



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4558

Introduced 2/5/2020, by Rep. Jonathan Carroll

SYNOPSIS AS INTRODUCED:

5 ILCS 430/25-20
5 ILCS 430/25-52

Amends the State Officials and Employees Ethics Act. Provides that the Legislative Inspector General shall not initiate any investigation without giving notice of the allegations involved to each member of the Legislative Ethics Commission. Provides that the Legislative Inspector General shall not require the advance approval of the Commission to initiate an investigation, but the Legislative Inspector General shall not investigate matters that are beyond the scope of, or are unrelated to, the initial complaint upon which the investigation was founded, without the advance approval of the Commission. Allows the Legislative Inspector General to issue subpoenas without the advance approval of the Legislative Ethics Commission. Provides that if the Legislative Inspector General makes a finding that wrongdoing has occurred, he or she may make available to the public any other summary report and response of the ultimate jurisdictional authority or agency head or a redacted version of the report and response. Allows the Legislative Inspector General (currently, Legislative Ethics Commission) to redact specified information in the investigation summary report, and make the documents available for review prior to publication.

LRB101 15361 RJF 64566 b

1 AN ACT concerning government.

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

4 Section 5. The State Officials and Employees Ethics Act is
5 amended by changing Sections 25-20 and 25-52 as follows:

6 (5 ILCS 430/25-20)

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

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

23 The Legislative Inspector General shall not initiate

1 any investigation without giving notice of the allegations
2 involved to each member of the Legislative Ethics
3 Commission. The Legislative Inspector General shall not
4 require the advance approval of the Commission to initiate
5 an investigation, but the Legislative Inspector General
6 shall not investigate matters that are beyond the scope of,
7 or are unrelated to, the initial complaint upon which the
8 investigation was founded, without the advance approval of
9 the Commission.

10 (1.5) Notwithstanding any provision of law to the
11 contrary, the Legislative Inspector General, whether
12 appointed by the Legislative Ethics Commission or the
13 General Assembly, may initiate an investigation based on
14 information provided to the Office of the Legislative
15 Inspector General or the Legislative Ethics Commission
16 during the period from December 1, 2014 through November 3,
17 2017. Any investigation initiated under this paragraph
18 (1.5) must be initiated within one year after the effective
19 date of this amendatory Act of the 100th General Assembly.

20 Notwithstanding any provision of law to the contrary,
21 the Legislative Inspector General, through the Attorney
22 General, shall have the authority to file a complaint
23 related to any founded violations that occurred during the
24 period December 1, 2014 through November 3, 2017 to the
25 Legislative Ethics Commission, and the Commission shall
26 have jurisdiction to conduct administrative hearings

1 related to any pleadings filed by the Legislative Inspector
2 General, provided the complaint is filed with the
3 Commission no later than 6 months after the summary report
4 is provided to the Attorney General in accordance with
5 subsection (c) of Section 25-50.

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

10 (3) To issue subpoenas, ~~with the advance approval of~~
11 ~~the Commission,~~ to compel the attendance of witnesses for
12 the purposes of testimony and production of documents and
13 other items for inspection and copying and to make service
14 of those subpoenas and subpoenas issued under item (7) of
15 Section 25-15.

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

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

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

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

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

7 (9) To establish a policy that ensures the appropriate
8 handling and correct recording of all investigations of
9 allegations and to ensure that the policy is accessible via
10 the Internet in order that those seeking to report those
11 allegations are familiar with the process and that the
12 subjects of those allegations are treated fairly.

13 (10) To post information to the Legislative Inspector
14 General's website explaining to complainants and subjects
15 of an investigation the legal limitations on the
16 Legislative Inspector General's ability to provide
17 information to them and a general overview of the
18 investigation process.

19 (Source: P.A. 100-553, eff. 11-16-17; 100-588, eff. 6-8-18.)

20 (5 ILCS 430/25-52)

21 Sec. 25-52. Release of summary reports.

22 (a) Within 60 days after receipt of a summary report and
23 response from the ultimate jurisdictional authority or agency
24 head that resulted in a suspension of at least 3 days or
25 termination of employment, the Legislative Ethics Commission

1 shall make available to the public the report and response or a
2 redacted version of the report and response. If the Legislative
3 Inspector General makes a finding that wrongdoing has occurred,
4 he or she ~~The Legislative Ethics Commission~~ may make available
5 to the public any other summary report and response of the
6 ultimate jurisdictional authority or agency head or a redacted
7 version of the report and response.

8 (b) The Legislative Inspector General ~~Ethics Commission~~
9 shall redact information in the summary report that may reveal
10 the identity of witnesses, complainants, or informants or if
11 the Legislative Inspector General ~~Commission~~ determines it is
12 appropriate to protect the identity of a person before
13 publication. The Legislative Inspector General ~~Commission~~ may
14 also redact any information it believes should not be made
15 public. Prior to publication, the Legislative Inspector
16 General ~~Commission~~ shall permit the respondents, Legislative
17 Ethics Commission ~~Inspector General~~, and Attorney General to
18 review documents to be made public and offer suggestions for
19 redaction or provide a response that shall be made public with
20 the summary report.

21 (c) The Legislative Ethics Commission may withhold
22 publication of the report or response if the Legislative
23 Inspector General or Attorney General certifies that
24 publication will interfere with an ongoing investigation.

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