



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB4156

by Rep. Scott Drury

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the State Officials and Employees Ethics Act and the Lobbyist Registration Act. Provides that the Attorney General may appoint a Special Counsel to investigate and prosecute allegations of sexual assault, sexual harassment, and allegations of violations of the Sex Offenses Article of the Criminal Code of 2012 by a member or members of the General Assembly or a registered lobbyist and to determine whether violations of the Illinois Human Rights Act or the federal Civil Rights Act of 1964 have occurred, upon various referrals. Amends the Attorney General Act. Establishes qualifications, jurisdiction, and procedures for the Special Counsel. Amends various other Acts to make conforming changes.

LRB100 15611 RLC 30706 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning special counsel.

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 Section 25-20a as follows:

6 (5 ILCS 430/25-20a)

7 Sec. 25-20a. Attorney General investigatory authority. In  
8 addition to investigatory authority otherwise granted by law,  
9 the Attorney General shall have the authority to investigate  
10 violations of this Act pursuant to Section 25-50 or Section  
11 25-51 of this Act after receipt of notice from the Legislative  
12 Ethics Commission or pursuant to Section 5-45 and to appoint a  
13 Special Counsel under Section 6.1 of the Attorney General Act  
14 to investigate and prosecute allegations of sexual assault and  
15 sexual harassment by a member or members of the General  
16 Assembly and to determine whether violations of the Illinois  
17 Human Rights Act or the federal Civil Rights Act of 1964 have  
18 occurred, upon a referral from the Legislative Ethics  
19 Commission, upon referral from the Legislative Inspector  
20 General, or upon a request of a majority of the members of the  
21 Judiciary-Criminal Committee or the Judiciary-Civil Committee  
22 of the House of Representatives or the Criminal Law Committee  
23 or Judiciary Committee of the Senate or the unanimous vote of

1 the minority members of the Judiciary-Criminal Committee or the  
2 Judiciary-Civil Committee of the House of Representatives or  
3 the Criminal Law Committee or Judiciary Committee of the  
4 Senate; provided that at least one member of the majority party  
5 also votes in favor of the request. The Attorney General shall  
6 have the discretion to determine the appropriate means of  
7 investigation as permitted by law, including (i) the request of  
8 information relating to an investigation from any person when  
9 the Attorney General deems that information necessary in  
10 conducting an investigation; and (ii) the issuance of subpoenas  
11 to compel the attendance of witnesses for the purposes of sworn  
12 testimony and production of documents and other items for  
13 inspection and copying and the service of those subpoenas.

14 Nothing in this Section shall be construed as granting the  
15 Attorney General the authority to investigate alleged  
16 misconduct pursuant to notice received under Section 5-45,  
17 Section 25-50, or Section 25-51 of this Act, if the information  
18 contained in the notice indicates that the alleged misconduct  
19 was minor in nature. As used in this Section, misconduct that  
20 is "minor in nature" means misconduct that was a violation of  
21 office, agency, or department policy and not of this Act or any  
22 other civil or criminal law.

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

24 Section 10. The Attorney General Act is amended by adding  
25 Section 6.1 as follows:

1 (15 ILCS 205/6.1 new)

2 Sec. 6.1. Special Counsel to investigate and prosecute  
3 allegations of sexual assault and sexual harassment by a member  
4 or members of the General Assembly and by a registered lobbyist  
5 or lobbyists.

6 (a) In this Section:

7 "Sexual assault" means an act of nonconsensual sexual  
8 conduct or sexual penetration, as defined in Section 11-0.1  
9 of the Criminal Code of 2012, including, without  
10 limitation, acts prohibited under Sections 11-1.20 through  
11 11-1.60 of the Criminal Code of 2012.

12 "Sexual harassment" means any unwelcome sexual  
13 advances or requests for sexual favors or any conduct of a  
14 sexual nature when (1) submission to that conduct is made  
15 either explicitly or implicitly a term or condition of an  
16 individual's employment, (2) submission to or rejection of  
17 that conduct by an individual is used as the basis for  
18 employment decisions affecting the individual, or (3) the  
19 conduct has the purpose or effect of substantially  
20 interfering with an individual's work performance or  
21 creating an intimidating, hostile, or offensive working  
22 environment.

23 (b) The Special Counsel must: (1) be a licensed attorney at  
24 law of this State in good standing and licensed to practice  
25 before a United States District Court and the United States

1 Court of Appeals for the Seventh Circuit; (2) have had  
2 prosecutorial experience prior to his or her appointment; and  
3 (3) not have been employed by, nor performed work for, State  
4 Government within 10 years prior to his or her appointment as  
5 Special Counsel. A person named as Special Counsel shall be an  
6 attorney with a reputation for integrity and impartial decision  
7 making, and with appropriate experience to ensure both that the  
8 investigation will be conducted ably, expeditiously and  
9 thoroughly, and that investigative and prosecutorial decisions  
10 will be supported by an informed understanding of the criminal  
11 law and Attorney General policies. A Special Counsel shall  
12 agree that his or her responsibilities as Special Counsel shall  
13 take first precedence in his or her professional life, and that  
14 it may be necessary to devote his or her full time to the  
15 investigation, depending on its complexity and the stage of the  
16 investigation.

17 (c) The jurisdiction of a Special Counsel shall be  
18 established by the Attorney General, upon a referral under  
19 Section 25-20a of the State Officials and Employees Ethics Act  
20 or under Section 11 of the Lobbyist Registration Act, but only  
21 as it relates to allegations of sexual assault, sexual  
22 harassment, and alleged violations of Article 11 of the  
23 Criminal Code of 2012 by members of the General Assembly and by  
24 lobbyists registered under the Lobbyist Registration Act and to  
25 determine whether violations of the Criminal Code of 2012, the  
26 Illinois Human Rights Act, or the federal Civil Rights Act of

1 1964 have occurred. The Special Counsel shall be provided with  
2 a specific factual statement of the matter to be investigated  
3 and prosecuted. The jurisdiction of a Special Counsel shall  
4 also include the authority to investigate and prosecute State  
5 crimes committed in the course of, and with intent to interfere  
6 with, the Special Counsel's investigation, such as perjury,  
7 obstruction of justice, destruction of evidence, and  
8 intimidation of witnesses; and to conduct appeals arising out  
9 of the matter being investigated or prosecuted, or both.

10 (d) If in the course of his or her investigation the  
11 Special Counsel concludes that additional jurisdiction beyond  
12 that specified in his or her original jurisdiction is necessary  
13 in order to fully investigate and resolve the matters assigned,  
14 or to investigate new matters that come to light in the course  
15 of his or her investigation, he or she shall consult with the  
16 Attorney General, who shall determine whether to include the  
17 additional matters within the Special Counsel's jurisdiction  
18 or assign them elsewhere. The Attorney General shall not  
19 unreasonably withhold his or her consent to allow the requested  
20 additional jurisdiction.

21 (e) If in the course of his or her investigation the  
22 Special Counsel determines that administrative remedies, civil  
23 sanctions, or other governmental action outside the criminal  
24 justice system might be appropriate, he or she shall consult  
25 with the Attorney General with respect to the appropriate  
26 component to take any necessary action. A Special Counsel shall

1 not have civil or administrative authority unless specifically  
2 granted that jurisdiction by the Attorney General.

3 (f) A Special Counsel may request the assignment of  
4 appropriate employees of the Attorney General to assist the  
5 Special Counsel. The Attorney General shall gather and provide  
6 the Special Counsel with the names and resumes of appropriate  
7 personnel available for detail. The Special Counsel may also  
8 request the detail of specific employees, and the office for  
9 which the designated employee works shall make reasonable  
10 efforts to accommodate the request. The Special Counsel shall  
11 assign the duties and supervise the work of those employees  
12 while they are assigned to the Special Counsel. If necessary,  
13 the Special Counsel may request that additional personnel be  
14 hired or assigned from outside the Office of the Attorney  
15 General. All personnel in the Office of the Attorney General  
16 shall cooperate to the fullest extent possible with the Special  
17 Counsel.

18 (g) Subject to the limitations in subsections (h), (i),  
19 (j), and (k) of this Section, the Special Counsel shall  
20 exercise, within the scope of his or her jurisdiction, the full  
21 power and independent authority to exercise all investigative  
22 and prosecutorial functions of any State's Attorney or  
23 assistant Attorney General. Except as provided in this Section,  
24 the Special Counsel shall determine whether and to what extent  
25 to inform or consult with the Attorney General or others within  
26 the Office of the Attorney General about the conduct of his or

1 her duties and responsibilities in an assigned matter.

2 (h) A Special Counsel shall comply with the rules,  
3 regulations, procedures, practices, and policies of the  
4 Attorney General. He or she shall consult with appropriate  
5 offices within the Office of the Attorney General for guidance  
6 with respect to established practices, policies, and  
7 procedures of the Office of the Attorney General, including  
8 ethics and security regulations and procedures. If the Special  
9 Counsel concludes that the extraordinary circumstances of any  
10 particular decision would render compliance with required  
11 review and approval procedures by the designated component of  
12 the Office of Attorney General inappropriate, he or she may  
13 consult directly with the Attorney General.

14 (i) The Special Counsel may not be subject to the  
15 day-to-day supervision of any official of the Office of  
16 Attorney General.

17 (j) The Special Counsel and staff shall be subject to  
18 disciplinary action for misconduct and breach of ethical duties  
19 under the same standards and to the same extent as are other  
20 employees of the Office of Attorney General. Inquiries into  
21 these matters shall be handled through the appropriate office  
22 of the Attorney General upon the approval of the Attorney  
23 General.

24 (k) The Special Counsel may be disciplined or removed from  
25 office only by the party requesting his or her appointment  
26 under Section 25-20a of the State Officials and Employees



1 Ethics Act. Removal may be only for misconduct, dereliction of  
2 duty, incapacity, conflict of interest, or for other good  
3 cause, including violation of the Office of Attorney General  
4 policies. The Special Counsel shall be informed in writing of  
5 the specific reason for his or her removal.

6 (l) A Special Counsel shall be compensated at an hourly  
7 rate established by the Attorney General but shall not be a  
8 rate lower than Attorney General's hourly rate, assuming a 2080  
9 hour work year. Special Counsel compensation and expenses  
10 incurred in carrying out his or her duties shall be paid from  
11 the Special Counsel Operations Fund. Within the first 60 days  
12 of his or her appointment, the Special Counsel shall develop a  
13 proposed budget for the current fiscal year for the Attorney  
14 General's review and approval, which shall not be unreasonably  
15 withheld. The budget shall include a request for assignment of  
16 personnel, with a description of the qualifications needed.  
17 Ninety days before the beginning of each fiscal year, the  
18 Special Counsel shall report to the Attorney General the status  
19 of an on-going investigation, and provide a budget request for  
20 the following year. The Attorney General shall review and  
21 approve the budget request which approval shall not be  
22 unreasonably withheld.

23 (m) The Special Counsel shall notify the Attorney General  
24 of events in the course of his or her investigation in  
25 conformity with the Office of Attorney General guidelines. At  
26 the conclusion of the Special Counsel's work, he or she shall

1 provide the Attorney General with a confidential report  
2 explaining the prosecution or declination decisions reached by  
3 the Special Counsel. The Special Counsel's appointment  
4 terminates upon filing of the report.

5 (n) The release of information by any Office of the  
6 Attorney General employee, including a Special Counsel and  
7 staff, concerning matters handled by a Special Counsel shall be  
8 governed by the generally applicable Office of Attorney General  
9 guidelines concerning public comment with respect to any  
10 criminal or civil investigation, and relevant law.

11 Section 15. The General Assembly Compensation Act is  
12 amended by changing Section 4 as follows:

13 (25 ILCS 115/4) (from Ch. 63, par. 15.1)

14 Sec. 4. Office allowance. Beginning July 1, 2001, each  
15 member of the House of Representatives is authorized to approve  
16 the expenditure of not more than \$61,000 per year and each  
17 member of the Senate is authorized to approve the expenditure  
18 of not more than \$73,000 per year to pay for "personal  
19 services", "contractual services", "commodities", "printing",  
20 "travel", "operation of automotive equipment",  
21 "telecommunications services", as defined in the State Finance  
22 Act, and the compensation of one or more legislative assistants  
23 authorized pursuant to this Section, in connection with his or  
24 her legislative duties and not in connection with any political

1 campaign. On July 1, 2002 and on July 1 of each year  
2 thereafter, the amount authorized per year under this Section  
3 for each member of the Senate and each member of the House of  
4 Representatives shall be increased by a percentage increase  
5 equivalent to the lesser of (i) the increase in the designated  
6 cost of living index or (ii) 5%. The designated cost of living  
7 index is the index known as the "Employment Cost Index, Wages  
8 and Salaries, By Occupation and Industry Groups: State and  
9 Local Government Workers: Public Administration" as published  
10 by the Bureau of Labor Statistics of the U.S. Department of  
11 Labor for the calendar year immediately preceding the year of  
12 the respective July 1st increase date. The increase shall be  
13 added to the then current amount, and the adjusted amount so  
14 determined shall be the annual amount beginning July 1 of the  
15 increase year until July 1 of the next year. No increase under  
16 this provision shall be less than zero.

17 A member may purchase office equipment if the member  
18 certifies to the Secretary of the Senate or the Clerk of the  
19 House, as applicable, that the purchase price, whether paid in  
20 lump sum or installments, amounts to less than would be charged  
21 for renting or leasing the equipment over its anticipated  
22 useful life. All such equipment must be purchased through the  
23 Secretary of the Senate or the Clerk of the House, as  
24 applicable, for proper identification and verification of  
25 purchase.

26 Each member of the General Assembly is authorized to employ

1 one or more legislative assistants, who shall be solely under  
2 the direction and control of that member, for the purpose of  
3 assisting the member in the performance of his or her official  
4 duties. A legislative assistant may be employed pursuant to  
5 this Section as a full-time employee, part-time employee, or  
6 contractual employee, at the discretion of the member. If  
7 employed as a State employee, a legislative assistant shall  
8 receive employment benefits on the same terms and conditions  
9 that apply to other employees of the General Assembly. Each  
10 member shall adopt and implement personnel policies for  
11 legislative assistants under his or her direction and control  
12 relating to work time requirements, documentation for  
13 reimbursement for travel on official State business,  
14 compensation, and the earning and accrual of State benefits for  
15 those legislative assistants who may be eligible to receive  
16 those benefits. The policies shall also require legislative  
17 assistants to periodically submit time sheets documenting, in  
18 quarter-hour increments, the time spent each day on official  
19 State business. The policies shall require the time sheets to  
20 be submitted on paper, electronically, or both and to be  
21 maintained in either paper or electronic format by the  
22 applicable fiscal office for a period of at least 2 years.  
23 Contractual employees may satisfy the time sheets requirement  
24 by complying with the terms of their contract, which shall  
25 provide for a means of compliance with this requirement. A  
26 member may satisfy the requirements of this paragraph by

1 adopting and implementing the personnel policies promulgated  
2 by that member's legislative leader under the State Officials  
3 and Employees Ethics Act with respect to that member's  
4 legislative assistants.

5 As used in this Section the term "personal services" shall  
6 include contributions of the State under the Federal Insurance  
7 Contribution Act and under Article 14 of the Illinois Pension  
8 Code. As used in this Section the term "contractual services"  
9 shall not include improvements to real property unless those  
10 improvements are the obligation of the lessee under the lease  
11 agreement. Beginning July 1, 1989, as used in the Section, the  
12 term "travel" shall be limited to travel in connection with a  
13 member's legislative duties and not in connection with any  
14 political campaign. Beginning on the effective date of this  
15 amendatory Act of the 93rd General Assembly, as used in this  
16 Section, the term "printing" includes, but is not limited to,  
17 newsletters, brochures, certificates, congratulatory mailings,  
18 greeting or welcome messages, anniversary or birthday cards,  
19 and congratulations for prominent achievement cards. As used in  
20 this Section, the term "printing" includes fees for  
21 non-substantive resolutions charged by the Clerk of the House  
22 of Representatives under subsection (c-5) of Section 1 of the  
23 Legislative Materials Act. No newsletter or brochure that is  
24 paid for, in whole or in part, with funds provided under this  
25 Section may be printed or mailed during a period beginning  
26 February 1 of the year of a general primary election and ending

1 the day after the general primary election and during a period  
2 beginning September 1 of the year of a general election and  
3 ending the day after the general election, except that such a  
4 newsletter or brochure may be mailed during those times if it  
5 is mailed to a constituent in response to that constituent's  
6 inquiry concerning the needs of that constituent or questions  
7 raised by that constituent. Nothing in this Section shall be  
8 construed to authorize expenditures for lodging and meals while  
9 a member is in attendance at sessions of the General Assembly.

10 Any utility bill for service provided to a member's  
11 district office for a period including portions of 2  
12 consecutive fiscal years may be paid from funds appropriated  
13 for such expenditure in either fiscal year.

14 If a vacancy occurs in the office of Senator or  
15 Representative in the General Assembly, any office equipment in  
16 the possession of the vacating member shall transfer to the  
17 member's successor; if the successor does not want such  
18 equipment, it shall be transferred to the Secretary of the  
19 Senate or Clerk of the House of Representatives, as the case  
20 may be, and if not wanted by other members of the General  
21 Assembly then to the Department of Central Management Services  
22 for treatment as surplus property under the State Property  
23 Control Act. Each member, on or before June 30th of each year,  
24 shall conduct an inventory of all equipment purchased pursuant  
25 to this Act. Such inventory shall be filed with the Secretary  
26 of the Senate or the Clerk of the House, as the case may be.

1 Whenever a vacancy occurs, the Secretary of the Senate or the  
2 Clerk of the House, as the case may be, shall conduct an  
3 inventory of equipment purchased.

4 In the event that a member leaves office during his or her  
5 term, any unexpended or unobligated portion of the allowance  
6 granted under this Section shall lapse. The vacating member's  
7 successor shall be granted an allowance in an amount, rounded  
8 to the nearest dollar, computed by dividing the annual  
9 allowance by 365 and multiplying the quotient by the number of  
10 days remaining in the fiscal year.

11 From any appropriation for the purposes of this Section for  
12 a fiscal year which overlaps 2 General Assemblies, no more than  
13 1/2 of the annual allowance per member may be spent or  
14 encumbered by any member of either the outgoing or incoming  
15 General Assembly, except that any member of the incoming  
16 General Assembly who was a member of the outgoing General  
17 Assembly may encumber or spend any portion of his annual  
18 allowance within the fiscal year.

19 The appropriation for the annual allowances permitted by  
20 this Section shall be included in an appropriation to the  
21 President of the Senate and to the Speaker of the House of  
22 Representatives for their respective members. The President of  
23 the Senate and the Speaker of the House shall voucher for  
24 payment individual members' expenditures from their annual  
25 office allowances to the State Comptroller, subject to the  
26 authority of the Comptroller under Section 9 of the State

1 Comptroller Act.

2 Nothing in this Section prohibits the expenditure of  
3 personal funds or the funds of a political committee controlled  
4 by an officeholder to defray the customary and reasonable  
5 expenses of an officeholder in connection with the performance  
6 of governmental and public service functions.

7 Between July 1 and August 1 of each year, each Senator and  
8 Representative shall approve the expenditure of 1% of the  
9 amount authorized per year under this Section for his or her  
10 office allowance to be paid to the State Treasurer for deposit  
11 into the Special Counsel Operations Fund, a special fund  
12 created in the State treasury, and, subject to appropriation to  
13 be expended for the compensation of the Special Counsel and his  
14 or her staff and necessary expenses for the Special Counsel and  
15 for no other purpose.

16 (Source: P.A. 95-6, eff. 6-20-07; 96-555, eff. 8-18-09; 96-886,  
17 eff. 1-1-11.)

18 Section 20. The Lobbyist Registration Act is amended by  
19 changing Sections 5 and 11 as follows:

20 (25 ILCS 170/5)

21 Sec. 5. Lobbyist registration and disclosure. Every  
22 natural person and every entity required to register under this  
23 Act shall before any service is performed which requires the  
24 natural person or entity to register, but in any event not



1 later than 2 business days after being employed or retained,  
2 file in the Office of the Secretary of State a statement in a  
3 format prescribed by the Secretary of State containing the  
4 following information with respect to each person or entity  
5 employing, retaining, or benefitting from the services of the  
6 natural person or entity required to register:

7 (a) The registrant's name, permanent address, e-mail  
8 address, if any, fax number, if any, business telephone  
9 number, and temporary address, if the registrant has a  
10 temporary address while lobbying.

11 (a-5) If the registrant is an entity, the information  
12 required under subsection (a) for each natural person  
13 associated with the registrant who will be lobbying,  
14 regardless of whether lobbying is a significant part of his  
15 or her duties.

16 (b) The name and address of the client or clients  
17 employing or retaining the registrant to perform such  
18 services or on whose behalf the registrant appears. If the  
19 client employing or retaining the registrant is a client  
20 registrant, the statement shall also include the name and  
21 address of the client or clients of the client registrant  
22 on whose behalf the registrant will be or anticipates  
23 performing services.

24 (c) A brief description of the executive, legislative,  
25 or administrative action in reference to which such service  
26 is to be rendered.

1           (c-5) Each executive and legislative branch agency the  
2           registrant expects to lobby during the registration  
3           period.

4           (c-6) The nature of the client's business, by  
5           indicating all of the following categories that apply: (1)  
6           banking and financial services, (2) manufacturing, (3)  
7           education, (4) environment, (5) healthcare, (6) insurance,  
8           (7) community interests, (8) labor, (9) public relations or  
9           advertising, (10) marketing or sales, (11) hospitality,  
10          (12) engineering, (13) information or technology products  
11          or services, (14) social services, (15) public utilities,  
12          (16) racing or wagering, (17) real estate or construction,  
13          (18) telecommunications, (19) trade or professional  
14          association, (20) travel or tourism, (21) transportation,  
15          (22) agriculture, and (23) other (setting forth the nature  
16          of that other business).

17          Every natural person and every entity required to register  
18          under this Act shall annually submit the registration required  
19          by this Section on or before each January 31. The registrant  
20          has a continuing duty to report any substantial change or  
21          addition to the information contained in the registration.

22          The Secretary of State shall make all filed statements and  
23          amendments to statements publicly available by means of a  
24          searchable database that is accessible through the World Wide  
25          Web. The Secretary of State shall provide all software  
26          necessary to comply with this provision to all natural persons

1 and entities required to file. The Secretary of State shall  
2 implement a plan to provide computer access and assistance to  
3 natural persons and entities required to file electronically.

4 All natural persons and entities required to register under  
5 this Act shall remit a single, annual, and nonrefundable \$550  
6 ~~\$300~~ registration fee. Each natural person required to register  
7 under this Act shall submit, on an annual basis, a picture of  
8 the registrant. A registrant may, in lieu of submitting a  
9 picture on an annual basis, authorize the Secretary of State to  
10 use any photo identification available in any database  
11 maintained by the Secretary of State for other purposes. Each  
12 registration fee collected for registrations on or after  
13 January 1, 2010 shall be deposited as follows: (1) \$300 into  
14 the Lobbyist Registration Administration Fund for  
15 administration and enforcement of this Act; and (2) \$250 into  
16 the Special Counsel Operations Fund.

17 (Source: P.A. 98-459, eff. 1-1-14.)

18 (25 ILCS 170/11) (from Ch. 63, par. 181)

19 Sec. 11. Enforcement.

20 (a) The Secretary of State Inspector General appointed  
21 under Section 14 of the Secretary of State Act shall initiate  
22 investigations of violations of this Act upon receipt of  
23 credible evidence of a violation. If, upon conclusion of an  
24 investigation, the Inspector General reasonably believes a  
25 violation of this Act has occurred, the Inspector General shall

1 provide the alleged violator with written notification of the  
2 alleged violation. Within 30 calendar days after receipt of the  
3 notification, the alleged violator shall submit a written  
4 response to the Inspector General. The response shall indicate  
5 whether the alleged violator (i) disputes the alleged  
6 violation, including any facts that reasonably prove the  
7 alleged violation did not violate the Act, or (ii) agrees to  
8 take action to correct the alleged violation within 30 calendar  
9 days, including a description of the action the alleged  
10 violator has taken or will take to correct the alleged  
11 violation. If the alleged violator disputes the alleged  
12 violation or fails to respond to the notification of the  
13 alleged violation, the Inspector General shall transmit the  
14 evidence to the appropriate State's Attorney or Attorney  
15 General. If the alleged violator agrees to take action to  
16 correct the alleged violation, the Inspector General shall make  
17 available to the public the notification from the Inspector  
18 General and the response from the alleged violator and shall  
19 not transmit the evidence to the appropriate State's Attorney  
20 or Attorney General. Nothing in this Act requires the Inspector  
21 General to notify an alleged violator of an ongoing  
22 investigation or to notify the alleged violator of a referral  
23 of any evidence to a law enforcement agency, a State's  
24 Attorney, or the Attorney General pursuant to subsection (c).

25 (b) Any violation of this Act may be prosecuted in the  
26 county where the offense is committed or in Sangamon County. In

1 addition to the State's Attorney of the appropriate county, the  
2 Attorney General of Illinois also is authorized to prosecute  
3 any violation of this Act.

4 (c) Notwithstanding any other provision of this Act, the  
5 Inspector General may at any time refer evidence of a violation  
6 of State or federal law, in addition to a violation of this  
7 Act, to the appropriate law enforcement agency, State's  
8 Attorney, or Attorney General.

9 (d) The Secretary of State, the Secretary of State  
10 Inspector General, or upon a request of a majority of the  
11 members of the Judiciary-Criminal Committee or the  
12 Judiciary-Civil Committee of the House of Representatives or  
13 the Criminal Law Committee or Judiciary Committee of the Senate  
14 or the unanimous vote of the minority members of the  
15 Judiciary-Criminal Committee or the Judiciary-Civil Committee  
16 of the House of Representatives or the Criminal Law Committee  
17 or Judiciary Committee of the Senate; provided that at least  
18 one member of the majority party also votes in favor of the  
19 request may refer to the Attorney General allegations of sexual  
20 assault and sexual harassment, as defined in Section 6.1 of the  
21 Attorney General Act, by a lobbyist registered under this Act  
22 and to determine whether violations of the Illinois Human  
23 Rights Act or the federal Civil Rights Act of 1964 have  
24 occurred. The Attorney General may appoint a Special Counsel  
25 under Section 6.1 of the Attorney General Act to investigate  
26 and prosecute the allegations.

1 (Source: P.A. 96-555, eff. 1-1-10; 96-1358, eff. 7-28-10.)

2 Section 25. The State Finance Act is amended by adding  
3 Section 5.886 as follows:

4 (30 ILCS 105/5.886 new)

5 Sec. 5.886. The Special Counsel Operations Fund.

6 Section 30. The Statewide Grand Jury Act is amended by  
7 changing Sections 2, 3, and 4 and by adding Section 11 as  
8 follows:

9 (725 ILCS 215/2) (from Ch. 38, par. 1702)

10 Sec. 2. (a) County grand juries and State's Attorneys have  
11 always had and shall continue to have primary responsibility  
12 for investigating, indicting, and prosecuting persons who  
13 violate the criminal laws of the State of Illinois. However, in  
14 recent years organized terrorist activity directed against  
15 innocent civilians and certain criminal enterprises have  
16 developed that require investigation, indictment, and  
17 prosecution on a statewide or multicounty level. The criminal  
18 enterprises exist as a result of the allure of profitability  
19 present in narcotic activity, the unlawful sale and transfer of  
20 firearms, and streetgang related felonies and organized  
21 terrorist activity is supported by the contribution of money  
22 and expert assistance from geographically diverse sources. In

1 order to shut off the life blood of terrorism and weaken or  
2 eliminate the criminal enterprises, assets, and property used  
3 to further these offenses must be frozen, and any profit must  
4 be removed. State statutes exist that can accomplish that goal.  
5 Among them are the offense of money laundering, the Cannabis  
6 and Controlled Substances Tax Act, violations of Article 29D of  
7 the Criminal Code of 1961 or the Criminal Code of 2012, the  
8 Narcotics Profit Forfeiture Act, and gunrunning. Local  
9 prosecutors need investigative personnel and specialized  
10 training to attack and eliminate these profits. In light of the  
11 transitory and complex nature of conduct that constitutes these  
12 criminal activities, the many diverse property interests that  
13 may be used, acquired directly or indirectly as a result of  
14 these criminal activities, and the many places that illegally  
15 obtained property may be located, it is the purpose of this Act  
16 to create a limited, multicounty Statewide Grand Jury with  
17 authority to investigate, indict, and prosecute: narcotic  
18 activity, including cannabis and controlled substance  
19 trafficking, narcotics racketeering, money laundering,  
20 violations of the Cannabis and Controlled Substances Tax Act,  
21 and violations of Article 29D of the Criminal Code of 1961 or  
22 the Criminal Code of 2012; the unlawful sale and transfer of  
23 firearms; gunrunning; and streetgang related felonies.

24 (a-5) Incidents of sexual harassment and sexual assault by  
25 members of the General Assembly and registered lobbyists are  
26 prevalent in this State. Because of the statewide importance of

1 this issue and the extent of this conduct, a Statewide Grand  
2 Jury, upon referral from a Special Counsel appointed under  
3 Section 6.1 of the Attorney General Act, may investigate,  
4 indict, and prosecute violations of sexual assault, as defined  
5 in Section 6.1 of the Attorney General Act, or violations of  
6 Article 11 of the Criminal Code of 2012 by a member or members  
7 of the General Assembly or by a registered lobbyist or  
8 lobbyists, and may recommend that in the case of civil  
9 allegations of sexual harassment by a member of the General  
10 Assembly or a registered lobbyist under the Lobbyist  
11 Registration Act recommend that the Special Counsel pursue  
12 civil remedies, including the filing of a complaint with the  
13 Department of Human Rights.

14 (b) A Statewide Grand Jury may also investigate, indict,  
15 and prosecute violations facilitated by the use of a computer  
16 of any of the following offenses: indecent solicitation of a  
17 child, sexual exploitation of a child, soliciting for a  
18 juvenile prostitute, keeping a place of juvenile prostitution,  
19 juvenile pimping, child pornography, aggravated child  
20 pornography, or promoting juvenile prostitution except as  
21 described in subdivision (a)(4) of Section 11-14.4 of the  
22 Criminal Code of 1961 or the Criminal Code of 2012.

23 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

24 (725 ILCS 215/3) (from Ch. 38, par. 1703)

25 Sec. 3. Written application for the appointment of a



1 Circuit Judge to convene and preside over a Statewide Grand  
2 Jury, with jurisdiction extending throughout the State, shall  
3 be made to the Chief Justice of the Supreme Court. Upon such  
4 written application, the Chief Justice of the Supreme Court  
5 shall appoint a Circuit Judge from the circuit where the  
6 Statewide Grand Jury is being sought to be convened, who shall  
7 make a determination that the convening of a Statewide Grand  
8 Jury is necessary.

9 In such application the Attorney General shall state that  
10 the convening of a Statewide Grand Jury is necessary because of  
11 an alleged offense or offenses set forth in this Section  
12 involving more than one county of the State and identifying any  
13 such offense alleged; and

14 (a) that he or she believes that the grand jury  
15 function for the investigation and indictment of the  
16 offense or offenses cannot effectively be performed by a  
17 county grand jury together with the reasons for such  
18 belief, and

19 (b) (1) that each State's Attorney with jurisdiction  
20 over an offense or offenses to be investigated has  
21 consented to the impaneling of the Statewide Grand  
22 Jury, or

23 (2) if one or more of the State's Attorneys having  
24 jurisdiction over an offense or offenses to be  
25 investigated fails to consent to the impaneling of the  
26 Statewide Grand Jury, the Attorney General shall set

1           forth good cause for impaneling the Statewide Grand  
2           Jury.

3           If the Circuit Judge determines that the convening of a  
4           Statewide Grand Jury is necessary, he or she shall convene and  
5           impanel the Statewide Grand Jury with jurisdiction extending  
6           throughout the State to investigate and return indictments:

7           (a) For violations of any of the following or for any  
8           other criminal offense committed in the course of violating  
9           any of the following: Article 29D of the Criminal Code of  
10          1961 or the Criminal Code of 2012, the Illinois Controlled  
11          Substances Act, the Cannabis Control Act, the  
12          Methamphetamine Control and Community Protection Act, the  
13          Narcotics Profit Forfeiture Act, or the Cannabis and  
14          Controlled Substances Tax Act; a streetgang related felony  
15          offense; Section 24-2.1, 24-2.2, 24-3, 24-3A, 24-3.1,  
16          24-3.3, 24-3.4, 24-4, or 24-5 or subsection 24-1(a)(4),  
17          24-1(a)(6), 24-1(a)(7), 24-1(a)(9), 24-1(a)(10), or  
18          24-1(c) of the Criminal Code of 1961 or the Criminal Code  
19          of 2012; or a money laundering offense; provided that the  
20          violation or offense involves acts occurring in more than  
21          one county of this State; and

22          (a-5) For violations facilitated by the use of a  
23          computer, including the use of the Internet, the World Wide  
24          Web, electronic mail, message board, newsgroup, or any  
25          other commercial or noncommercial on-line service, of any  
26          of the following offenses: indecent solicitation of a

1 child, sexual exploitation of a child, soliciting for a  
2 juvenile prostitute, keeping a place of juvenile  
3 prostitution, juvenile pimping, child pornography,  
4 aggravated child pornography, or promoting juvenile  
5 prostitution except as described in subdivision (a)(4) of  
6 Section 11-14.4 of the Criminal Code of 1961 or the  
7 Criminal Code of 2012; and

8 (b) For the offenses of perjury, subornation of  
9 perjury, communicating with jurors and witnesses, and  
10 harassment of jurors and witnesses, as they relate to  
11 matters before the Statewide Grand Jury; and

12 (c) For allegations of sexual assault, as defined in  
13 Section 6.1 of the Attorney General Act, or allegations of  
14 violations of Article 11 of the Criminal Code of 2012, by a  
15 member or members of the General Assembly or a lobbyist or  
16 lobbyists registered under the Lobbyist Registration Act.

17 "Streetgang related" has the meaning ascribed to it in  
18 Section 10 of the Illinois Streetgang Terrorism Omnibus  
19 Prevention Act.

20 Upon written application by the Attorney General for the  
21 convening of an additional Statewide Grand Jury, the Chief  
22 Justice of the Supreme Court shall appoint a Circuit Judge from  
23 the circuit for which the additional Statewide Grand Jury is  
24 sought. The Circuit Judge shall determine the necessity for an  
25 additional Statewide Grand Jury in accordance with the  
26 provisions of this Section. No more than 2 Statewide Grand

1 Juries may be empaneled at any time.

2 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

3 (725 ILCS 215/4) (from Ch. 38, par. 1704)

4 Sec. 4. (a) The presiding judge of the Statewide Grand Jury  
5 will receive recommendations from the Attorney General as to  
6 the county in which the Grand Jury will sit. Prior to making  
7 the recommendations, the Attorney General shall obtain the  
8 permission of the local State's Attorney to use his or her  
9 county for the site of the Statewide Grand Jury. Upon receiving  
10 the Attorney General's recommendations, the presiding judge  
11 will choose one of those recommended locations as the site  
12 where the Grand Jury shall sit.

13 Any indictment by a Statewide Grand Jury shall be returned  
14 to the Circuit Judge presiding over the Statewide Grand Jury  
15 and shall include a finding as to the county or counties in  
16 which the alleged offense was committed. Thereupon, the judge  
17 shall, by order, designate the county of venue for the purpose  
18 of trial. The judge may also, by order, direct the  
19 consolidation of an indictment returned by a county grand jury  
20 with an indictment returned by the Statewide Grand Jury and set  
21 venue for trial.

22 (b) Venue for purposes of trial for the offense of  
23 narcotics racketeering shall be proper in any county where:

24 (1) Cannabis or a controlled substance which is the  
25 basis for the charge of narcotics racketeering was used;

1           acquired; transferred or distributed to, from or through;  
2           or any county where any act was performed to further the  
3           use; acquisition, transfer or distribution of said  
4           cannabis or controlled substance; or

5           (2) Any money, property, property interest, or any  
6           other asset generated by narcotics activities was  
7           acquired, used, sold, transferred or distributed to, from  
8           or through; or,

9           (3) Any enterprise interest obtained as a result of  
10          narcotics racketeering was acquired, used, transferred or  
11          distributed to, from or through, or where any activity was  
12          conducted by the enterprise or any conduct to further the  
13          interests of such an enterprise.

14          (c) Venue for purposes of trial for the offense of money  
15          laundering shall be proper in any county where any part of a  
16          financial transaction in criminally derived property took  
17          place, or in any county where any money or monetary interest  
18          which is the basis for the offense, was acquired, used, sold,  
19          transferred or distributed to, from, or through.

20          (d) A person who commits the offense of cannabis  
21          trafficking or controlled substance trafficking may be tried in  
22          any county.

23          (e) Venue for purposes of trial for any violation of  
24          Article 29D of the Criminal Code of 1961 or the Criminal Code  
25          of 2012 may be in the county in which an act of terrorism  
26          occurs, the county in which material support or resources are

1 provided or solicited, the county in which criminal assistance  
2 is rendered, or any county in which any act in furtherance of  
3 any violation of Article 29D of the Criminal Code of 1961 or  
4 the Criminal Code of 2012 occurs.

5 (f) Venue for purposes of trial for allegations of sexual  
6 assault, as defined in Section 6.1 of the Attorney General Act,  
7 or allegations of violations of Article 11 of the Criminal Code  
8 of 2012, by a member of the General Assembly or lobbyist  
9 registered under the Lobbyist Registration Act, may be in the  
10 county in which the alleged act of sexual assault occurred.

11 (Source: P.A. 97-1150, eff. 1-25-13.)

12 (725 ILCS 215/11 new)

13 Sec. 11. Terms. As used in this Act, the term "Attorney  
14 General" shall include a Special Counsel appointed by the  
15 Attorney General under Section 6.1 of the Attorney General Act  
16 who acts under subsection (a-5) of Section 2 of this Act.

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2		Statutes amended in order of appearance
3	5 ILCS 430/25-20a	
4	15 ILCS 205/6.1 new	
5	25 ILCS 115/4	from Ch. 63, par. 15.1
6	25 ILCS 170/5	
7	25 ILCS 170/11	from Ch. 63, par. 181
8	30 ILCS 105/5.886 new	
9	725 ILCS 215/2	from Ch. 38, par. 1702
10	725 ILCS 215/3	from Ch. 38, par. 1703
11	725 ILCS 215/4	from Ch. 38, par. 1704
12	725 ILCS 215/11 new	