



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB4810

Introduced 2/18/2020, by Rep. Blaine Wilhour

#### SYNOPSIS AS INTRODUCED:

5 ILCS 430/20-52  
5 ILCS 430/25-15  
5 ILCS 430/25-20  
5 ILCS 430/25-52

Amends the State Officials and Employees Ethics Act. Provides that the Legislate Ethics Commission shall adopt no rule requiring the Legislative Inspector General to seek the Commission's advance approval before commencing any investigation or issuing a subpoena. Provides that any existing rule, as of the effective date of the amendatory Act, requiring the Legislative Inspectors General to seek the Commission's advance approval before commencing any investigation or issuing a subpoena is void. Removes language providing that the Legislative Inspector General needs the advance approval of the Commission to issue subpoenas. Provides that within 60 days after receipt of a summary report and response from the ultimate jurisdictional authority or agency head, the Executive and Legislative Ethics Commissions shall make available to the public the report and response or a redacted version of the report and response (currently, report required to be made public only if it resulted in a suspension of at least 3 days or termination of employment). Makes conforming changes. Effective immediately.

LRB101 16493 RJF 65874 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 20-52, 25-15, 25-20, and 25-52 as  
6 follows:

7 (5 ILCS 430/20-52)

8 Sec. 20-52. Release of summary reports.

9 (a) Within 60 days after receipt of a summary report and  
10 response from the ultimate jurisdictional authority or agency  
11 head ~~that resulted in a suspension of at least 3 days or~~  
12 ~~termination of employment,~~ the Executive Ethics Commission  
13 shall make available to the public the report and response or a  
14 redacted version of the report and response. ~~The Executive~~  
15 ~~Ethics Commission may make available to the public any other~~  
16 ~~summary report and response of the ultimate jurisdictional~~  
17 ~~authority or agency head or a redacted version of the report~~  
18 ~~and response.~~

19 (b) The Commission shall redact information in the summary  
20 report that may reveal the identity of witnesses, complainants,  
21 or informants or if the Commission determines it is appropriate  
22 to protect the identity of a person before the report is made  
23 public. The Commission may also redact any information it

1 believes should not be made public. Prior to publication, the  
2 Commission shall permit the respondents, Inspector General,  
3 and Attorney General to review documents to be made public and  
4 offer suggestions for redaction or provide a response that  
5 shall be made public with the summary report.

6 (c) The Commission may withhold publication of the report  
7 or response if the Executive Inspector General or Attorney  
8 General certifies that releasing the report to the public will  
9 interfere with an ongoing investigation.

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

11 (5 ILCS 430/25-15)

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

15 (1) To promulgate rules governing the performance of  
16 its duties and the exercise of its powers and governing the  
17 investigations of the Legislative Inspector General;  
18 except that, the Legislative Ethics Commission shall adopt  
19 no rule requiring the Legislative Inspector General to seek  
20 the Commission's advance approval before commencing any  
21 investigation authorized under this Article or issuing a  
22 subpoena under this Article. Any existing rule, as of the  
23 effective date of this amendatory Act of the 101st General  
24 Assembly, requiring the Legislative Inspector General to  
25 seek the Commission's advance approval before commencing

1       any investigation or issuing a subpoena is void. The rules  
2 shall be available on the Commission's website and any  
3 proposed changes to the rules must be made available to the  
4 public on the Commission's website no less than 7 days  
5 before the adoption of the changes. Any person shall be  
6 given an opportunity to provide written or oral testimony  
7 before the Commission in support of or opposition to  
8 proposed rules.

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

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

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

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

26           (6) To the extent authorized by this Act, to make

1           rulings, issue recommendations, and impose administrative  
2           fines, if appropriate, in connection with the  
3           implementation and interpretation of this Act. The powers  
4           and duties of the Commission are limited to matters clearly  
5           within the purview of this Act.

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

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

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

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

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

24          (Source: P.A. 100-554, eff. 11-16-17; 100-588, eff. 6-8-18.)

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

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

17          (1.5) Notwithstanding any provision of law to the  
18          contrary, the Legislative Inspector General, whether  
19          appointed by the Legislative Ethics Commission or the  
20          General Assembly, may initiate an investigation based on  
21          information provided to the Office of the Legislative  
22          Inspector General or the Legislative Ethics Commission  
23          during the period from December 1, 2014 through November 3,  
24          2017. Any investigation initiated under this paragraph  
25          (1.5) must be initiated within one year after the effective  
26          date of this amendatory Act of the 100th General Assembly.

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

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

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

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

24          (5) To file pleadings in the name of the Legislative  
25          Inspector General with the Legislative Ethics Commission,  
26          through the Attorney General, as provided in this Article

1 if the Attorney General finds that reasonable cause exists  
2 to believe that a violation has occurred.

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

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

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

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

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

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



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

24 (c) The Legislative Ethics Commission may withhold  
25 publication of the report or response if the Legislative

1 Inspector General or Attorney General certifies that  
2 publication will interfere with an ongoing investigation.

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

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.