



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB6195

by Rep. Richard Morthland

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/33-3

from Ch. 38, par. 33-3

Amends the Criminal Code of 1961 concerning official misconduct. Provides that a person who commits the offense with intent to obtain a personal advantage for himself, herself, or another and performs an act in excess of his or her lawful authority, if the personal advantage obtained for himself, herself, or another is property or has a specified monetary value, is guilty of a: (1) Class 2 felony if the value of the personal advantage obtained does not exceed \$10,000; (2) Class 1 felony if the value of the personal advantage obtained exceeds \$10,000 but does not exceed \$100,000; and (3) Class X felony if the value of the personal advantage obtained exceeds \$100,000.

LRB097 21373 RLC 69294 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 1961 is amended by changing  
5 Section 33-3 as follows:

6 (720 ILCS 5/33-3) (from Ch. 38, par. 33-3)

7 Sec. 33-3. Official misconduct. ~~Misconduct.~~)

8 (a) A public officer or employee or special government  
9 agent commits official misconduct when, in his or her official  
10 capacity or capacity as a special government agent, he or she  
11 commits any of the following acts:

12 (1) intentionally ~~(a) Intentionally~~ or recklessly  
13 fails to perform any mandatory duty as required by law; ~~or~~

14 (2) knowingly ~~(b) Knowingly~~ performs an act which he or  
15 she knows he or she is forbidden by law to perform; ~~or~~

16 (3) with ~~(c) With~~ intent to obtain a personal advantage  
17 for himself, herself, or another, he or she performs an act  
18 in excess of his or her lawful authority; or

19 (4) solicits ~~(d) Solicits~~ or knowingly accepts for the  
20 performance of any act a fee or reward which he or she  
21 knows is not authorized by law.

22 (b) A public officer or employee or special government  
23 agent convicted of violating any provision of this Section

1 forfeits his or her office or employment or position as a  
2 special government agent.

3 (c) In addition to the forfeiture of office provided in  
4 subsection (b):

5 (1) A person who commits a violation of paragraph (1),  
6 (2), or (4) of subsection (a) is guilty of ~~he commits~~ a  
7 Class 3 felony.

8 (2) A person who commits a violation of paragraph (3)  
9 of subsection (a), if the personal advantage obtained for  
10 himself, herself, or another has no specified monetary  
11 value, is guilty of a Class 3 felony.

12 (3) A person who commits a violation of paragraph (3)  
13 of subsection (a), if the personal advantage obtained for  
14 himself, herself, or another is property or has a specified  
15 monetary value, is guilty of a:

16 (A) Class 2 felony if the value of the personal  
17 advantage obtained does not exceed \$10,000.

18 (B) Class 1 felony if the value of the personal  
19 advantage obtained exceeds \$10,000 but does not exceed  
20 \$100,000.

21 (C) Class X felony if the value of the personal  
22 advantage obtained exceeds \$100,000.

23 (d) For purposes of this Section, "special government  
24 agent" has the meaning ascribed to it in subsection (1) of  
25 Section 4A-101 of the Illinois Governmental Ethics Act.

26 (Source: P.A. 94-338, eff. 1-1-06.)