



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

**HB2774**

Introduced 2/19/2021, 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.

LRB102 13907 RJF 19258 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  
13 more than one year after the most recent act of the alleged  
14 violation or of a series of alleged violations except  
15 where 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  
7 of, or are unrelated to, the initial complaint upon which  
8 the investigation was founded, without the advance  
9 approval of 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  
17 3, 2017. Any investigation initiated under this paragraph  
18 (1.5) must be initiated within one year after the  
19 effective date of this amendatory Act of the 100th General  
20 Assembly.

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

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

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

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

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

18 (5) To file pleadings in the name of the Legislative  
19 Inspector General with the Legislative 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 Legislative  
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 Legislative 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  
6 program and (ii) the percentage of new officers and  
7 employees who have completed ethics training.

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

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

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

21 (5 ILCS 430/25-52)

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

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

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

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

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

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