

1 AMENDMENT TO HOUSE BILL 4680

2 AMENDMENT NO. _____. Amend House Bill 4680 on page 1 by
3 replacing everything after line 3 with the following:

4 "Section 3. The State Gift Ban Act is amended by
5 changing Section 15 as follows:

6 (5 ILCS 425/15)

7 Sec. 15. Exceptions. The restriction in Section 10 does
8 not apply to the following:

9 (1) Anything for which the member, officer, employee, or
10 judge pays the market value or anything not used and promptly
11 disposed of as provided in Section 25.

12 (2) A contribution, as defined in Article 9 of the
13 Election Code that is lawfully made under that Act or
14 attendance at a fundraising event sponsored by a political
15 organization.

16 (3) A gift from a relative, meaning those people related
17 to the individual as father, mother, son, daughter, brother,
18 sister, uncle, aunt, great aunt, great uncle, first cousin,
19 nephew, niece, husband, wife, grandfather, grandmother,
20 grandson, granddaughter, father-in-law, mother-in-law,
21 son-in-law, daughter-in-law, brother-in-law, sister-in-law,
22 stepfather, stepmother, stepson, stepdaughter, stepbrother,

1 stepsister, half brother, half sister, and including the
2 father, mother, grandfather, or grandmother of the
3 individual's spouse and the individual's fiance or fiancée.

4 (4) Anything provided by an individual on the basis of a
5 personal friendship unless the member, officer, employee, or
6 judge has reason to believe that, under the circumstances,
7 the gift was provided because of the official position or
8 employment of the member, officer, employee, or judge and not
9 because of the personal friendship.

10 In determining whether a gift is provided on the basis of
11 personal friendship, the member, officer, employee, or judge
12 shall consider the circumstances under which the gift was
13 offered, such as:

14 (i) the history of the relationship between the
15 individual giving the gift and the recipient of the gift,
16 including any previous exchange of gifts between those
17 individuals;

18 (ii) whether to the actual knowledge of the member,
19 officer, employee, or judge the individual who gave the
20 gift personally paid for the gift or sought a tax
21 deduction or business reimbursement for the gift; and

22 (iii) whether to the actual knowledge of the
23 member, officer, employee, or judge the individual who
24 gave the gift also at the same time gave the same or
25 similar gifts to other members, officers, employees, or
26 judges.

27 (5) A commercially reasonable loan evidenced in writing
28 with repayment due by a date certain made in the ordinary
29 course of the lender's business.

30 (6) A contribution or other payments to a legal defense
31 fund established for the benefit of a member, officer,
32 employee, or judge that is otherwise lawfully made.

33 (7) Intra-office and inter-office gifts. For the
34 purpose of this Act, "intra-office gifts" means:

1 (i) any gift given to a member or employee of the
2 legislative branch from another member or employee of the
3 legislative branch;

4 (ii) any gift given to a judge or employee of the
5 judicial branch from another judge or employee of the
6 judicial branch;

7 (iii) any gift given to an officer or employee of
8 the executive branch from another officer or employee of
9 the executive branch;

10 (iv) any gift given to an officer or employee of a
11 unit of local government, home rule unit, or school
12 district, from another employee of that unit of local
13 government, home rule unit, or school district;

14 (v) any gift given to an officer or employee of any
15 other governmental entity not included in item (i), (ii),
16 (iii), or (iv), from another employee of that
17 governmental entity; or

18 (vi) any gift given to a member or employee of the
19 legislative branch, a judge or employee of the judicial
20 branch, an officer or employee of the executive branch,
21 an officer or employee of a unit of local government,
22 home rule unit, or school district, or an officer or
23 employee of any other governmental entity not included in
24 item (i), (ii), (iii), or (iv) from a member or employee
25 of the legislative branch, a judge or employee of the
26 judicial branch, an officer or employee of the executive
27 branch, an officer or employee of a unit of local
28 government, home rule unit, or school district, or an
29 officer or employee of any other governmental entity.

30 (8) Food, refreshments, lodging, transportation, and
31 other benefits:

32 (i) resulting from the outside business or
33 employment activities (or outside activities that are not
34 connected to the duties of the member, officer, employee,

1 or judge, as an office holder or employee) of the member,
2 officer, employee, judge, or the spouse of the member,
3 officer, employee, or judge, if the benefits have not
4 been offered or enhanced because of the official position
5 or employment of the member, officer, employee, or judge
6 and are customarily provided to others in similar
7 circumstances;

8 (ii) customarily provided by a prospective employer
9 in connection with bona fide employment discussions; or

10 (iii) provided by a political organization in
11 connection with a fundraising or campaign event sponsored
12 by that organization.

13 (9) Pension and other benefits resulting from continued
14 participation in an employee welfare and benefits plan
15 maintained by a former employer.

16 (10) Informational materials that are sent to the office
17 of the member, officer, employee, or judge in the form of
18 books, articles, periodicals, other written materials,
19 audiotapes, videotapes, or other forms of communication.

20 (11) Awards or prizes that are given to competitors in
21 contests or events open to the public, including random
22 drawings.

23 (12) Honorary degrees (and associated travel, food,
24 refreshments, and entertainment provided in the presentation
25 of degrees and awards).

26 (13) Training (including food and refreshments furnished
27 to all attendees as an integral part of the training)
28 provided to a member, officer, employee, or judge, if the
29 training is in the interest of the governmental entity.

30 (14) Educational missions, including meetings with
31 government officials either foreign or domestic, intended to
32 educate public officials on matters of public policy, to
33 which the member, officer, employee, or judge may be invited
34 to participate along with other federal, state, or local

1 public officials and community leaders.

2 (15) Bequests, inheritances, and other transfers at
3 death.

4 (16) Anything that is paid for by the federal
5 government, the State, or a governmental entity, or secured
6 by the government or governmental entity under a government
7 contract.

8 (17) A gift of personal hospitality of an individual
9 other than a registered lobbyist or agent of a foreign
10 principal, including hospitality extended for a nonbusiness
11 purpose by an individual, not a corporation or organization,
12 at the personal residence of that individual or the
13 individual's family or on property or facilities owned by
14 that individual or the individual's family.

15 (18) Free attendance at a widely attended event
16 permitted under Section 20.

17 (19) Opportunities and benefits that are:

18 (i) available to the public or to a class
19 consisting of all employees, officers, members, or
20 judges, whether or not restricted on the basis of
21 geographic consideration;

22 (ii) offered to members of a group or class in
23 which membership is unrelated to employment or official
24 position;

25 (iii) offered to members of an organization such as
26 an employee's association or credit union, in which
27 membership is related to employment or official position
28 and similar opportunities are available to large segments
29 of the public through organizations of similar size;

30 (iv) offered to any group or class that is not
31 defined in a manner that specifically discriminates among
32 government employees on the basis of branch of government
33 or type of responsibility, or on a basis that favors
34 those of higher rank or rate of pay;

1 (v) in the form of loans from banks and other
2 financial institutions on terms generally available to
3 the public; or

4 (vi) in the form of reduced membership or other
5 fees for participation in organization activities offered
6 to all government employees by professional organizations
7 if the only restrictions on membership relate to
8 professional qualifications.

9 (20) A plaque, trophy, or other item that is
10 substantially commemorative in nature and that is extended
11 for presentation.

12 (21) Golf or tennis; food or refreshments of nominal
13 value and catered food or refreshments; meals or beverages
14 consumed on the premises from which they were purchased.

15 (22) Donations of products from an Illinois company that
16 are intended primarily for promotional purposes, such as
17 display or free distribution, and are of minimal value to any
18 individual recipient.

19 (23) Any item or items from any one prohibited source
20 during any calendar year having a cumulative total value of
21 less than \$100. An item of nominal value such as--a--greeting
22 card, baseball cap, or T-shirt.

23 (Source: P.A. 90-737, eff. 1-1-99.)

24 Section 5. The Election Code is amended by adding
25 Section 9-25.2 as follows:

26 (10 ILCS 5/9-25.2 new)

27 Sec. 9-25.2. Contributions; candidate or treasurer of
28 political committee.

29 (a) No candidate may knowingly receive any contribution
30 solicited or received in violation of Section 33-3.1 or
31 Section 33-3.2 of the Criminal Code of 1961.

32 (b) The receipt of political contributions in violation

1 of this Section shall constitute a Class A misdemeanor.

2 The appropriate State's Attorney or the Attorney General
3 shall bring actions in the name of the people of the State of
4 Illinois.

5 Section 10. The Criminal Code of 1961 is amended by
6 adding Sections 33-3.1 and 33-3.2 as follows:

7 (720 ILCS 5/33-3.1 new)

8 Sec. 33-3.1. Solicitation misconduct (State government).

9 (a) An employee of an executive branch constitutional
10 officer commits solicitation misconduct (State government)
11 when, at any time, he or she knowingly solicits or receives
12 contributions, as that term is defined in Section 9-1.4 of
13 the Election Code, from a person engaged in a business or
14 activity over which the person has regulatory authority.

15 (b) For the purpose of this Section, "employee of an
16 executive branch constitutional officer" means a full-time or
17 part-time salaried employee, full-time or part-time salaried
18 appointee, or any contractual employee of any office, board,
19 commission, agency, department, authority, administrative
20 unit, or corporate outgrowth under the jurisdiction of an
21 executive branch constitutional officer; and "regulatory
22 authority" means having the responsibility to investigate,
23 inspect, license, or enforce regulatory measures necessary to
24 the requirements of any State or federal statute or
25 regulation relating to the business or activity.

26 (c) An employee of an executive branch constitutional
27 officer, including one who does not have regulatory
28 authority, commits a violation of this Section if that
29 employee knowingly acts in concert with an employee of an
30 executive branch constitutional officer who does have
31 regulatory authority to solicit or receive contributions in
32 violation of this Section.

1 (d) Solicitation misconduct (State government) is a
2 Class A misdemeanor. An employee of an executive branch
3 constitutional officer convicted of committing solicitation
4 misconduct (State government) forfeits his or her employment.

5 (e) An employee of an executive branch constitutional
6 officer who is discharged, demoted, suspended, threatened,
7 harassed, or in any other manner discriminated against in the
8 terms and conditions of employment because of lawful acts
9 done by the employee or on behalf of the employee or others
10 in furtherance of the enforcement of this Section shall be
11 entitled to all relief necessary to make the employee whole.

12 (f) Any person who knowingly makes a false report of
13 solicitation misconduct (State government) to the State
14 Police, the Attorney General, a State's Attorney, or any law
15 enforcement official is guilty of a Class C misdemeanor.

16 (720 ILCS 5/33-3.2 new)

17 Sec. 33-3.2. Solicitation misconduct (local government).

18 (a) An employee of a chief executive officer of a local
19 government commits solicitation misconduct (local government)
20 when, at any time, he or she knowingly solicits or receives
21 contributions, as that term is defined in Section 9-1.4 of
22 the Election Code, from a person engaged in a business or
23 activity over which the person has regulatory authority.

24 (b) For the purpose of this Section, "chief executive
25 officer of a local government" means an executive officer of
26 a county, township or municipal government or any
27 administrative subdivision under jurisdiction of the county,
28 township, or municipal government including but not limited
29 to: chairman or president of a county board or commission,
30 mayor or village president, township supervisor, county
31 executive, municipal manager, assessor, auditor, clerk,
32 coroner, recorder, sheriff or State's Attorney; "employee of
33 a chief executive officer of a local government" means a

1 full-time or part-time salaried employee, full-time or
2 part-time salaried appointee, or any contractual employee of
3 any office, board, commission, agency, department, authority,
4 administrative unit, or corporate outgrowth under the
5 jurisdiction of a chief executive officer of a local
6 government; and "regulatory authority" means having the
7 responsibility to investigate, inspect, license, or enforce
8 regulatory measures necessary to the requirements of any
9 State, local, or federal statute or regulation relating to
10 the business or activity.

11 (c) An employee of a chief executive officer of a local
12 government, including one who does not have regulatory
13 authority, commits a violation of this Section if that
14 employee knowingly acts in concert with an employee of a
15 chief executive officer of a local government who does have
16 regulatory authority to solicit or receive contributions in
17 violation of this Section.

18 (d) Solicitation misconduct (local government) is a
19 Class A misdemeanor. An employee of a chief executive
20 officer of a local government convicted of committing
21 solicitation misconduct (local government) forfeits his or
22 her employment.

23 (e) An employee of a chief executive officer of a local
24 government who is discharged, demoted, suspended, threatened,
25 harassed, or in any other manner discriminated against in the
26 terms and conditions of employment because of lawful acts
27 done by the employee or on behalf of the employee or others
28 in furtherance of the enforcement of this Section shall be
29 entitled to all relief necessary to make the employee whole.

30 (f) Any person who knowingly makes a false report of
31 solicitation misconduct (local government) to the State
32 Police, the Attorney General, a State's Attorney, or any law
33 enforcement official is guilty of a Class C misdemeanor.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".