



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5358

Introduced 2/5/2010, by Rep. Brandon W. Phelps

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Elective Office Compensation Suspension and Forfeiture Act. Requires the suspension of the compensation of a person in an elective office who is charged with a criminal offense. Requires the suspension during the pendency of the charge, and specifies the events that terminate the suspension. Requires forfeiture of the suspended compensation unless the charge is dismissed, the person is acquitted, or the person's conviction is reversed. Effective immediately.

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FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning officials.

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

4 Section 1. Short title. This Act may be cited as the  
5 Elective Office Compensation Suspension and Forfeiture Act.

6 Section 5. Definitions. As used in this Act:

7 "Compensation" means salary, payment or reimbursement of  
8 expenses or stipend, any publicly paid portion of any insurance  
9 coverage, service credits accrued under a pension fund or  
10 retirement system, and any other monetary benefit based upon  
11 elective office.

12 "Elective office" means a public office, as defined in  
13 Article 9 of the Election Code, regardless of whether the  
14 person holding that office was elected or appointed.

15 Section 10. Suspension or forfeiture of compensation.

16 (a) The compensation of a person holding elective office  
17 who is charged by indictment or arraignment with committing a  
18 criminal offense under the laws of this or another State or of  
19 the United States shall be suspended during the pendency of the  
20 charge. A charge is pendant until (i) the charge is dismissed,  
21 (ii) the person pleads nolo contendere to the offense charged,  
22 (iii) the person pleads guilty to the offense charged, (iv) the

1 person enters a plea agreement in relation to the offense  
2 charged, or (v) the person is acquitted or convicted of the  
3 offense charged or of a lesser offense resulting from the  
4 offense charged.

5 (b) A person whose compensation was suspended under  
6 subsection (a) shall be paid the amount of that suspended  
7 compensation when (i) the charge against the person is  
8 dismissed, (ii) the person is acquitted of the offense charged,  
9 or (iii) the person's conviction of the offense charged or of a  
10 lesser offense resulting from the offense charged is reversed  
11 by a court of competent jurisdiction. Otherwise, the  
12 compensation suspended under subsection (a) is forfeited.

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.