



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5878

by Rep. Grant Wehrli

SYNOPSIS AS INTRODUCED:

5 ILCS 420/2-101	from Ch. 127, par. 602-101
5 ILCS 420/2-103	from Ch. 127, par. 602-103
5 ILCS 420/2-104	from Ch. 127, par. 602-104
5 ILCS 420/2-110	
5 ILCS 420/3-108 new	
5 ILCS 420/4A-107	from Ch. 127, par. 604A-107
5 ILCS 430/5-10	
5 ILCS 430/5-10.5	
5 ILCS 430/50-5	
720 ILCS 5/17-10.3	
720 ILCS 5/33-1	from Ch. 38, par. 33-1

Amends the Illinois Governmental Ethics Act. Provides fines for legislators who engage in specified restricted activities and for violations of legislator rules of conduct. Provides that any person who willfully files a false or incomplete statement of economic interests under the Act may be subject to a fine not to exceed, for each offense, \$150,000. Amends the State Officials and Employees Ethics Act. Provides fines for intentional failure to complete ethics training and sexual harassment training. Modifies a Section concerning penalties under the Act to provide fines for specified violations. Amends the Criminal Code of 2012. Provides that any person who, in the course of business, fraudulently obtains public moneys reserved for, or allocated or available to, minority-owned businesses, women-owned businesses, service-disabled veteran-owned small businesses, or veteran-owned small businesses may be subject to a fine not to exceed, for each offense, \$115,000. Provides that a fine of up to \$1,000,000 may be imposed for bribery. Makes conforming changes. Effective immediately.

LRB100 21980 RJF 40028 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Illinois Governmental Ethics Act is amended
5 by changing Sections 2-101, 2-103, 2-104, 2-110, and 4A-107,
6 and by adding Section 3-108 as follows:

7 (5 ILCS 420/2-101) (from Ch. 127, par. 602-101)

8 Sec. 2-101. No legislator may engage in lobbying, as that
9 term is defined in Section 1-109, if he accepts compensation
10 specifically attributable to such lobbying, other than that
11 provided by law for members of the General Assembly. Nothing in
12 this Section prohibits a legislator from lobbying without
13 compensation.

14 A violation of this Section shall constitute a Class A
15 misdemeanor for which a fine of up to \$200,000, for each
16 violation, may be imposed.

17 (Source: P.A. 77-2830.)

18 (5 ILCS 420/2-103) (from Ch. 127, par. 602-103)

19 Sec. 2-103. No legislator may accept compensation, other
20 than that provided by law for members of the General Assembly,
21 for performance of his official legislative duties. No person,
22 other than State officials or employees performing their duties

1 in making payments to members of the General Assembly as
2 provided by law, may pay or offer to pay any legislator any
3 compensation for performance of his official legislative
4 duties.

5 A violation of this Section is a Class A misdemeanor for
6 which a fine of up to \$200,000, for each violation, may be
7 imposed ~~petty offense~~.

8 (Source: P.A. 78-255.)

9 (5 ILCS 420/2-104) (from Ch. 127, par. 602-104)

10 Sec. 2-104. No legislator may accept or participate in any
11 way in any representation case, as that term is defined in
12 Section 1-113, before (1) the Court of Claims of this State or
13 (2) before the Illinois Workers' Compensation Commission, when
14 the State of Illinois is the respondent.

15 This Section does not prohibit participation in such a
16 representation case by a person with whom the legislator
17 maintains a close economic association, unless the fact of that
18 association is used to influence or attempt to influence the
19 State agency in the rendering of its decision.

20 A violation of this Section is a Class A misdemeanor for
21 which a fine of up to \$200,000, for each violation, may be
22 imposed.

23 (Source: P.A. 93-721, eff. 1-1-05.)

24 (5 ILCS 420/2-110)

1 Sec. 2-110. Honoraria.

2 (a) No member of the General Assembly shall accept any
3 honorarium.

4 (b) As used in this Section:

5 "Honorarium" means a payment of money to a member of the
6 General Assembly for an appearance or speech, excluding any
7 actual and necessary travel expenses incurred by the member of
8 the General Assembly (and one relative) to the extent that
9 those expenses are paid by any other person. "Honorarium" does
10 not include (i) cash payments made on behalf of a member of the
11 General Assembly to an organization described under Section
12 501(c)(3) of the Internal Revenue Code of 1986, (ii) an agent's
13 fee or commission, or (iii) funds reported under Article 9 of
14 the Election Code.

15 "Travel expense" means the reasonable cost of
16 transportation and the reasonable cost of lodging and meals
17 incurred while a person is away from his or her residence or
18 principal place of employment.

19 (c) Any honorarium or honoraria accepted in violation of
20 this Section shall be surrendered to the State Treasurer and
21 deposited into the General Revenue Fund.

22 (d) A violation of this Section is a Class A misdemeanor
23 for which a fine of up to \$5,100, for each violation, may be
24 imposed.

25 (Source: P.A. 89-405, eff. 11-8-95.)

1 (5 ILCS 420/3-108 new)

2 Sec. 3-108. Penalties.

3 (a) A person who intentionally violates the provisions of
4 Section 3-102 is guilty of a business offense for which a fine
5 of at least \$5,500 but not more than \$10,000 may be imposed.

6 (b) A person who intentionally violates the provisions of
7 Section 3-103 is guilty of a business offense for which a fine
8 of at least \$5,500 but not more than \$10,000 may be imposed.

9 (c) A person who intentionally violates the provisions of
10 Section 3-104 is guilty of a business offense for which a fine
11 of at least \$35,000 but not more than \$50,000 may be imposed.

12 (d) A person who intentionally violates the provisions of
13 Section 3-105 is guilty of a business offense for which a fine
14 of at least \$5,000 but not more than \$20,000 may be imposed.

15 (e) A person who intentionally violates the provisions of
16 Section 3-106 is guilty of a business offense for which a fine
17 of at least \$1,500 but not more than \$10,000 may be imposed.

18 (f) A person who intentionally violates the provisions of
19 Section 3-107 is guilty of a business offense for which a fine
20 of at least \$1,000 but not more than \$5,000 may be imposed.

21 (5 ILCS 420/4A-107) (from Ch. 127, par. 604A-107)

22 Sec. 4A-107. Any person required to file a statement of
23 economic interests under this Article who willfully files a
24 false or incomplete statement shall be guilty of a Class A
25 misdemeanor for which a fine of up to \$150,000, for each

1 violation, may be imposed.

2 Except when the fees and penalties for late filing have
3 been waived under Section 4A-105, failure to file a statement
4 within the time prescribed shall result in ineligibility for,
5 or forfeiture of, office or position of employment, as the case
6 may be; provided, however, that if the notice of failure to
7 file a statement of economic interests provided in Section
8 4A-105 of this Act is not given by the Secretary of State or
9 the county clerk, as the case may be, no forfeiture shall
10 result if a statement is filed within 30 days of actual notice
11 of the failure to file. The Secretary of State shall provide
12 the Attorney General with the names of persons who failed to
13 file a statement. The county clerk shall provide the State's
14 Attorney of the county of the entity for which the filing of
15 statement of economic interest is required with the name of
16 persons who failed to file a statement.

17 The Attorney General, with respect to offices or positions
18 described in items (a) through (f) and items (j), (l), (n), and
19 (p) of Section 4A-101 of this Act, or the State's Attorney of
20 the county of the entity for which the filing of statements of
21 economic interests is required, with respect to offices or
22 positions described in items (g) through (i), item (k), and
23 item (o) of Section 4A-101 of this Act, shall bring an action
24 in quo warranto against any person who has failed to file by
25 either May 31 or June 30 of any given year and for whom the fees
26 and penalties for late filing have not been waived under

1 Section 4A-105.

2 (Source: P.A. 96-6, eff. 4-3-09; 96-550, eff. 8-17-09; 96-1000,
3 eff. 7-2-10; 97-754, eff. 7-6-12.)

4 Section 10. The State Officials and Employees Ethics Act is
5 amended by changing Sections 5-10, 5-10.5, and 50-5 as follows:

6 (5 ILCS 430/5-10)

7 Sec. 5-10. Ethics training.

8 (a) Each officer, member, and employee must complete, at
9 least annually beginning in 2004, an ethics training program
10 conducted by the appropriate State agency. Each ultimate
11 jurisdictional authority must implement an ethics training
12 program for its officers, members, and employees. These ethics
13 training programs shall be overseen by the appropriate Ethics
14 Commission and Inspector General appointed pursuant to this Act
15 in consultation with the Office of the Attorney General.

16 (b) Each ultimate jurisdictional authority subject to the
17 Executive Ethics Commission shall submit to the Executive
18 Ethics Commission, at least annually, or more frequently as
19 required by that Commission, an annual report that summarizes
20 ethics training that was completed during the previous year,
21 and lays out the plan for the ethics training programs in the
22 coming year.

23 (c) Each Inspector General shall set standards and
24 determine the hours and frequency of training necessary for

1 each position or category of positions. A person who fills a
2 vacancy in an elective or appointed position that requires
3 training and a person employed in a position that requires
4 training must complete his or her initial ethics training
5 within 30 days after commencement of his or her office or
6 employment.

7 (d) Upon completion of the ethics training program, each
8 officer, member, and employee must certify in writing that the
9 person has completed the training program. Each officer,
10 member, and employee must provide to his or her ethics officer
11 a signed copy of the certification by the deadline for
12 completion of the ethics training program.

13 (e) The ethics training provided under this Act by the
14 Secretary of State may be expanded to satisfy the requirement
15 of Section 4.5 of the Lobbyist Registration Act.

16 (f) The ethics training provided under this Act by State
17 agencies under the control of the Governor shall include the
18 requirements and duties of State officers and employees under
19 Sections 50-39, 50-40, and 50-45 of the Illinois Procurement
20 Code.

21 (g) A person required under this Section to complete the
22 annual ethics training program who was offered ethics training
23 by his or her ethics officer and who intentionally fails to
24 complete his or her annual ethics training is subject to a \$50
25 fine. A person required to complete the ethics training program
26 under this Section who is offered ethics training by his or her

1 ethics officer and who intentionally fails to complete the
2 training within 30 days after commencement of his or her term
3 of office or term of employment is guilty of a petty offense
4 for which a fine of \$50 may be imposed.

5 (Source: P.A. 100-43, eff. 8-9-17.)

6 (5 ILCS 430/5-10.5)

7 Sec. 5-10.5. Sexual harassment training.

8 (a) Each officer, member, and employee must complete, at
9 least annually beginning in 2018, a sexual harassment training
10 program. A person who fills a vacancy in an elective or
11 appointed position that requires training under this Section
12 must complete his or her initial sexual harassment training
13 program within 30 days after commencement of his or her office
14 or employment. The training shall include, at a minimum, the
15 following: (i) the definition, and a description, of sexual
16 harassment utilizing examples; (ii) details on how an
17 individual can report an allegation of sexual harassment,
18 including options for making a confidential report to a
19 supervisor, ethics officer, Inspector General, or the
20 Department of Human Rights; (iii) the definition, and
21 description of, retaliation for reporting sexual harassment
22 allegations utilizing examples, including availability of
23 whistleblower protections under this Act, the Whistleblower
24 Act, and the Illinois Human Rights Act; and (iv) the
25 consequences of a violation of the prohibition on sexual

1 harassment and the consequences for knowingly making a false
2 report. Proof of completion must be submitted to the applicable
3 ethics officer. Sexual harassment training programs shall be
4 overseen by the appropriate Ethics Commission and Inspector
5 General appointed under this Act.

6 (b) Each ultimate jurisdictional authority shall submit to
7 the applicable Ethics Commission, at least annually, or more
8 frequently as required by that Commission, a report that
9 summarizes the sexual harassment training program that was
10 completed during the previous year, and lays out the plan for
11 the training program in the coming year. The report shall
12 include the names of individuals that failed to complete the
13 required training program. Each Ethics Commission shall make
14 the reports available on its website.

15 (c) Beginning January 1, 2019, and for each year
16 thereafter, an officer, member, or employee who is offered
17 annual sexual harassment training by his or her ethics officer
18 and who intentionally fails to complete such training program
19 is guilty of a petty offense for which a fine of \$50 may be
20 imposed. Beginning January 1, 2019, and for each year
21 thereafter, a person who is offered the initial sexual
22 harassment training by his or her ethics officer and who
23 intentionally fails to complete such initial training program
24 within 30 days after commencement of his or her term of office
25 or term of employment is guilty of a petty offense for which a
26 fine of \$50 may be imposed.

1 (Source: P.A. 100-554, eff. 11-16-17.)

2 (5 ILCS 430/50-5)

3 Sec. 50-5. Penalties.

4 (a) A person is guilty of a Class A misdemeanor if that
5 person intentionally violates any provision of Section 5-15,
6 5-30, 5-40, or 5-45 or Article 15. For a violation of any
7 provision of Section 5-15, a fine of up to \$10,000, for each
8 violation, may be imposed, unless the Executive Ethics
9 Commission or the Legislative Ethics Commission, as
10 applicable, finds that the violation of subsections (a) and (b)
11 of Section 5-15 is de minimis, and that any use of State
12 property, resources, or compensated time is no more than
13 incidental. For a violation of any provision of Section 5-40, a
14 fine of up to \$2,500, for each violation, may be imposed.

15 (a-1) An ethics commission may levy an administrative fine
16 for a violation of Section 5-45 of this Act of up to 3 times the
17 total annual compensation that would have been obtained in
18 violation of Section 5-45.

19 (b) A person who intentionally violates any provision of
20 Section ~~5-20, 5-35,~~ 5-50, ~~or 5-55~~ is guilty of a business
21 offense subject to a fine of at least \$1,001 and up to \$5,000.
22 A person who violates any provision of Section 5-20 is guilty
23 of a business offense for which a fine of at least \$1,001 but
24 not more than \$12,000 may be imposed. A person who violates any
25 provision of Section 5-35 is guilty of a business offense for

1 which a fine of at least \$1,001 but not more than \$10,000 may
2 be imposed. A person who violates any provision of Section 5-55
3 is guilty of a business offense for which a fine of at least
4 \$1,001 but not more than \$35,000 may be imposed.

5 (c) A person who intentionally violates any provision of
6 Article 10 is guilty of a business offense and subject to a
7 fine of at least \$1,001 and up to \$5,000.

8 (d) Any person who intentionally makes a false report
9 alleging a violation of any provision of this Act to an ethics
10 commission, an inspector general, the State Police, a State's
11 Attorney, the Attorney General, or any other law enforcement
12 official is guilty of a Class A misdemeanor.

13 (e) An ethics commission may levy an administrative fine of
14 up to \$5,000 against any person who violates this Act, who
15 intentionally obstructs or interferes with an investigation
16 conducted under this Act by an inspector general, or who
17 intentionally makes a false, frivolous, or bad faith
18 allegation.

19 (f) In addition to any other penalty that may apply,
20 whether criminal or civil, a State employee who intentionally
21 violates any provision of Section 5-5, 5-15, 5-20, 5-30, 5-35,
22 5-45, or 5-50, Article 10, Article 15, or Section 20-90 or
23 25-90 is subject to discipline or discharge by the appropriate
24 ultimate jurisdictional authority.

25 (g) Any person who violates Section 5-65 is subject to a
26 fine of up to \$5,000 per offense, and is subject to discipline

1 or discharge by the appropriate ultimate jurisdictional
2 authority. Each violation of Section 5-65 is a separate
3 offense. Any penalty imposed by an ethics commission shall be
4 separate and distinct from any fines or penalties imposed by a
5 court of law or a State or federal agency.

6 (h) Any person who violates Section 4.7 or paragraph (d) of
7 Section 5 of the Lobbyist Registration Act is guilty of a
8 business offense and shall be subject to a fine of up to
9 \$5,000. Any penalty imposed by an ethics commission shall be
10 separate and distinct from any fines or penalties imposed by a
11 court of law or by the Secretary of State under the Lobbyist
12 Registration Act.

13 (Source: P.A. 100-554, eff. 11-16-17.)

14 Section 15. The Criminal Code of 2012 is amended by
15 changing Sections 17-10.3 and 33-1 as follows:

16 (720 ILCS 5/17-10.3)

17 Sec. 17-10.3. Deception relating to certification of
18 disadvantaged business enterprises.

19 (a) Fraudulently obtaining or retaining certification. A
20 person who, in the course of business, fraudulently obtains or
21 retains certification as a minority-owned business,
22 women-owned business, service-disabled veteran-owned small
23 business, or veteran-owned small business commits a Class 2
24 felony.

1 (b) Willfully making a false statement. A person who, in
2 the course of business, willfully makes a false statement
3 whether by affidavit, report or other representation, to an
4 official or employee of a State agency or the Business
5 Enterprise Council for Minorities, Women, and Persons with
6 Disabilities for the purpose of influencing the certification
7 or denial of certification of any business entity as a
8 minority-owned business, women-owned business,
9 service-disabled veteran-owned small business, or
10 veteran-owned small business commits a Class 2 felony.

11 (c) Willfully obstructing or impeding an official or
12 employee of any agency in his or her investigation. Any person
13 who, in the course of business, willfully obstructs or impedes
14 an official or employee of any State agency or the Business
15 Enterprise Council for Minorities, Women, and Persons with
16 Disabilities who is investigating the qualifications of a
17 business entity which has requested certification as a
18 minority-owned business, women-owned business,
19 service-disabled veteran-owned small business, or
20 veteran-owned small business commits a Class 2 felony.

21 (d) Fraudulently obtaining public moneys reserved for
22 disadvantaged business enterprises. Any person who, in the
23 course of business, fraudulently obtains public moneys
24 reserved for, or allocated or available to, minority-owned
25 businesses, women-owned businesses, service-disabled
26 veteran-owned small businesses, or veteran-owned small

1 businesses commits a Class 2 felony for which a fine of up to
2 \$115,000, for each violation, may be imposed.

3 (e) Definitions. As used in this Article, "minority-owned
4 business", "women-owned business", "State agency" with respect
5 to minority-owned businesses and women-owned businesses, and
6 "certification" with respect to minority-owned businesses and
7 women-owned businesses shall have the meanings ascribed to them
8 in Section 2 of the Business Enterprise for Minorities, Women,
9 and Persons with Disabilities Act. As used in this Article,
10 "service-disabled veteran-owned small business",
11 "veteran-owned small business", "State agency" with respect to
12 service-disabled veteran-owned small businesses and
13 veteran-owned small businesses, and "certification" with
14 respect to service-disabled veteran-owned small businesses and
15 veteran-owned small businesses have the same meanings as in
16 Section 45-57 of the Illinois Procurement Code.

17 (Source: P.A. 100-391, eff. 8-25-17.)

18 (720 ILCS 5/33-1) (from Ch. 38, par. 33-1)

19 Sec. 33-1. Bribery. A person commits bribery when:

20 (a) With intent to influence the performance of any act
21 related to the employment or function of any public
22 officer, public employee, juror or witness, he or she
23 promises or tenders to that person any property or personal
24 advantage which he or she is not authorized by law to
25 accept; or

1 (b) With intent to influence the performance of any act
2 related to the employment or function of any public
3 officer, public employee, juror or witness, he or she
4 promises or tenders to one whom he or she believes to be a
5 public officer, public employee, juror or witness, any
6 property or personal advantage which a public officer,
7 public employee, juror or witness would not be authorized
8 by law to accept; or

9 (c) With intent to cause any person to influence the
10 performance of any act related to the employment or
11 function of any public officer, public employee, juror or
12 witness, he or she promises or tenders to that person any
13 property or personal advantage which he or she is not
14 authorized by law to accept; or

15 (d) He or she receives, retains or agrees to accept any
16 property or personal advantage which he or she is not
17 authorized by law to accept knowing that the property or
18 personal advantage was promised or tendered with intent to
19 cause him or her to influence the performance of any act
20 related to the employment or function of any public
21 officer, public employee, juror or witness; or

22 (e) He or she solicits, receives, retains, or agrees to
23 accept any property or personal advantage pursuant to an
24 understanding that he or she shall improperly influence or
25 attempt to influence the performance of any act related to
26 the employment or function of any public officer, public

1 employee, juror or witness.

2 As used in this Section, "tenders" means any delivery or
3 proffer made with the requisite intent.

4 Sentence. Bribery is a Class 2 felony for which a fine of
5 up to \$1,000,000 may be imposed.

6 (Source: P.A. 97-1108, eff. 1-1-13; 98-756, eff. 7-16-14.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.