

21 (5 ILCS 430/25-10)

22 Sec. 25-10. Office of Legislative Inspector General.

23 (a) The independent Office of the Legislative Inspector  
24 General is created. The Office shall be under the direction and  
25 supervision of the Legislative Inspector General and shall be a

1 fully independent office with its own appropriation.

2 (b) The Legislative Inspector General shall be appointed  
3 without regard to political affiliation and solely on the basis  
4 of integrity and demonstrated ability. The Legislative Ethics  
5 Commission shall diligently search out qualified candidates  
6 for Legislative Inspector General and shall make  
7 recommendations to the General Assembly. The Legislative  
8 Inspector General may serve in a full-time, part-time, or  
9 contractual capacity.

10 The Legislative Inspector General shall be appointed by a  
11 joint resolution of the Senate and the House of  
12 Representatives, which may specify the date on which the  
13 appointment takes effect. A joint resolution, or other document  
14 as may be specified by the Joint Rules of the General Assembly,  
15 appointing the Legislative Inspector General must be certified  
16 by the Speaker of the House of Representatives and the  
17 President of the Senate as having been adopted by the  
18 affirmative vote of three-fifths of the members elected to each  
19 house, respectively, and be filed with the Secretary of State.  
20 The appointment of the Legislative Inspector General takes  
21 effect on the day the appointment is completed by the General  
22 Assembly, unless the appointment specifies a later date on  
23 which it is to become effective.

24 The Legislative Inspector General shall have the following  
25 qualifications:

26 (1) has not been convicted of any felony under the laws

1 of this State, another state, or the United States;

2 (2) has earned a baccalaureate degree from an  
3 institution of higher education; and

4 (3) has 5 or more years of cumulative service (A) with  
5 a federal, State, or local law enforcement agency, at least  
6 2 years of which have been in a progressive investigatory  
7 capacity; (B) as a federal, State, or local prosecutor; (C)  
8 as a senior manager or executive of a federal, State, or  
9 local agency; (D) as a member, an officer, or a State or  
10 federal judge; or (E) representing any combination of (A)  
11 through (D).

12 The Legislative Inspector General may not be a relative of  
13 a commissioner.

14 The term of the initial Legislative Inspector General shall  
15 commence upon qualification and shall run through June 30,  
16 2008.

17 After the initial term, the Legislative Inspector General  
18 shall serve for 5-year terms commencing on July 1 of the year  
19 of appointment and running through June 30 of the fifth  
20 following year. The Legislative Inspector General may be  
21 reappointed to one or more subsequent terms. Terms shall run  
22 regardless of whether the position is filled.

23 (b-5) A vacancy occurring other than at the end of a term  
24 shall be filled in the same manner as an appointment only for  
25 the balance of the term of the Legislative Inspector General  
26 whose office is vacant. Within 7 days of the Office becoming

1 vacant or receipt of a Legislative Inspector General's  
2 prospective resignation, the vacancy shall be publicly posted  
3 on the Commission's website, along with a description of the  
4 requirements for the position and where applicants may apply.

5 Within 45 days of the vacancy, ~~if the Office is vacant, or~~  
6 ~~if a Legislative Inspector General resigns,~~ the Commission  
7 shall designate an Acting Legislative Inspector General who  
8 shall serve until the vacancy is filled. The Commission shall  
9 file the designation in writing with the Secretary of State.

10 Within 60 days prior to the end of the term of the  
11 Legislative Inspector General or within 30 days of the  
12 occurrence of a vacancy in the Office of the Legislative  
13 Inspector General, the Legislative Ethics Commission shall  
14 establish a four-member search committee within the Commission  
15 for the purpose of conducting a search for qualified candidates  
16 to serve as Legislative Inspector General. The Speaker of the  
17 House of Representatives, Minority Leader of the House, Senate  
18 President, and Minority Leader of the Senate shall each appoint  
19 one member to the search committee. A member of the search  
20 committee shall be either a retired judge or former prosecutor  
21 and may not be a member or employee of the General Assembly or  
22 a registered lobbyist. If the Legislative Ethics Commission  
23 wishes to recommend that the Legislative Inspector General be  
24 re-appointed, a search committee does not need to be appointed.

25 The search committee shall conduct a search for qualified  
26 candidates, accept applications, and conduct interviews. The

1 search committee shall recommend up to 3 candidates for  
2 Legislative Inspector General to the Legislative Ethics  
3 Commission. The search committee shall be disbanded upon an  
4 appointment of the Legislative Inspector General. Members of  
5 the search committee are not entitled to compensation but shall  
6 be entitled to reimbursement of reasonable expenses incurred in  
7 connection with the performance of their duties.

8 Within 30 days after the effective date of this amendatory  
9 Act of the 100th General Assembly, the Legislative Ethics  
10 Commission shall create a search committee in the manner  
11 provided for in this subsection to recommend up to 3 candidates  
12 for Legislative Inspector General to the Legislative Ethics  
13 Commission by October 31, 2018.

14 If a vacancy exists and the Commission has not appointed an  
15 Acting Legislative Inspector General, either the staff of the  
16 Office of the Legislative Inspector General, or if there is no  
17 staff, the Executive Director, shall advise the Commission of  
18 all open investigations and any new allegations or complaints  
19 received in the Office of the Inspector General. These reports  
20 shall not include the name of any person identified in the  
21 allegation or complaint, including, but not limited to, the  
22 subject of and the person filing the allegation or complaint.  
23 Notification shall be made to the Commission on a weekly basis  
24 unless the Commission approves of a different reporting  
25 schedule.

26 If the Office of the Inspector General is vacant for 6

1 months or more beginning on or after January 1, 2019, and the  
2 Legislative Ethics Commission has not appointed an Acting  
3 Legislative Inspector General, all complaints made to the  
4 Legislative Inspector General or the Legislative Ethics  
5 Commission shall be directed to the Inspector General for the  
6 Auditor General, and he or she shall have the authority to act  
7 as provided in subsection (c) of this Section and Section 25-20  
8 of this Act, and shall be subject to all laws and rules  
9 governing a Legislative Inspector General or Acting  
10 Legislative Inspector General. The authority for the Inspector  
11 General of the Auditor General under this paragraph shall  
12 terminate upon appointment of a Legislative Inspector General  
13 or an Acting Legislative Inspector General.

14 ~~Terms shall run regardless of whether the position is~~  
15 ~~filled.~~

16 (c) The Legislative Inspector General shall have  
17 jurisdiction over the current and former members of the General  
18 Assembly regarding events occurring during a member's term of  
19 office and current and former ~~all~~ State employees regarding  
20 events occurring during any period of employment where the  
21 State employee's ~~whose~~ ultimate jurisdictional authority is  
22 (i) a legislative leader, (ii) the Senate Operations  
23 Commission, or (iii) the Joint Committee on Legislative Support  
24 Services.

25 The jurisdiction of each Legislative Inspector General is  
26 to investigate allegations of fraud, waste, abuse,

1 mismanagement, misconduct, nonfeasance, misfeasance,  
2 malfeasance, or violations of this Act or violations of other  
3 related laws and rules.

4 (d) The compensation of the Legislative Inspector General  
5 shall be the greater of an amount (i) determined by the  
6 Commission or (ii) by joint resolution of the General Assembly  
7 passed by a majority of members elected in each chamber.  
8 Subject to Section 25-45 of this Act, the Legislative Inspector  
9 General has full authority to organize the Office of the  
10 Legislative Inspector General, including the employment and  
11 determination of the compensation of staff, such as deputies,  
12 assistants, and other employees, as appropriations permit.  
13 Employment of staff is subject to the approval of at least 3 of  
14 the 4 legislative leaders.

15 (e) No Legislative Inspector General or employee of the  
16 Office of the Legislative Inspector General may, during his or  
17 her term of appointment or employment:

18 (1) become a candidate for any elective office;

19 (2) hold any other elected or appointed public office  
20 except for appointments on governmental advisory boards or  
21 study commissions or as otherwise expressly authorized by  
22 law;

23 (3) be actively involved in the affairs of any  
24 political party or political organization; or

25 (4) actively participate in any campaign for any  
26 elective office.

1        A full-time Legislative Inspector General shall not engage  
2 in the practice of law or any other business, employment, or  
3 vocation.

4        In this subsection an appointed public office means a  
5 position authorized by law that is filled by an appointing  
6 authority as provided by law and does not include employment by  
7 hiring in the ordinary course of business.

8        (e-1) No Legislative Inspector General or employee of the  
9 Office of the Legislative Inspector General may, for one year  
10 after the termination of his or her appointment or employment:

11            (1) become a candidate for any elective office;

12            (2) hold any elected public office; or

13            (3) hold any appointed State, county, or local judicial  
14 office.

15        (e-2) The requirements of item (3) of subsection (e-1) may  
16 be waived by the Legislative Ethics Commission.

17        (f) The Commission may remove the Legislative Inspector  
18 General only for cause. At the time of the removal, the  
19 Commission must report to the General Assembly the  
20 justification for the removal.

21        (Source: P.A. 98-631, eff. 5-29-14.)

22        (5 ILCS 430/25-15)

23        Sec. 25-15. Duties of the Legislative Ethics Commission.  
24 In addition to duties otherwise assigned by law, the  
25 Legislative Ethics Commission shall have the following duties:



1           (1) To promulgate rules governing the performance of  
2 its duties and the exercise of its powers and governing the  
3 investigations of the Legislative Inspector General. The  
4 rules shall be available on the Commission's website and  
5 any proposed changes to the rules must be made available to  
6 the public on the Commission's website no less than 7 days  
7 before the adoption of the changes. Any person shall be  
8 given an opportunity to provide written or oral testimony  
9 before the Commission in support of or opposition to  
10 proposed rules.

11           (2) To conduct administrative hearings and rule on  
12 matters brought before the Commission only upon the receipt  
13 of pleadings filed by the Legislative Inspector General and  
14 not upon its own prerogative, but may appoint special  
15 Legislative Inspectors General as provided in Section  
16 25-21. Any other allegations of misconduct received by the  
17 Commission from a person other than the Legislative  
18 Inspector General shall be referred to the Office of the  
19 Legislative Inspector General.

20           (3) To prepare and publish manuals and guides and,  
21 working with the Office of the Attorney General, oversee  
22 training of employees under its jurisdiction that explains  
23 their duties.

24           (4) To prepare public information materials to  
25 facilitate compliance, implementation, and enforcement of  
26 this Act.

1 (5) To submit reports as required by this Act.

2 (6) To the extent authorized by this Act, to make  
3 rulings, issue recommendations, and impose administrative  
4 fines, if appropriate, in connection with the  
5 implementation and interpretation of this Act. The powers  
6 and duties of the Commission are limited to matters clearly  
7 within the purview of this Act.

8 (7) To issue subpoenas with respect to matters pending  
9 before the Commission, subject to the provisions of this  
10 Article and in the discretion of the Commission, to compel  
11 the attendance of witnesses for purposes of testimony and  
12 the production of documents and other items for inspection  
13 and copying.

14 (8) To appoint special Legislative Inspectors General  
15 as provided in Section 25-21.

16 (9) To conspicuously display on the Commission's  
17 website the procedures for reporting a violation of this  
18 Act, including how to report violations via email or  
19 online.

20 (10) To conspicuously display on the Commission's  
21 website any vacancies within the Office of the Legislative  
22 Inspector General.

23 (11) To appoint an Acting Legislative Inspector  
24 General in the event of a vacancy in the Office of the  
25 Legislative Inspector General.

26 (Source: P.A. 100-554, eff. 11-16-17.)

1 (5 ILCS 430/25-20)

2 Sec. 25-20. Duties of the Legislative Inspector General.  
3 In addition to duties otherwise assigned by law, the  
4 Legislative Inspector General shall have the following duties:

5 (1) To receive and investigate allegations of  
6 violations of this Act. Except as otherwise provided in  
7 paragraph (1.5), an investigation may not be initiated more  
8 than one year after the most recent act of the alleged  
9 violation or of a series of alleged violations except where  
10 there is reasonable cause to believe that fraudulent  
11 concealment has occurred. To constitute fraudulent  
12 concealment sufficient to toll this limitations period,  
13 there must be an affirmative act or representation  
14 calculated to prevent discovery of the fact that a  
15 violation has occurred. The Legislative Inspector General  
16 shall have the discretion to determine the appropriate  
17 means of investigation as permitted by law.

18 (1.5) Notwithstanding any provision of law to the  
19 contrary, the Legislative Inspector General, whether  
20 appointed by the Legislative Ethics Commission or the  
21 General Assembly, may initiate an investigation based on  
22 information provided to the Office of the Legislative  
23 Inspector General or the Legislative Ethics Commission  
24 during the period from December 1, 2014 through November 3,  
25 2017. Any investigation initiated under this paragraph

1 (1.5) must be initiated within one year after the effective  
2 date of this amendatory Act of the 100th General Assembly.

3 Notwithstanding any provision of law to the contrary, the  
4 Legislative Inspector General, through the Attorney General,  
5 shall have the authority to file a complaint related to any  
6 founded violations that occurred during the period December 1,  
7 2014 through November 3, 2017 to the Legislative Ethics  
8 Commission, and the Commission shall have jurisdiction to  
9 conduct administrative hearings related to any pleadings filed  
10 by the Legislative Inspector General, provided the complaint is  
11 filed with the Commission no later than 6 months after the  
12 summary report is provided to the Attorney General in  
13 accordance with subsection (c) of Section 25-50.

14 (2) To request information relating to an  
15 investigation from any person when the Legislative  
16 Inspector General deems that information necessary in  
17 conducting an investigation.

18 (3) To issue subpoenas, with the advance approval of  
19 the Commission, to compel the attendance of witnesses for  
20 the purposes of testimony and production of documents and  
21 other items for inspection and copying and to make service  
22 of those subpoenas and subpoenas issued under item (7) of  
23 Section 25-15.

24 (4) To submit reports as required by this Act.

25 (5) To file pleadings in the name of the Legislative  
26 Inspector General with the Legislative Ethics Commission,

1 through the Attorney General, as provided in this Article  
2 if the Attorney General finds that reasonable cause exists  
3 to believe that a violation has occurred.

4 (6) To assist and coordinate the ethics officers for  
5 State agencies under the jurisdiction of the Legislative  
6 Inspector General and to work with those ethics officers.

7 (7) To participate in or conduct, when appropriate,  
8 multi-jurisdictional investigations.

9 (8) To request, as the Legislative Inspector General  
10 deems appropriate, from ethics officers of State agencies  
11 under his or her jurisdiction, reports or information on  
12 (i) the content of a State agency's ethics training program  
13 and (ii) the percentage of new officers and employees who  
14 have completed ethics training.

15 (9) To establish a policy that ensures the appropriate  
16 handling and correct recording of all investigations of  
17 allegations and to ensure that the policy is accessible via  
18 the Internet in order that those seeking to report those  
19 allegations are familiar with the process and that the  
20 subjects of those allegations are treated fairly.

21 (10) To post information to the Legislative Inspector  
22 General's website explaining to complainants and subjects  
23 of an investigation the legal limitations on the  
24 Legislative Inspector General's ability to provide  
25 information to them and a general overview of the  
26 investigation process.

1 (Source: P.A. 100-553, eff. 11-16-17.)

2 (5 ILCS 430/25-50)

3 Sec. 25-50. Investigation reports.

4 (a) If the Legislative Inspector General, upon the  
5 conclusion of an investigation, determines that reasonable  
6 cause exists to believe that a violation has occurred, then the  
7 Legislative Inspector General shall issue a summary report of  
8 the investigation. The report shall be delivered to the  
9 appropriate ultimate jurisdictional authority, ~~and~~ to the head  
10 of each State agency affected by or involved in the  
11 investigation, if appropriate, and the member, if any, that is  
12 the subject of the report. The appropriate ultimate  
13 jurisdictional authority or agency head and the member, if any,  
14 that is the subject of the report shall respond to the summary  
15 report within 20 days, in writing, to the Legislative Inspector  
16 General. If the ultimate jurisdictional authority is the  
17 subject of the report, he or she may only respond to the  
18 summary report in his or her capacity as the subject of the  
19 report and shall not respond in his or her capacity as the  
20 ultimate jurisdictional authority. The response shall include  
21 a description of any corrective or disciplinary action to be  
22 imposed. If the appropriate ultimate jurisdictional authority  
23 or the member that is the subject of the report does not  
24 respond within 20 days, or within an extended time as agreed to  
25 by the Legislative Inspector General, the Legislative

1 Inspector General may proceed under subsection (c) as if a  
2 response had been received. A member receiving and responding  
3 to a report under this Section shall be deemed to be acting in  
4 his or her official capacity.

5 (b) The summary report of the investigation shall include  
6 the following:

7 (1) A description of any allegations or other  
8 information received by the Legislative Inspector General  
9 pertinent to the investigation.

10 (2) A description of any alleged misconduct discovered  
11 in the course of the investigation.

12 (3) Recommendations for any corrective or disciplinary  
13 action to be taken in response to any alleged misconduct  
14 described in the report, including but not limited to  
15 discharge.

16 (4) Other information the Legislative Inspector  
17 General deems relevant to the investigation or resulting  
18 recommendations.

19 (c) Within 30 days after receiving a response from the  
20 appropriate ultimate jurisdictional authority or agency head  
21 under subsection (a), the Legislative Inspector General shall  
22 notify the Commission and the Attorney General if the  
23 Legislative Inspector General believes that a complaint should  
24 be filed with the Commission. If the Legislative Inspector  
25 General desires to file a complaint with the Commission, the  
26 Legislative Inspector General shall submit the summary report

1 and supporting documents to the Attorney General. If the  
2 Attorney General concludes that there is insufficient evidence  
3 that a violation has occurred, the Attorney General shall  
4 notify the Legislative Inspector General and the Legislative  
5 Inspector General shall deliver to the Legislative Ethics  
6 Commission a copy of the summary report and response from the  
7 ultimate jurisdictional authority or agency head. If the  
8 Attorney General determines that reasonable cause exists to  
9 believe that a violation has occurred, then the Legislative  
10 Inspector General, represented by the Attorney General, may  
11 file with the Legislative Ethics Commission a complaint. The  
12 complaint shall set forth the alleged violation and the grounds  
13 that exist to support the complaint. Except as provided under  
14 subsection (1.5) of Section 20, the ~~The~~ complaint must be filed  
15 with the Commission within 18 months after the most recent act  
16 of the alleged violation or of a series of alleged violations  
17 except where there is reasonable cause to believe that  
18 fraudulent concealment has occurred. To constitute fraudulent  
19 concealment sufficient to toll this limitations period, there  
20 must be an affirmative act or representation calculated to  
21 prevent discovery of the fact that a violation has occurred. If  
22 a complaint is not filed with the Commission within 6 months  
23 after notice by the Inspector General to the Commission and the  
24 Attorney General, then the Commission may set a meeting of the  
25 Commission at which the Attorney General shall appear and  
26 provide a status report to the Commission.



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

16           (c-10) If, after reviewing the documents, the Commission  
17 believes that further investigation is warranted, the  
18 Commission may request that the Legislative Inspector General  
19 provide additional information or conduct further  
20 investigation. The Commission may also refer the summary report  
21 and response from the ultimate jurisdictional authority to the  
22 Attorney General for further investigation or review. If the  
23 Commission requests the Attorney General to investigate or  
24 review, the Commission must notify the Attorney General and the  
25 Legislative Inspector General. The Attorney General may not  
26 begin an investigation or review until receipt of notice from

1 the Commission. If, after review, the Attorney General  
2 determines that reasonable cause exists to believe that a  
3 violation has occurred, then the Attorney General may file a  
4 complaint with the Legislative Ethics Commission. If the  
5 Attorney General concludes that there is insufficient evidence  
6 that a violation has occurred, the Attorney General shall  
7 notify the Legislative Ethics Commission and the appropriate  
8 Legislative Inspector General.

9 (d) A copy of the complaint filed with the Legislative  
10 Ethics Commission must be served on all respondents named in  
11 the complaint and on each respondent's ultimate jurisdictional  
12 authority in the same manner as process is served under the  
13 Code of Civil Procedure.

14 (e) A respondent may file objections to the complaint  
15 within 30 days after notice of the petition has been served on  
16 the respondent.

17 (f) The Commission shall meet, at least 30 days after the  
18 complaint is served on all respondents either in person or by  
19 telephone, in a closed session to review the sufficiency of the  
20 complaint. The Commission shall issue notice by certified mail,  
21 return receipt requested, to the Legislative Inspector  
22 General, the Attorney General, and all respondents of the  
23 Commission's ruling on the sufficiency of the complaint. If the  
24 complaint is deemed to sufficiently allege a violation of this  
25 Act, then the Commission shall include a hearing date scheduled  
26 within 4 weeks after the date of the notice, unless all of the

1 parties consent to a later date. If the complaint is deemed not  
2 to sufficiently allege a violation, then the Commission shall  
3 send by certified mail, return receipt requested, a notice to  
4 the Legislative Inspector General, the Attorney General, and  
5 all respondents the decision to dismiss the complaint.

6 (g) On the scheduled date the Commission shall conduct a  
7 closed meeting, either in person or, if the parties consent, by  
8 telephone, on the complaint and allow all parties the  
9 opportunity to present testimony and evidence. All such  
10 proceedings shall be transcribed.

11 (h) Within an appropriate time limit set by rules of the  
12 Legislative Ethics Commission, the Commission shall (i)  
13 dismiss the complaint, (ii) issue a recommendation of  
14 discipline to the respondent and the respondent's ultimate  
15 jurisdictional authority, (iii) impose an administrative fine  
16 upon the respondent, (iv) issue injunctive relief as described  
17 in Section 50-10, or (v) impose a combination of (ii) through  
18 (iv).

19 (i) The proceedings on any complaint filed with the  
20 Commission shall be conducted pursuant to rules promulgated by  
21 the Commission.

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

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

26 (l) Within 30 days after the issuance of a final

1 administrative decision that concludes that a violation  
2 occurred, the Legislative Ethics Commission shall make public  
3 the entire record of proceedings before the Commission, the  
4 decision, any recommendation, any discipline imposed, and the  
5 response from the agency head or ultimate jurisdictional  
6 authority to the Legislative Ethics Commission.

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

8 (5 ILCS 430/25-70)

9 Sec. 25-70. Cooperation in investigations. It is the duty  
10 of every officer and employee under the jurisdiction of the  
11 Legislative Inspector General, including any inspector general  
12 serving in any State agency under the jurisdiction of the  
13 Legislative Inspector General, to cooperate with the  
14 Legislative Inspector General and the Attorney General in any  
15 investigation undertaken pursuant to this Act. Failure to  
16 cooperate includes, but is not limited to, intentional  
17 omissions and knowing false statements. Failure to cooperate  
18 with an investigation of the Legislative Inspector General or  
19 the Attorney General is grounds for disciplinary action,  
20 including dismissal. Nothing in this Section limits or alters a  
21 person's existing rights or privileges under State or federal  
22 law.

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

24 (5 ILCS 430/25-85)

1           Sec. 25-85. Quarterly reports by the Legislative Inspector  
2 General. The Legislative Inspector General shall submit  
3 quarterly reports of claims within his or her jurisdiction  
4 filed with the Office of the Legislative Inspector General to  
5 the General Assembly and the Legislative Ethics Commission, on  
6 dates determined by the Legislative Ethics Commission,  
7 indicating:

8           (1) the total number of allegations received since the  
9 date of the last report and the total number of allegations  
10 received since the date of the last report by category of  
11 claim;

12           (2) the total number of investigations initiated since  
13 the date of the last report and the total number of  
14 investigations initiated since the date of the last report  
15 by category of claim;

16           (3) the total number of investigations concluded since  
17 the date of the last report and the total number of  
18 investigations concluded since the date of the last report  
19 by category of claim;

20           (4) the total number of investigations pending as of  
21 the reporting date and the total number of investigations  
22 pending as of the reporting date by category of claim;

23           (5) the total number of complaints forwarded to the  
24 Attorney General since the date of the last report; ~~and~~

25           (6) the total number of actions filed with the  
26 Legislative Ethics Commission since the date of the last

1 report, ~~and~~ the total number of actions pending before the  
2 Legislative Ethics Commission as of the reporting date, the  
3 total number of actions filed with the Legislative Ethics  
4 Commission since the date of the last report by category of  
5 claim, and the total number of actions pending before the  
6 Legislative Ethics Commission as of the reporting date by  
7 category of claim;

8 (7) the number of allegations referred to any law  
9 enforcement agency since the date of the last report;

10 (8) the total number of allegations referred to another  
11 investigatory body since the date of the last report; and

12 (9) the cumulative number of each of the foregoing for  
13 the current calendar year.

14 For the purposes of this Section, "category of claim" shall  
15 include discrimination claims, harassment claims, sexual  
16 harassment claims, retaliation claims, gift ban claims,  
17 prohibited political activity claims, revolving door  
18 prohibition claims, and other, miscellaneous, or  
19 uncharacterized claims.

20 The quarterly report shall be available on the website of  
21 the Legislative Inspector General.

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

23 (5 ILCS 430/25-90)

24 Sec. 25-90. Confidentiality.

25 (a) The identity of any individual providing information or

1 reporting any possible or alleged misconduct to the Legislative  
2 Inspector General or the Legislative Ethics Commission shall be  
3 kept confidential and may not be disclosed without the consent  
4 of that individual, unless the individual consents to  
5 disclosure of his or her name or disclosure of the individual's  
6 identity is otherwise required by law. The confidentiality  
7 granted by this subsection does not preclude the disclosure of  
8 the identity of a person in any capacity other than as the  
9 source of an allegation.

10 (b) Subject to the provisions of Section 25-50(c),  
11 commissioners, employees, and agents of the Legislative Ethics  
12 Commission, the Legislative Inspector General, and employees  
13 and agents of the Office of the Legislative Inspector General  
14 shall keep confidential and shall not disclose information  
15 exempted from disclosure under the Freedom of Information Act  
16 or by this Act.

17 (c) In his or her discretion, the Legislative Inspector  
18 General may notify complainants and subjects of an  
19 investigation with an update on the status of the respective  
20 investigation, including when the investigation is opened and  
21 closed.

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

23 (5 ILCS 430/25-95)

24 Sec. 25-95. Exemptions.

25 (a) Documents generated by an ethics officer under this

1 Act, except Section 5-50, are exempt from the provisions of the  
2 Freedom of Information Act.

3 (a-5) Requests from ethics officers, members, and State  
4 employees to the Office of the Legislative Inspector General, a  
5 Special Legislative Inspector General, the Legislative Ethics  
6 Commission, an ethics officer, or a person designated by a  
7 legislative leader for guidance on matters involving the  
8 interpretation or application of this Act or rules promulgated  
9 under this Act are exempt from the provisions of the Freedom of  
10 Information Act. Guidance provided to an ethics officer,  
11 member, or State employee at the request of an ethics officer,  
12 member, or State employee by the Office of the Legislative  
13 Inspector General, a Special Legislative Inspector General,  
14 the Legislative Ethics Commission, an ethics officer, or a  
15 person designated by a legislative leader on matters involving  
16 the interpretation or application of this Act or rules  
17 promulgated under this Act is exempt from the provisions of the  
18 Freedom of Information Act.

19 (b) Summary investigation reports released by the  
20 Legislative Ethics Commission as provided in Section 25-52 are  
21 public records. Otherwise, any allegations and related  
22 documents submitted to the Legislative Inspector General and  
23 any pleadings and related documents brought before the  
24 Legislative Ethics Commission are exempt from the provisions of  
25 the Freedom of Information Act so long as the Legislative  
26 Ethics Commission does not make a finding of a violation of



1 this Act. If the Legislative Ethics Commission finds that a  
2 violation has occurred, the entire record of proceedings before  
3 the Commission, the decision and recommendation, and the  
4 mandatory report from the agency head or ultimate  
5 jurisdictional authority to the Legislative Ethics Commission  
6 are not exempt from the provisions of the Freedom of  
7 Information Act but information contained therein that is  
8 exempt from the Freedom of Information Act must be redacted  
9 before disclosure as provided in Section 8 of the Freedom of  
10 Information Act.

11 (c) Meetings of the Commission are exempt from the  
12 provisions of the Open Meetings Act.

13 (d) Unless otherwise provided in this Act, all  
14 investigatory files and reports of the Office of the  
15 Legislative Inspector General, other than quarterly ~~monthly~~  
16 reports under Section 25-85, are confidential, are exempt from  
17 disclosure under the Freedom of Information Act, and shall not  
18 be divulged to any person or agency, except as necessary (i) to  
19 the appropriate law enforcement authority if the matter is  
20 referred pursuant to this Act, (ii) to the ultimate  
21 jurisdictional authority, ~~or~~ (iii) to the Legislative Ethics  
22 Commission, or (iv) to the Executive Director of the  
23 Legislative Ethics Commission to the extent necessary to advise  
24 the Commission of all open investigations and any new  
25 allegations or complaints received in the Office of the  
26 Inspector General when there is a vacancy in the Office of

1 Inspector General pursuant to subparagraph (b-5) of Section  
2 25-10.

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

4 (5 ILCS 430/25-100 new)

5 Sec. 25-100. Reports.

6 (a) Within 30 days of the effective date of this amendatory  
7 Act of the 100th General Assembly, for the period beginning  
8 November 4, 2017 until the date of the report, the Legislative  
9 Ethics Commission shall issue a report to the General Assembly  
10 containing the following information: (i) the total number of  
11 summary reports that the Inspector General requested be  
12 published; (ii) the total number of summary reports that the  
13 Inspector General closed without a request to be published;  
14 (iii) the total number of summary reports that the Commission  
15 agreed to publish; (iv) the total number of summary reports  
16 that the Commission did not agree to publish; (v) the total  
17 number of investigations that the Inspector General requested  
18 to open; and (vi) the total number of investigations that the  
19 Commission did not allow the Inspector General to open.

20 (b) The Legislative Ethics Commission shall issue a  
21 quarterly report to the General Assembly within 30 days after  
22 the end of each quarter containing the following information  
23 for the preceding quarter: (i) the total number of summary  
24 reports that the Inspector General requested be published; (ii)  
25 the total number of summary reports that the Inspector General

1 closed without a request to be published; (iii) the total  
2 number of summary reports that the Commission agreed to  
3 publish; (iv) the total number of summary reports that the  
4 Commission did not agree to publish; (v) the total number of  
5 investigations that the Inspector General requested to open;  
6 and (vi) the total number of investigations that the Commission  
7 did not allow the Inspector General to open.

8 (c) The reports to the General Assembly under this Section  
9 shall be provided to the Clerk of the House of Representatives  
10 and the Secretary of the Senate in electronic form only, in the  
11 manner that the Clerk and the Secretary shall direct.

12 (5 ILCS 430/50-5)

13 Sec. 50-5. Penalties.

14 (a) A person is guilty of a Class A misdemeanor if that  
15 person intentionally violates any provision of Section 5-15,  
16 5-30, 5-40, or 5-45 or Article 15.

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

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

24 (c) A person who intentionally violates any provision of  
25 Article 10 is guilty of a business offense and subject to a

1 fine of at least \$1,001 and up to \$5,000.

2 (d) Any person who intentionally makes a false report  
3 alleging a violation of any provision of this Act to an ethics  
4 commission, an inspector general, the State Police, a State's  
5 Attorney, the Attorney General, or any other law enforcement  
6 official is guilty of a Class A misdemeanor.

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

13 (f) In addition to any other penalty that may apply,  
14 whether criminal or civil, a State employee who intentionally  
15 violates any provision of Section 5-5, 5-15, 5-20, 5-30, 5-35,  
16 5-45, or 5-50, Article 10, Article 15, or Section 20-90 or  
17 25-90 is subject to discipline or discharge by the appropriate  
18 ultimate jurisdictional authority.

19 (g) Any person who violates Section 5-65 is subject to a  
20 fine of up to \$5,000 per offense, and is subject to discipline  
21 or discharge by the appropriate ultimate jurisdictional  
22 authority. Each violation of Section 5-65 is a separate  
23 offense. Any penalty imposed by an ethics commission shall be  
24 separate and distinct from any fines or penalties imposed by a  
25 court of law or a State or federal agency.

26 (h) Any natural person or lobbying entity who intentionally

1 violates Section 4.7, ~~or~~ paragraph (d) of Section 5, or  
2 subsection (a-5) of Section 11 of the Lobbyist Registration Act  
3 is guilty of a business offense and shall be subject to a fine  
4 of up to \$5,000. The Executive Ethics Commission, after the  
5 adjudication of a violation of Section 4.7 of the Lobbyist  
6 Registration Act for which an investigation was initiated by  
7 the Inspector General appointed by the Secretary of State under  
8 Section 14 of the Secretary of State Act, is authorized to  
9 strike or suspend the registration under the Lobbyist  
10 Registration Act of any person or lobbying entity for which  
11 that person is employed for a period of up to 3 years. In  
12 addition to any other fine or penalty which may be imposed, the  
13 Executive Ethics Commission may also levy an administrative  
14 fine of up to \$5,000 for a violation specified under this  
15 subsection (h). Any penalty imposed by an ethics commission  
16 shall be separate and distinct from any fines or penalties  
17 imposed by a court of law or by the Secretary of State under  
18 the Lobbyist Registration Act.

19 (Source: P.A. 100-554, eff. 11-16-17.)

20 Section 10. The Election Code is amended by adding Section  
21 7-8.03 as follows:

22 (10 ILCS 5/7-8.03 new)

23 Sec. 7-8.03. State central committees; discrimination and  
24 harassment policies. No later than 90 days after the effective

1 date of this amendatory Act of the 100th General Assembly, each  
2 State central committee of an established statewide political  
3 party shall establish and maintain a policy that includes, at a  
4 minimum: (i) a prohibition on discrimination and harassment;  
5 (ii) details on how an individual can report an allegation of  
6 discrimination or harassment; (iii) a prohibition on  
7 retaliation for reporting discrimination or harassment  
8 allegations; and (iv) the consequences of a violation of the  
9 prohibition on sexual harassment and the consequences for  
10 knowingly making a false report.

11 A State central committee, or its appropriate designee,  
12 shall notify the Board of the adoption of the required  
13 policies.

14 The requirements of this Section shall not prohibit a  
15 political committee from considering political affiliation, as  
16 permitted by law and the United States Constitution, when  
17 hiring or retaining a person as an employee, consultant,  
18 independent contractor, or volunteer.

19 Section 15. The Secretary of State Act is amended by  
20 changing Section 14 as follows:

21 (15 ILCS 305/14)

22 Sec. 14. Inspector General.

23 (a) The Secretary of State must, with the advice and  
24 consent of the Senate, appoint an Inspector General for the

1 purpose of detection, deterrence, and prevention of fraud,  
2 corruption, mismanagement, gross or aggravated misconduct, or  
3 misconduct that may be criminal in nature in the Office of the  
4 Secretary of State. The Inspector General shall serve a 5-year  
5 term. If no successor is appointed and qualified upon the  
6 expiration of the Inspector General's term, the Office of  
7 Inspector General is deemed vacant and the powers and duties  
8 under this Section may be exercised only by an appointed and  
9 qualified interim Inspector General until a successor  
10 Inspector General is appointed and qualified. If the General  
11 Assembly is not in session when a vacancy in the Office of  
12 Inspector General occurs, the Secretary of State may appoint an  
13 interim Inspector General whose term shall expire 2 weeks after  
14 the next regularly scheduled session day of the Senate.

15 (b) The Inspector General shall have the following  
16 qualifications:

17 (1) has not been convicted of any felony under the laws  
18 of this State, another State, or the United States;

19 (2) has earned a baccalaureate degree from an  
20 institution of higher education; and

21 (3) has either (A) 5 or more years of service with a  
22 federal, State, or local law enforcement agency, at least 2  
23 years of which have been in a progressive investigatory  
24 capacity; (B) 5 or more years of service as a federal,  
25 State, or local prosecutor; or (C) 5 or more years of  
26 service as a senior manager or executive of a federal,

1 State, or local agency.

2 (c) The Inspector General may review, coordinate, and  
3 recommend methods and procedures to increase the integrity of  
4 the Office of the Secretary of State. The duties of the  
5 Inspector General shall supplement and not supplant the duties  
6 of the Chief Auditor for the Secretary of State's Office or any  
7 other Inspector General that may be authorized by law. The  
8 Inspector General must report directly to the Secretary of  
9 State.

10 (d) In addition to the authority otherwise provided by this  
11 Section, but only when investigating the Office of the  
12 Secretary of State, its employees, or their actions for fraud,  
13 corruption, mismanagement, gross or aggravated misconduct, or  
14 misconduct that may be criminal in nature, the Inspector  
15 General is authorized:

16 (1) To have access to all records, reports, audits,  
17 reviews, documents, papers, recommendations, or other  
18 materials available that relate to programs and operations  
19 with respect to which the Inspector General has  
20 responsibilities under this Section.

21 (2) To make any investigations and reports relating to  
22 the administration of the programs and operations of the  
23 Office of the Secretary of State that are, in the judgment  
24 of the Inspector General, necessary or desirable.

25 (3) To request any information or assistance that may  
26 be necessary for carrying out the duties and



1 responsibilities provided by this Section from any local,  
2 State, or federal governmental agency or unit thereof.

3 (4) To require by subpoena the appearance of witnesses  
4 and the production of all information, documents, reports,  
5 answers, records, accounts, papers, and other data and  
6 documentary evidence necessary in the performance of the  
7 functions assigned by this Section, with the exception of  
8 subsection (c) and with the exception of records of a labor  
9 organization authorized and recognized under the Illinois  
10 Public Labor Relations Act to be the exclusive bargaining  
11 representative of employees of the Secretary of State,  
12 including, but not limited to, records of representation of  
13 employees and the negotiation of collective bargaining  
14 agreements. A subpoena may be issued under this paragraph  
15 (4) only by the Inspector General and not by members of the  
16 Inspector General's staff. A person duly subpoenaed for  
17 testimony, documents, or other items who neglects or  
18 refuses to testify or produce documents or other items  
19 under the requirements of the subpoena shall be subject to  
20 punishment as may be determined by a court of competent  
21 jurisdiction, unless (i) the testimony, documents, or  
22 other items are covered by the attorney-client privilege or  
23 any other privilege or right recognized by law or (ii) the  
24 testimony, documents, or other items concern the  
25 representation of employees and the negotiation of  
26 collective bargaining agreements by a labor organization

1 authorized and recognized under the Illinois Public Labor  
2 Relations Act to be the exclusive bargaining  
3 representative of employees of the Secretary of State.  
4 Nothing in this Section limits a person's right to  
5 protection against self-incrimination under the Fifth  
6 Amendment of the United States Constitution or Article I,  
7 Section 10, of the Constitution of the State of Illinois.

8 (5) To have direct and prompt access to the Secretary  
9 of State for any purpose pertaining to the performance of  
10 functions and responsibilities under this Section.

11 (d-5) In addition to the authority otherwise provided by  
12 this Section, the Secretary of State Inspector General shall  
13 have jurisdiction to investigate complaints and allegations of  
14 wrongdoing by any person or entity related to the Lobbyist  
15 Registration Act. When investigating those complaints and  
16 allegations, the Inspector General is authorized:

17 (1) To have access to all records, reports, audits,  
18 reviews, documents, papers, recommendations, or other  
19 materials available that relate to programs and operations  
20 with respect to which the Inspector General has  
21 responsibilities under this Section.

22 (2) To request any information or assistance that may  
23 be necessary for carrying out the duties and  
24 responsibilities provided by this Section from any local,  
25 State, or federal governmental agency or unit thereof.

26 (3) To require by subpoena the appearance of witnesses

1 and the production of all information, documents, reports,  
2 answers, records, accounts, papers, and other data and  
3 documentary evidence necessary in the performance of the  
4 functions assigned by this Section. A subpoena may be  
5 issued under this paragraph (3) only by the Inspector  
6 General and not by members of the Inspector General's  
7 staff. A person duly subpoenaed for testimony, documents,  
8 or other items who neglects or refuses to testify or  
9 produce documents or other items under the requirements of  
10 the subpoena shall be subject to punishment as may be  
11 determined by a court of competent jurisdiction, unless the  
12 testimony, documents, or other items are covered by the  
13 attorney-client privilege or any other privilege or right  
14 recognized by law. Nothing in this Section limits a  
15 person's right to protection against self-incrimination  
16 under the Fifth Amendment of the United States Constitution  
17 or Section 10 of Article I of the Constitution of the State  
18 of Illinois.

19 (4) To have direct and prompt access to the Secretary  
20 of State for any purpose pertaining to the performance of  
21 functions and responsibilities under this Section.

22 (5) As provided in subsection (d) of Section 5 of the  
23 Lobbyist Registration Act, to review allegations that an  
24 individual required to be registered under the Lobbyist  
25 Registration Act has engaged in one or more acts of sexual  
26 harassment. Upon completion of that review, the Inspector

1 General shall submit a summary of the review to the  
2 Executive Ethics Commission. The Inspector General is  
3 authorized to file pleadings with the Executive Ethics  
4 Commission, through the Attorney General, if the Attorney  
5 General finds that reasonable cause exists to believe that  
6 a violation regarding acts of sexual harassment has  
7 occurred. The Secretary shall adopt rules setting forth the  
8 procedures for the review of such allegations.

9 (e) The Inspector General may receive and investigate  
10 complaints or information concerning the possible existence of  
11 an activity constituting a violation of law, rules, or  
12 regulations; mismanagement; abuse of authority; or substantial  
13 and specific danger to the public health and safety. Any person  
14 who knowingly files a false complaint or files a complaint with  
15 reckless disregard for the truth or the falsity of the facts  
16 underlying the complaint may be subject to discipline as set  
17 forth in the rules of the Department of Personnel of the  
18 Secretary of State or the Inspector General may refer the  
19 matter to a State's Attorney or the Attorney General.

20 The Inspector General may not, after receipt of a complaint  
21 or information, disclose the identity of the source without the  
22 consent of the source, unless the Inspector General determines  
23 that disclosure of the identity is reasonable and necessary for  
24 the furtherance of the investigation.

25 Any employee who has the authority to recommend or approve  
26 any personnel action or to direct others to recommend or

1 approve any personnel action may not, with respect to that  
2 authority, take or threaten to take any action against any  
3 employee as a reprisal for making a complaint or disclosing  
4 information to the Inspector General, unless the complaint was  
5 made or the information disclosed with the knowledge that it  
6 was false or with willful disregard for its truth or falsity.

7 (f) The Inspector General must adopt rules, in accordance  
8 with the provisions of the Illinois Administrative Procedure  
9 Act, establishing minimum requirements for initiating,  
10 conducting, and completing investigations. The rules must  
11 establish criteria for determining, based upon the nature of  
12 the allegation, the appropriate method of investigation, which  
13 may include, but is not limited to, site visits, telephone  
14 contacts, personal interviews, or requests for written  
15 responses. The rules must also clarify how the Office of the  
16 Inspector General shall interact with other local, State, and  
17 federal law enforcement investigations.

18 Any employee of the Secretary of State subject to  
19 investigation or inquiry by the Inspector General or any agent  
20 or representative of the Inspector General concerning  
21 misconduct that is criminal in nature shall have the right to  
22 be notified of the right to remain silent during the  
23 investigation or inquiry and the right to be represented in the  
24 investigation or inquiry by an attorney or a representative of  
25 a labor organization that is the exclusive collective  
26 bargaining representative of employees of the Secretary of

1 State. Any investigation or inquiry by the Inspector General or  
2 any agent or representative of the Inspector General must be  
3 conducted with an awareness of the provisions of a collective  
4 bargaining agreement that applies to the employees of the  
5 Secretary of State and with an awareness of the rights of the  
6 employees as set forth in State and federal law and applicable  
7 judicial decisions. Any recommendations for discipline or any  
8 action taken against any employee by the Inspector General or  
9 any representative or agent of the Inspector General must  
10 comply with the provisions of the collective bargaining  
11 agreement that applies to the employee.

12 (g) On or before January 1 of each year, the Inspector  
13 General shall report to the President of the Senate, the  
14 Minority Leader of the Senate, the Speaker of the House of  
15 Representatives, and the Minority Leader of the House of  
16 Representatives on the types of investigations and the  
17 activities undertaken by the Office of the Inspector General  
18 during the previous calendar year.

19 (Source: P.A. 100-554, eff. 11-16-17.)

20 Section 20. The Legislative Information System Act is  
21 amended by adding Section 9 as follows:

22 (25 ILCS 145/9 new)

23 Sec. 9. Information regarding discrimination and  
24 harassment. The System shall establish a page for electronic

1 public access on the General Assembly's website that provides  
2 information regarding discrimination and harassment,  
3 including, but not limited to:

4 (1) the name and contact information for the ethics officer  
5 for each caucus;

6 (2) the name and contact information for the Legislative  
7 Inspector General and information on how to file a complaint;

8 (3) a direct link to the website of the Department of Human  
9 Rights for harassment and discrimination and the Department's  
10 hotline phone number; and

11 (4) the name and contact information for the chief of staff  
12 for each legislative caucus leader.

13 A direct link to the page required by this Section shall be  
14 included on the front page of the General Assembly's website.

15 Section 25. The Lobbyist Registration Act is amended by  
16 changing Section 11 as follows:

17 (25 ILCS 170/11) (from Ch. 63, par. 181)

18 Sec. 11. Enforcement.

19 (a) The Secretary of State Inspector General appointed  
20 under Section 14 of the Secretary of State Act shall initiate  
21 investigations of violations of this Act upon receipt of  
22 credible evidence of a violation. If, upon conclusion of an  
23 investigation, the Inspector General reasonably believes a  
24 violation of this Act has occurred, the Inspector General shall

1 provide the alleged violator with written notification of the  
2 alleged violation. Within 30 calendar days after receipt of the  
3 notification, the alleged violator shall submit a written  
4 response to the Inspector General. The response shall indicate  
5 whether the alleged violator (i) disputes the alleged  
6 violation, including any facts that reasonably prove the  
7 alleged violation did not violate the Act, or (ii) agrees to  
8 take action to correct the alleged violation within 30 calendar  
9 days, including a description of the action the alleged  
10 violator has taken or will take to correct the alleged  
11 violation. If the alleged violator disputes the alleged  
12 violation or fails to respond to the notification of the  
13 alleged violation, the Inspector General shall transmit the  
14 evidence to the appropriate State's Attorney or Attorney  
15 General. If the alleged violator agrees to take action to  
16 correct the alleged violation, the Inspector General shall make  
17 available to the public the notification from the Inspector  
18 General and the response from the alleged violator and shall  
19 not transmit the evidence to the appropriate State's Attorney  
20 or Attorney General. Nothing in this Act requires the Inspector  
21 General to notify an alleged violator of an ongoing  
22 investigation or to notify the alleged violator of a referral  
23 of any evidence to a law enforcement agency, a State's  
24 Attorney, or the Attorney General pursuant to subsection (c).

25 (a-5) Failure to cooperate in an investigation initiated by  
26 the Secretary of State Inspector General appointed under



1 Section 14 of the Secretary of State Act is a separate and  
2 punishable offense for which the Secretary of State Inspector  
3 General, through the Attorney General, shall file pleadings  
4 with the Executive Ethics Commission, which has the discretion  
5 to strike or suspend the registration of any person, or  
6 lobbying entity for which that person is employed, registered  
7 under this Act. Nothing in this Section limits or alters a  
8 person's existing rights or protections under State or federal  
9 law.

10 (b) Any violation of this Act may be prosecuted in the  
11 county where the offense is committed or in Sangamon County. In  
12 addition to the State's Attorney of the appropriate county, the  
13 Attorney General of Illinois also is authorized to prosecute  
14 any violation of this Act.

15 (c) Notwithstanding any other provision of this Act, the  
16 Inspector General may at any time refer evidence of a violation  
17 of State or federal law, in addition to a violation of this  
18 Act, to the appropriate law enforcement agency, State's  
19 Attorney, or Attorney General.

20 (Source: P.A. 96-555, eff. 1-1-10; 96-1358, eff. 7-28-10.)

21 Section 30. The Illinois Human Rights Act is amended by  
22 changing Sections 2-102, 2-107, and 7A-102 as follows:

23 (775 ILCS 5/2-102) (from Ch. 68, par. 2-102)

24 Sec. 2-102. Civil Rights Violations - Employment. It is a

1 civil rights violation:

2 (A) Employers. For any employer to refuse to hire, to  
3 segregate, or to act with respect to recruitment, hiring,  
4 promotion, renewal of employment, selection for training or  
5 apprenticeship, discharge, discipline, tenure or terms,  
6 privileges or conditions of employment on the basis of unlawful  
7 discrimination or citizenship status.

8 (A-5) Language. For an employer to impose a restriction  
9 that has the effect of prohibiting a language from being spoken  
10 by an employee in communications that are unrelated to the  
11 employee's duties.

12 For the purposes of this subdivision (A-5), "language"  
13 means a person's native tongue, such as Polish, Spanish, or  
14 Chinese. "Language" does not include such things as slang,  
15 jargon, profanity, or vulgarity.

16 (B) Employment Agency. For any employment agency to fail or  
17 refuse to classify properly, accept applications and register  
18 for employment referral or apprenticeship referral, refer for  
19 employment, or refer for apprenticeship on the basis of  
20 unlawful discrimination or citizenship status or to accept from  
21 any person any job order, requisition or request for referral  
22 of applicants for employment or apprenticeship which makes or  
23 has the effect of making unlawful discrimination or  
24 discrimination on the basis of citizenship status a condition  
25 of referral.

26 (C) Labor Organization. For any labor organization to

1 limit, segregate or classify its membership, or to limit  
2 employment opportunities, selection and training for  
3 apprenticeship in any trade or craft, or otherwise to take, or  
4 fail to take, any action which affects adversely any person's  
5 status as an employee or as an applicant for employment or as  
6 an apprentice, or as an applicant for apprenticeships, or  
7 wages, tenure, hours of employment or apprenticeship  
8 conditions on the basis of unlawful discrimination or  
9 citizenship status.

10 (D) Sexual Harassment. For any employer, employee, agent of  
11 any employer, employment agency or labor organization to engage  
12 in sexual harassment; provided, that an employer shall be  
13 responsible for sexual harassment of the employer's employees  
14 by nonemployees or nonmanagerial and nonsupervisory employees  
15 only if the employer becomes aware of the conduct and fails to  
16 take reasonable corrective measures.

17 (E) Public Employers. For any public employer to refuse to  
18 permit a public employee under its jurisdiction who takes time  
19 off from work in order to practice his or her religious beliefs  
20 to engage in work, during hours other than such employee's  
21 regular working hours, consistent with the operational needs of  
22 the employer and in order to compensate for work time lost for  
23 such religious reasons. Any employee who elects such deferred  
24 work shall be compensated at the wage rate which he or she  
25 would have earned during the originally scheduled work period.  
26 The employer may require that an employee who plans to take

1 time off from work in order to practice his or her religious  
2 beliefs provide the employer with a notice of his or her  
3 intention to be absent from work not exceeding 5 days prior to  
4 the date of absence.

5 (E-5) Religious discrimination. For any employer to impose  
6 upon a person as a condition of obtaining or retaining  
7 employment, including opportunities for promotion,  
8 advancement, or transfer, any terms or conditions that would  
9 require such person to violate or forgo a sincerely held  
10 practice of his or her religion including, but not limited to,  
11 the wearing of any attire, clothing, or facial hair in  
12 accordance with the requirements of his or her religion,  
13 unless, after engaging in a bona fide effort, the employer  
14 demonstrates that it is unable to reasonably accommodate the  
15 employee's or prospective employee's sincerely held religious  
16 belief, practice, or observance without undue hardship on the  
17 conduct of the employer's business.

18 Nothing in this Section prohibits an employer from enacting  
19 a dress code or grooming policy that may include restrictions  
20 on attire, clothing, or facial hair to maintain workplace  
21 safety or food sanitation.

22 (F) Training and Apprenticeship Programs. For any  
23 employer, employment agency or labor organization to  
24 discriminate against a person on the basis of age in the  
25 selection, referral for or conduct of apprenticeship or  
26 training programs.

1 (G) Immigration-Related Practices.

2 (1) for an employer to request for purposes of  
3 satisfying the requirements of Section 1324a(b) of Title 8  
4 of the United States Code, as now or hereafter amended,  
5 more or different documents than are required under such  
6 Section or to refuse to honor documents tendered that on  
7 their face reasonably appear to be genuine; or

8 (2) for an employer participating in the E-Verify  
9 Program, as authorized by 8 U.S.C. 1324a, Notes, Pilot  
10 Programs for Employment Eligibility Confirmation (enacted  
11 by PL 104-208, div. C title IV, subtitle A) to refuse to  
12 hire, to segregate, or to act with respect to recruitment,  
13 hiring, promotion, renewal of employment, selection for  
14 training or apprenticeship, discharge, discipline, tenure  
15 or terms, privileges or conditions of employment without  
16 following the procedures under the E-Verify Program.

17 (H) (Blank).

18 (I) Pregnancy. For an employer to refuse to hire, to  
19 segregate, or to act with respect to recruitment, hiring,  
20 promotion, renewal of employment, selection for training or  
21 apprenticeship, discharge, discipline, tenure or terms,  
22 privileges or conditions of employment on the basis of  
23 pregnancy, childbirth, or medical or common conditions related  
24 to pregnancy or childbirth. Women affected by pregnancy,  
25 childbirth, or medical or common conditions related to  
26 pregnancy or childbirth shall be treated the same for all

1 employment-related purposes, including receipt of benefits  
2 under fringe benefit programs, as other persons not so affected  
3 but similar in their ability or inability to work, regardless  
4 of the source of the inability to work or employment  
5 classification or status.

6 (J) Pregnancy; reasonable accommodations.

7 (1) If after a job applicant or employee, including a  
8 part-time, full-time, or probationary employee, requests a  
9 reasonable accommodation, for an employer to not make  
10 reasonable accommodations for any medical or common  
11 condition of a job applicant or employee related to  
12 pregnancy or childbirth, unless the employer can  
13 demonstrate that the accommodation would impose an undue  
14 hardship on the ordinary operation of the business of the  
15 employer. The employer may request documentation from the  
16 employee's health care provider concerning the need for the  
17 requested reasonable accommodation or accommodations to  
18 the same extent documentation is requested for conditions  
19 related to disability if the employer's request for  
20 documentation is job-related and consistent with business  
21 necessity. The employer may require only the medical  
22 justification for the requested accommodation or  
23 accommodations, a description of the reasonable  
24 accommodation or accommodations medically advisable, the  
25 date the reasonable accommodation or accommodations became  
26 medically advisable, and the probable duration of the

1 reasonable accommodation or accommodations. It is the duty  
2 of the individual seeking a reasonable accommodation or  
3 accommodations to submit to the employer any documentation  
4 that is requested in accordance with this paragraph.  
5 Notwithstanding the provisions of this paragraph, the  
6 employer may require documentation by the employee's  
7 health care provider to determine compliance with other  
8 laws. The employee and employer shall engage in a timely,  
9 good faith, and meaningful exchange to determine effective  
10 reasonable accommodations.

11 (2) For an employer to deny employment opportunities or  
12 benefits to or take adverse action against an otherwise  
13 qualified job applicant or employee, including a  
14 part-time, full-time, or probationary employee, if the  
15 denial or adverse action is based on the need of the  
16 employer to make reasonable accommodations to the known  
17 medical or common conditions related to the pregnancy or  
18 childbirth of the applicant or employee.

19 (3) For an employer to require a job applicant or  
20 employee, including a part-time, full-time, or  
21 probationary employee, affected by pregnancy, childbirth,  
22 or medical or common conditions related to pregnancy or  
23 childbirth to accept an accommodation when the applicant or  
24 employee did not request an accommodation and the applicant  
25 or employee chooses not to accept the employer's  
26 accommodation.

1           (4) For an employer to require an employee, including a  
2 part-time, full-time, or probationary employee, to take  
3 leave under any leave law or policy of the employer if  
4 another reasonable accommodation can be provided to the  
5 known medical or common conditions related to the pregnancy  
6 or childbirth of an employee. No employer shall fail or  
7 refuse to reinstate the employee affected by pregnancy,  
8 childbirth, or medical or common conditions related to  
9 pregnancy or childbirth to her original job or to an  
10 equivalent position with equivalent pay and accumulated  
11 seniority, retirement, fringe benefits, and other  
12 applicable service credits upon her signifying her intent  
13 to return or when her need for reasonable accommodation  
14 ceases, unless the employer can demonstrate that the  
15 accommodation would impose an undue hardship on the  
16 ordinary operation of the business of the employer.

17           For the purposes of this subdivision (J), "reasonable  
18 accommodations" means reasonable modifications or adjustments  
19 to the job application process or work environment, or to the  
20 manner or circumstances under which the position desired or  
21 held is customarily performed, that enable an applicant or  
22 employee affected by pregnancy, childbirth, or medical or  
23 common conditions related to pregnancy or childbirth to be  
24 considered for the position the applicant desires or to perform  
25 the essential functions of that position, and may include, but  
26 is not limited to: more frequent or longer bathroom breaks,



1 breaks for increased water intake, and breaks for periodic  
2 rest; private non-bathroom space for expressing breast milk and  
3 breastfeeding; seating; assistance with manual labor; light  
4 duty; temporary transfer to a less strenuous or hazardous  
5 position; the provision of an accessible worksite; acquisition  
6 or modification of equipment; job restructuring; a part-time or  
7 modified work schedule; appropriate adjustment or  
8 modifications of examinations, training materials, or  
9 policies; reassignment to a vacant position; time off to  
10 recover from conditions related to childbirth; and leave  
11 necessitated by pregnancy, childbirth, or medical or common  
12 conditions resulting from pregnancy or childbirth.

13 For the purposes of this subdivision (J), "undue hardship"  
14 means an action that is prohibitively expensive or disruptive  
15 when considered in light of the following factors: (i) the  
16 nature and cost of the accommodation needed; (ii) the overall  
17 financial resources of the facility or facilities involved in  
18 the provision of the reasonable accommodation, the number of  
19 persons employed at the facility, the effect on expenses and  
20 resources, or the impact otherwise of the accommodation upon  
21 the operation of the facility; (iii) the overall financial  
22 resources of the employer, the overall size of the business of  
23 the employer with respect to the number of its employees, and  
24 the number, type, and location of its facilities; and (iv) the  
25 type of operation or operations of the employer, including the  
26 composition, structure, and functions of the workforce of the

1 employer, the geographic separateness, administrative, or  
2 fiscal relationship of the facility or facilities in question  
3 to the employer. The employer has the burden of proving undue  
4 hardship. The fact that the employer provides or would be  
5 required to provide a similar accommodation to similarly  
6 situated employees creates a rebuttable presumption that the  
7 accommodation does not impose an undue hardship on the  
8 employer.

9 No employer is required by this subdivision (J) to create  
10 additional employment that the employer would not otherwise  
11 have created, unless the employer does so or would do so for  
12 other classes of employees who need accommodation. The employer  
13 is not required to discharge any employee, transfer any  
14 employee with more seniority, or promote any employee who is  
15 not qualified to perform the job, unless the employer does so  
16 or would do so to accommodate other classes of employees who  
17 need it.

18 (K) Notice.

19 (1) For an employer to fail to post or keep posted in a  
20 conspicuous location on the premises of the employer where  
21 notices to employees are customarily posted, or fail to  
22 include in any employee handbook information concerning an  
23 employee's rights under this Article, a notice, to be  
24 prepared or approved by the Department, summarizing the  
25 requirements of this Article and information pertaining to  
26 the filing of a charge, including the right to be free from

1 unlawful discrimination, the right to be free from sexual  
2 harassment, and the right to certain reasonable  
3 accommodations. The Department shall make the documents  
4 required under this paragraph available for retrieval from  
5 the Department's website.

6 (2) Upon notification of a violation of paragraph (1)  
7 of this subdivision (K), the Department may launch a  
8 preliminary investigation. If the Department finds a  
9 violation, the Department may issue a notice to show cause  
10 giving the employer 30 days to correct the violation. If  
11 the violation is not corrected, the Department may initiate  
12 a charge of a civil rights violation.

13 (Source: P.A. 100-100, eff. 8-11-17.)

14 (775 ILCS 5/2-107)

15 Sec. 2-107. Helpline ~~Hotline~~ to Report Sexual Harassment  
16 and Discrimination.

17 (a) The Department shall, no later than 3 months after the  
18 effective date of this amendatory Act of the 100th General  
19 Assembly, establish and maintain a sexual harassment and  
20 discrimination helpline ~~hotline~~. The Department shall help  
21 persons who contact the Department through the helpline ~~hotline~~  
22 find necessary resources, including counseling services, and  
23 assist in the filing of sexual harassment and discrimination  
24 complaints with the Department or other applicable agencies.  
25 The Department may recommend individual seek private counsel,

1 but shall not make recommendations for legal representation.  
2 The helpline ~~hotline~~ shall provide the means through which  
3 persons may anonymously report sexual harassment and  
4 discrimination in both private and public places of employment.  
5 In the case of a report of sexual harassment and discrimination  
6 by a person subject to Article 20 or 25 of the State Officials  
7 and Employees Ethics Act, the Department shall, with the  
8 permission of the reporting individual, report the allegations  
9 to the Executive Inspector General or Legislative Inspector  
10 General for further investigation.

11 (b) The Department shall advertise the helpline ~~hotline~~ on  
12 its website and in materials related to sexual harassment and  
13 discrimination, including posters made available to the  
14 public, and encourage reporting by both those who are subject  
15 to sexual harassment and discrimination and those who have  
16 witnessed it.

17 (c) All communications received by the Department via the  
18 helpline ~~hotline~~ or Internet communication shall remain  
19 confidential and shall be exempt from disclosure under the  
20 Freedom of Information Act.

21 (d) As used in this Section, "helpline" ~~"hotline"~~ means a  
22 toll-free telephone with voicemail capabilities and an  
23 Internet website through which persons may report instances of  
24 sexual harassment and discrimination.

25 (e) The Department shall annually evaluate the helpline and  
26 report to the Clerk of the House of Representatives and the

1 Secretary of the Senate in electronic form only, in the manner  
2 that the Clerk and the Secretary shall direct, the following  
3 information: (i) the total number of calls received, including  
4 messages left during non-business hours; (ii) the number of  
5 calls reporting sexual discrimination claims; (iii) the number  
6 of calls reporting harassment claims; (iv) the number of calls  
7 reporting sexual harassment claims; (v) the number of calls  
8 that were referred to each Executive Inspector General; and  
9 (vi) the number of calls that were referred to the Legislative  
10 Inspector General.

11 (Source: P.A. 100-554, eff. 11-16-17.)

12 (775 ILCS 5/7A-102) (from Ch. 68, par. 7A-102)

13 Sec. 7A-102. Procedures.

14 (A) Charge.

15 (1) Within 300 calendar ~~180~~ days after the date that a  
16 civil rights violation allegedly has been committed, a  
17 charge in writing under oath or affirmation may be filed  
18 with the Department by an aggrieved party or issued by the  
19 Department itself under the signature of the Director.

20 (2) The charge shall be in such detail as to  
21 substantially apprise any party properly concerned as to  
22 the time, place, and facts surrounding the alleged civil  
23 rights violation.

24 (3) Charges deemed filed with the Department pursuant  
25 to subsection (A-1) of this Section shall be deemed to be

1 in compliance with this subsection.

2 (A-1) Equal Employment Opportunity Commission Charges.

3 (1) If a charge is filed with the Equal Employment  
4 Opportunity Commission (EEOC) within 300 calendar ~~180~~ days  
5 after the date of the alleged civil rights violation, the  
6 charge shall be deemed filed with the Department on the  
7 date filed with the EEOC. If the EEOC is the governmental  
8 agency designated to investigate the charge first, the  
9 Department shall take no action until the EEOC makes a  
10 determination on the charge and after the complainant  
11 notifies the Department of the EEOC's determination. In  
12 such cases, after receiving notice from the EEOC that a  
13 charge was filed, the Department shall notify the parties  
14 that (i) a charge has been received by the EEOC and has  
15 been sent to the Department for dual filing purposes; (ii)  
16 the EEOC is the governmental agency responsible for  
17 investigating the charge and that the investigation shall  
18 be conducted pursuant to the rules and procedures adopted  
19 by the EEOC; (iii) it will take no action on the charge  
20 until the EEOC issues its determination; (iv) the  
21 complainant must submit a copy of the EEOC's determination  
22 within 30 days after service of the determination by the  
23 EEOC on complainant; and (v) that the time period to  
24 investigate the charge contained in subsection (G) of this  
25 Section is tolled from the date on which the charge is  
26 filed with the EEOC until the EEOC issues its

1 determination.

2 (2) If the EEOC finds reasonable cause to believe that  
3 there has been a violation of federal law and if the  
4 Department is timely notified of the EEOC's findings by  
5 complainant, the Department shall notify complainant that  
6 the Department has adopted the EEOC's determination of  
7 reasonable cause and that complainant has the right, within  
8 90 days after receipt of the Department's notice, to either  
9 file his or her own complaint with the Illinois Human  
10 Rights Commission or commence a civil action in the  
11 appropriate circuit court or other appropriate court of  
12 competent jurisdiction. The Department's notice to  
13 complainant that the Department has adopted the EEOC's  
14 determination of reasonable cause shall constitute the  
15 Department's Report for purposes of subparagraph (D) of  
16 this Section.

17 (3) For those charges alleging violations within the  
18 jurisdiction of both the EEOC and the Department and for  
19 which the EEOC either (i) does not issue a determination,  
20 but does issue the complainant a notice of a right to sue,  
21 including when the right to sue is issued at the request of  
22 the complainant, or (ii) determines that it is unable to  
23 establish that illegal discrimination has occurred and  
24 issues the complainant a right to sue notice, and if the  
25 Department is timely notified of the EEOC's determination  
26 by complainant, the Department shall notify the parties

1           that the Department will adopt the EEOC's determination as  
2           a dismissal for lack of substantial evidence unless the  
3           complainant requests in writing within 35 days after  
4           receipt of the Department's notice that the Department  
5           review the EEOC's determination.

6           (a) If the complainant does not file a written  
7           request with the Department to review the EEOC's  
8           determination within 35 days after receipt of the  
9           Department's notice, the Department shall notify  
10          complainant that the decision of the EEOC has been  
11          adopted by the Department as a dismissal for lack of  
12          substantial evidence and that the complainant has the  
13          right, within 90 days after receipt of the Department's  
14          notice, to commence a civil action in the appropriate  
15          circuit court or other appropriate court of competent  
16          jurisdiction. The Department's notice to complainant  
17          that the Department has adopted the EEOC's  
18          determination shall constitute the Department's report  
19          for purposes of subparagraph (D) of this Section.

20          (b) If the complainant does file a written request  
21          with the Department to review the EEOC's  
22          determination, the Department shall review the EEOC's  
23          determination and any evidence obtained by the EEOC  
24          during its investigation. If, after reviewing the  
25          EEOC's determination and any evidence obtained by the  
26          EEOC, the Department determines there is no need for



1 further investigation of the charge, the Department  
2 shall issue a report and the Director shall determine  
3 whether there is substantial evidence that the alleged  
4 civil rights violation has been committed pursuant to  
5 subsection (D) of Section 7A-102. If, after reviewing  
6 the EEOC's determination and any evidence obtained by  
7 the EEOC, the Department determines there is a need for  
8 further investigation of the charge, the Department  
9 may conduct any further investigation it deems  
10 necessary. After reviewing the EEOC's determination,  
11 the evidence obtained by the EEOC, and any additional  
12 investigation conducted by the Department, the  
13 Department shall issue a report and the Director shall  
14 determine whether there is substantial evidence that  
15 the alleged civil rights violation has been committed  
16 pursuant to subsection (D) of Section 7A-102 of this  
17 Act.

18 (4) Pursuant to this Section, if the EEOC dismisses the  
19 charge or a portion of the charge of discrimination  
20 because, under federal law, the EEOC lacks jurisdiction  
21 over the charge, and if, under this Act, the Department has  
22 jurisdiction over the charge of discrimination, the  
23 Department shall investigate the charge or portion of the  
24 charge dismissed by the EEOC for lack of jurisdiction  
25 pursuant to subsections (A), (A-1), (B), (B-1), (C), (D),  
26 (E), (F), (G), (H), (I), (J), and (K) of Section 7A-102 of

1           this Act.

2           (5) The time limit set out in subsection (G) of this  
3           Section is tolled from the date on which the charge is  
4           filed with the EEOC to the date on which the EEOC issues  
5           its determination.

6           (B) Notice and Response to Charge. The Department shall,  
7           within 10 days of the date on which the charge was filed, serve  
8           a copy of the charge on the respondent. This period shall not  
9           be construed to be jurisdictional. The charging party and the  
10          respondent may each file a position statement and other  
11          materials with the Department regarding the charge of alleged  
12          discrimination within 60 days of receipt of the notice of the  
13          charge. The position statements and other materials filed shall  
14          remain confidential unless otherwise agreed to by the party  
15          providing the information and shall not be served on or made  
16          available to the other party during pendency of a charge with  
17          the Department. The Department may require the respondent to  
18          file a response to the allegations contained in the charge.  
19          Upon the Department's request, the respondent shall file a  
20          response to the charge within 60 days and shall serve a copy of  
21          its response on the complainant or his or her representative.  
22          Notwithstanding any request from the Department, the  
23          respondent may elect to file a response to the charge within 60  
24          days of receipt of notice of the charge, provided the  
25          respondent serves a copy of its response on the complainant or  
26          his or her representative. All allegations contained in the

1 charge not denied by the respondent within 60 days of the  
2 Department's request for a response may be deemed admitted,  
3 unless the respondent states that it is without sufficient  
4 information to form a belief with respect to such allegation.  
5 The Department may issue a notice of default directed to any  
6 respondent who fails to file a response to a charge within 60  
7 days of receipt of the Department's request, unless the  
8 respondent can demonstrate good cause as to why such notice  
9 should not issue. The term "good cause" shall be defined by  
10 rule promulgated by the Department. Within 30 days of receipt  
11 of the respondent's response, the complainant may file a reply  
12 to said response and shall serve a copy of said reply on the  
13 respondent or his or her representative. A party shall have the  
14 right to supplement his or her response or reply at any time  
15 that the investigation of the charge is pending. The Department  
16 shall, within 10 days of the date on which the charge was  
17 filed, and again no later than 335 days thereafter, send by  
18 certified or registered mail written notice to the complainant  
19 and to the respondent informing the complainant of the  
20 complainant's right to either file a complaint with the Human  
21 Rights Commission or commence a civil action in the appropriate  
22 circuit court under subparagraph (2) of paragraph (G),  
23 including in such notice the dates within which the complainant  
24 may exercise this right. In the notice the Department shall  
25 notify the complainant that the charge of civil rights  
26 violation will be dismissed with prejudice and with no right to

1 further proceed if a written complaint is not timely filed with  
2 the Commission or with the appropriate circuit court by the  
3 complainant pursuant to subparagraph (2) of paragraph (G) or by  
4 the Department pursuant to subparagraph (1) of paragraph (G).

5 (B-1) Mediation. The complainant and respondent may agree  
6 to voluntarily submit the charge to mediation without waiving  
7 any rights that are otherwise available to either party  
8 pursuant to this Act and without incurring any obligation to  
9 accept the result of the mediation process. Nothing occurring  
10 in mediation shall be disclosed by the Department or admissible  
11 in evidence in any subsequent proceeding unless the complainant  
12 and the respondent agree in writing that such disclosure be  
13 made.

14 (C) Investigation.

15 (1) The Department shall conduct an investigation  
16 sufficient to determine whether the allegations set forth  
17 in the charge are supported by substantial evidence.

18 (2) The Director or his or her designated  
19 representatives shall have authority to request any member  
20 of the Commission to issue subpoenas to compel the  
21 attendance of a witness or the production for examination  
22 of any books, records or documents whatsoever.

23 (3) If any witness whose testimony is required for any  
24 investigation resides outside the State, or through  
25 illness or any other good cause as determined by the  
26 Director is unable to be interviewed by the investigator or

1 appear at a fact finding conference, his or her testimony  
2 or deposition may be taken, within or without the State, in  
3 the same manner as is provided for in the taking of  
4 depositions in civil cases in circuit courts.

5 (4) Upon reasonable notice to the complainant and the  
6 respondent, the Department shall conduct a fact finding  
7 conference, unless prior to 365 days after the date on  
8 which the charge was filed the Director has determined  
9 whether there is substantial evidence that the alleged  
10 civil rights violation has been committed, the charge has  
11 been dismissed for lack of jurisdiction, or the parties  
12 voluntarily and in writing agree to waive the fact finding  
13 conference. Any party's failure to attend the conference  
14 without good cause shall result in dismissal or default.  
15 The term "good cause" shall be defined by rule promulgated  
16 by the Department. A notice of dismissal or default shall  
17 be issued by the Director. The notice of default issued by  
18 the Director shall notify the respondent that a request for  
19 review may be filed in writing with the Commission within  
20 30 days of receipt of notice of default. The notice of  
21 dismissal issued by the Director shall give the complainant  
22 notice of his or her right to seek review of the dismissal  
23 before the Human Rights Commission or commence a civil  
24 action in the appropriate circuit court. If the complainant  
25 chooses to have the Human Rights Commission review the  
26 dismissal order, he or she shall file a request for review

1 with the Commission within 90 days after receipt of the  
2 Director's notice. If the complainant chooses to file a  
3 request for review with the Commission, he or she may not  
4 later commence a civil action in a circuit court. If the  
5 complainant chooses to commence a civil action in a circuit  
6 court, he or she must do so within 90 days after receipt of  
7 the Director's notice.

8 (D) Report.

9 (1) Each charge shall be the subject of a report to the  
10 Director. The report shall be a confidential document  
11 subject to review by the Director, authorized Department  
12 employees, the parties, and, where indicated by this Act,  
13 members of the Commission or their designated hearing  
14 officers.

15 (2) Upon review of the report, the Director shall  
16 determine whether there is substantial evidence that the  
17 alleged civil rights violation has been committed. The  
18 determination of substantial evidence is limited to  
19 determining the need for further consideration of the  
20 charge pursuant to this Act and includes, but is not  
21 limited to, findings of fact and conclusions, as well as  
22 the reasons for the determinations on all material issues.  
23 Substantial evidence is evidence which a reasonable mind  
24 accepts as sufficient to support a particular conclusion  
25 and which consists of more than a mere scintilla but may be  
26 somewhat less than a preponderance.

1           (3) If the Director determines that there is no  
2 substantial evidence, the charge shall be dismissed by  
3 order of the Director and the Director shall give the  
4 complainant notice of his or her right to seek review of  
5 the dismissal order before the Commission or commence a  
6 civil action in the appropriate circuit court. If the  
7 complainant chooses to have the Human Rights Commission  
8 review the dismissal order, he or she shall file a request  
9 for review with the Commission within 90 days after receipt  
10 of the Director's notice. If the complainant chooses to  
11 file a request for review with the Commission, he or she  
12 may not later commence a civil action in a circuit court.  
13 If the complainant chooses to commence a civil action in a  
14 circuit court, he or she must do so within 90 days after  
15 receipt of the Director's notice.

16           (4) If the Director determines that there is  
17 substantial evidence, he or she shall notify the  
18 complainant and respondent of that determination. The  
19 Director shall also notify the parties that the complainant  
20 has the right to either commence a civil action in the  
21 appropriate circuit court or request that the Department of  
22 Human Rights file a complaint with the Human Rights  
23 Commission on his or her behalf. Any such complaint shall  
24 be filed within 90 days after receipt of the Director's  
25 notice. If the complainant chooses to have the Department  
26 file a complaint with the Human Rights Commission on his or

1 her behalf, the complainant must, within 30 days after  
2 receipt of the Director's notice, request in writing that  
3 the Department file the complaint. If the complainant  
4 timely requests that the Department file the complaint, the  
5 Department shall file the complaint on his or her behalf.  
6 If the complainant fails to timely request that the  
7 Department file the complaint, the complainant may file his  
8 or her complaint with the Commission or commence a civil  
9 action in the appropriate circuit court. If the complainant  
10 files a complaint with the Human Rights Commission, the  
11 complainant shall give notice to the Department of the  
12 filing of the complaint with the Human Rights Commission.

13 (E) Conciliation.

14 (1) When there is a finding of substantial evidence,  
15 the Department may designate a Department employee who is  
16 an attorney licensed to practice in Illinois to endeavor to  
17 eliminate the effect of the alleged civil rights violation  
18 and to prevent its repetition by means of conference and  
19 conciliation.

20 (2) When the Department determines that a formal  
21 conciliation conference is necessary, the complainant and  
22 respondent shall be notified of the time and place of the  
23 conference by registered or certified mail at least 10 days  
24 prior thereto and either or both parties shall appear at  
25 the conference in person or by attorney.

26 (3) The place fixed for the conference shall be within



1 35 miles of the place where the civil rights violation is  
2 alleged to have been committed.

3 (4) Nothing occurring at the conference shall be  
4 disclosed by the Department unless the complainant and  
5 respondent agree in writing that such disclosure be made.

6 (5) The Department's efforts to conciliate the matter  
7 shall not stay or extend the time for filing the complaint  
8 with the Commission or the circuit court.

9 (F) Complaint.

10 (1) When the complainant requests that the Department  
11 file a complaint with the Commission on his or her behalf,  
12 the Department shall prepare a written complaint, under  
13 oath or affirmation, stating the nature of the civil rights  
14 violation substantially as alleged in the charge  
15 previously filed and the relief sought on behalf of the  
16 aggrieved party. The Department shall file the complaint  
17 with the Commission.

18 (2) If the complainant chooses to commence a civil  
19 action in a circuit court, he or she must do so in the  
20 circuit court in the county wherein the civil rights  
21 violation was allegedly committed. The form of the  
22 complaint in any such civil action shall be in accordance  
23 with the Illinois Code of Civil Procedure.

24 (G) Time Limit.

25 (1) When a charge of a civil rights violation has been  
26 properly filed, the Department, within 365 days thereof or

1 within any extension of that period agreed to in writing by  
2 all parties, shall issue its report as required by  
3 subparagraph (D). Any such report shall be duly served upon  
4 both the complainant and the respondent.

5 (2) If the Department has not issued its report within  
6 365 days after the charge is filed, or any such longer  
7 period agreed to in writing by all the parties, the  
8 complainant shall have 90 days to either file his or her  
9 own complaint with the Human Rights Commission or commence  
10 a civil action in the appropriate circuit court. If the  
11 complainant files a complaint with the Commission, the form  
12 of the complaint shall be in accordance with the provisions  
13 of paragraph (F)(1). If the complainant commences a civil  
14 action in a circuit court, the form of the complaint shall  
15 be in accordance with the Illinois Code of Civil Procedure.  
16 The aggrieved party shall notify the Department that a  
17 complaint has been filed and shall serve a copy of the  
18 complaint on the Department on the same date that the  
19 complaint is filed with the Commission or in circuit court.  
20 If the complainant files a complaint with the Commission,  
21 he or she may not later commence a civil action in circuit  
22 court.

23 (3) If an aggrieved party files a complaint with the  
24 Human Rights Commission or commences a civil action in  
25 circuit court pursuant to paragraph (2) of this subsection,  
26 or if the time period for filing a complaint has expired,

1 the Department shall immediately cease its investigation  
2 and dismiss the charge of civil rights violation. Any final  
3 order entered by the Commission under this Section is  
4 appealable in accordance with paragraph (B)(1) of Section  
5 8-111. Failure to immediately cease an investigation and  
6 dismiss the charge of civil rights violation as provided in  
7 this paragraph (3) constitutes grounds for entry of an  
8 order by the circuit court permanently enjoining the  
9 investigation. The Department may also be liable for any  
10 costs and other damages incurred by the respondent as a  
11 result of the action of the Department.

12 (4) The Department shall stay any administrative  
13 proceedings under this Section after the filing of a civil  
14 action by or on behalf of the aggrieved party under any  
15 federal or State law seeking relief with respect to the  
16 alleged civil rights violation.

17 (H) This amendatory Act of 1995 applies to causes of action  
18 filed on or after January 1, 1996.

19 (I) This amendatory Act of 1996 applies to causes of action  
20 filed on or after January 1, 1996.

21 (J) The changes made to this Section by Public Act 95-243  
22 apply to charges filed on or after the effective date of those  
23 changes.

24 (K) The changes made to this Section by this amendatory Act  
25 of the 96th General Assembly apply to charges filed on or after  
26 the effective date of those changes.

1 (Source: P.A. 100-492, eff. 9-8-17.)

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.".