



Sen. Karen McConnaughay

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10000SB3159sam001

LRB100 16944 RJF 38042 a

1 AMENDMENT TO SENATE BILL 3159

2 AMENDMENT NO. _____. Amend Senate Bill 3159 as follows:

3 on page 1, by replacing lines 4 and 5 with the following:

4 "Section 5. The State Officials and Employees Ethics Act is
5 amended by changing Sections 20-52, 20-65, 20-95, 25-5, 25-10,
6 25-50, 25-52, and 25-95, and by adding Sections 30-52 and 30-95
7 as follows:

8 (5 ILCS 430/20-52)

9 Sec. 20-52. Release of summary reports.

10 (a) Within 60 days after receipt of a summary report and
11 response from the ultimate jurisdictional authority or agency
12 head that resulted in a suspension of at least 3 days or
13 termination of employment, the Executive Ethics Commission
14 shall make available to the public the report and response or a
15 redacted version of the report and response. The Executive

1 Ethics Commission may make available to the public any other
2 summary report and response of the ultimate jurisdictional
3 authority or agency head or a redacted version of the report
4 and response.

5 (a-5) Within 60 days after receipt of a summary report and
6 response from the ultimate jurisdictional authority or agency
7 head, including, if applicable, a statement of reasons why an
8 Executive Inspector General does not believe a complaint should
9 be filed where the allegations are based upon a violation of
10 Section 5-65 of this Act and regardless of whether or not a
11 violation was found to have occurred, the Executive Ethics
12 Commission shall make available to the complainant the summary
13 report and response, including, if applicable, any statement of
14 reasons why the Executive Inspector General does not believe a
15 complaint should be filed or a redacted version of the report
16 and response. Within 60 days after receipt of a summary report
17 and response from the ultimate jurisdictional authority or
18 agency head that finds a violation of Section 5-65 of this Act,
19 the Executive Ethics Commission shall make available to the
20 public the report and response or a redacted version of the
21 report and response.

22 (b) The Commission shall redact information in the summary
23 report that may reveal the identity of witnesses, complainants,
24 or informants or if the Commission determines it is appropriate
25 to protect the identity of a person before the report is made
26 public. The Commission may also redact any information it

1 believes should not be made public. Prior to publication, the
2 Commission shall permit the respondents, Inspector General,
3 and Attorney General to review documents to be made public and
4 offer suggestions for redaction or provide a response that
5 shall be made public with the summary report. In no case may
6 the name of a person who has been found to have violated
7 Section 5-65 be redacted.

8 (c) The Commission may withhold publication of the report
9 or response if the Executive Inspector General or Attorney
10 General certifies that releasing the report to the public will
11 interfere with an ongoing investigation.

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

13 (5 ILCS 430/20-65)

14 Sec. 20-65. Reporting of investigations.

15 (a) Each Executive Inspector General shall file a quarterly
16 activity report with the Executive Ethics Commission that
17 reflects investigative activity during the previous quarter.
18 The Executive Ethics Commission shall establish the reporting
19 dates. The activity report shall include at least the
20 following:

21 (1) The number of investigations opened during the
22 preceding quarter, the affected offices or agencies, and
23 the unique tracking numbers for new investigations.

24 (2) The number of investigations closed during the
25 preceding quarter, the affected offices or agencies, and

1 the unique tracking numbers for closed investigations.

2 (3) The status of each on-going investigation that
3 remained open at the end of the quarter, the affected
4 office, agency or agencies, the investigation's unique
5 tracking number, and a brief statement of the general
6 nature of the investigation.

7 (b) If any investigation is not concluded within 6 months
8 after its initiation, the appropriate Executive Inspector
9 General shall file a 6-month report with the Executive Ethics
10 Commission by the fifteenth day of the month following it being
11 open for 6 months. The 6-month report shall disclose:

12 (1) The general nature of the allegation or information
13 giving rise to the investigation, the title or job duties
14 of the subjects of the investigation, and the
15 investigation's unique tracking number.

16 (2) The date of the last alleged violation of this Act
17 or other State law giving rise to the investigation.

18 (3) Whether the Executive Inspector General has found
19 credible the allegations of criminal conduct.

20 (4) Whether the allegation has been referred to an
21 appropriate law enforcement agency and the identity of the
22 law enforcement agency to which those allegations were
23 referred.

24 (5) If an allegation has not been referred to an
25 appropriate law enforcement agency, the reasons for the
26 failure to complete the investigation within 6 months, a

1 summary of the investigative steps taken, additional
2 investigative steps contemplated at the time of the report,
3 and an estimate of additional time necessary to complete
4 the investigation.

5 (6) Any other information deemed necessary by the
6 Executive Ethics Commission in determining whether to
7 appoint a Special Inspector General.

8 (c) If an Executive Inspector General has referred an
9 allegation to an appropriate law enforcement agency and
10 continues to investigate the matter, the future reporting
11 requirements of this Section are suspended.

12 (d) Except for quarterly reports filed under subsection
13 (a), reports ~~Reports~~ filed under this Section are exempt from
14 the Freedom of Information Act.

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

16 (5 ILCS 430/20-95)

17 Sec. 20-95. Exemptions.

18 (a) Documents generated by an ethics officer under this
19 Act, except Section 5-50, are exempt from the provisions of the
20 Freedom of Information Act.

21 (b) Any allegations and related documents submitted to an
22 Executive Inspector General and any pleadings and related
23 documents brought before the Executive Ethics Commission are
24 exempt from the provisions of the Freedom of Information Act so
25 long as the Executive Ethics Commission does not make a finding

1 of a violation of this Act. If the Executive Ethics Commission
2 finds that a violation has occurred, the entire record of
3 proceedings before the Commission, the decision and
4 recommendation, and the response from the agency head or
5 ultimate jurisdictional authority to the Executive Ethics
6 Commission are not exempt from the provisions of the Freedom of
7 Information Act but information contained therein that is
8 otherwise exempt from the Freedom of Information Act must be
9 redacted before disclosure as provided in the Freedom of
10 Information Act. A summary report released by the Executive
11 Ethics Commission under Section 20-52 is a public record, but
12 information redacted by the Executive Ethics Commission shall
13 not be part of the public record.

14 (c) Meetings of the Commission are exempt from the
15 provisions of the Open Meetings Act.

16 (d) Unless otherwise provided in this Act, all
17 investigatory files and reports of the Office of an Executive
18 Inspector General, other than monthly reports required under
19 Section 20-85 and quarterly reports required under Sections
20 20-65 and 20-86, are confidential, are exempt from disclosure
21 under the Freedom of Information Act, and shall not be divulged
22 to any person or agency, except as necessary (i) to a law
23 enforcement authority, (ii) to the ultimate jurisdictional
24 authority, (iii) to the Executive Ethics Commission, (iv) to
25 another Inspector General appointed pursuant to this Act, or
26 (v) to an Inspector General appointed or employed by a Regional

1 Transit Board in accordance with Section 75-10, or (vi) to keep
2 a complainant informed of the status and outcome of the
3 investigation of a complaint involving a violation of Section
4 5-65 of this Act.

5 (Source: P.A. 96-555, eff. 8-18-09; 96-1528, eff. 7-1-11.);
6 and

7 on page 15, immediately below line 18, by inserting the
8 following:

9 "(5 ILCS 430/25-52)

10 Sec. 25-52. Release of summary reports.

11 (a) Within 60 days after receipt of a summary report and
12 response from the ultimate jurisdictional authority or agency
13 head that resulted in a suspension of at least 3 days or
14 termination of employment, the Legislative Ethics Commission
15 shall make available to the public the report and response or a
16 redacted version of the report and response. The Legislative
17 Ethics Commission may make available to the public any other
18 summary report and response of the ultimate jurisdictional
19 authority or agency head or a redacted version of the report
20 and response.

21 (a-5) Within 60 days after receipt of a summary report and
22 response from the ultimate jurisdictional authority or agency
23 head, including, if applicable, a statement of reasons why the
24 Legislative Inspector General does not believe a complaint

1 should be filed where the allegations are based upon a
2 violation of Section 5-65 of this Act and regardless of whether
3 or not a violation was found to have occurred, the Legislative
4 Ethics Commission shall make available to the complainant the
5 summary report and response, including, if applicable, any
6 statement of reasons why the Legislative Inspector General does
7 not believe a complaint should be filed or a redacted version
8 of the report and response. Within 60 days after receipt of a
9 summary report and response from the ultimate jurisdictional
10 authority or agency head that finds a violation of Section 5-65
11 of this Act, the Legislative Ethics Commission shall make
12 available to the public the report and response or a redacted
13 version of the report and response.

14 (b) The Legislative Ethics Commission shall redact
15 information in the summary report that may reveal the identity
16 of witnesses, complainants, or informants or if the Commission
17 determines it is appropriate to protect the identity of a
18 person before publication. The Commission may also redact any
19 information it believes should not be made public. Prior to
20 publication, the Commission shall permit the respondents,
21 Legislative Inspector General, and Attorney General to review
22 documents to be made public and offer suggestions for redaction
23 or provide a response that shall be made public with the
24 summary report. In no case may the name of a person who has
25 been found to have violated Section 5-65 be redacted.

26 (c) The Legislative Ethics Commission may withhold

1 publication of the report or response if the Legislative
2 Inspector General or Attorney General certifies that
3 publication will interfere with an ongoing investigation.

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

5 (5 ILCS 430/25-95)

6 Sec. 25-95. Exemptions.

7 (a) Documents generated by an ethics officer under this
8 Act, except Section 5-50, are exempt from the provisions of the
9 Freedom of Information Act.

10 (a-5) Requests from ethics officers, members, and State
11 employees to the Office of the Legislative Inspector General, a
12 Special Legislative Inspector General, the Legislative Ethics
13 Commission, an ethics officer, or a person designated by a
14 legislative leader for guidance on matters involving the
15 interpretation or application of this Act or rules promulgated
16 under this Act are exempt from the provisions of the Freedom of
17 Information Act. Guidance provided to an ethics officer,
18 member, or State employee at the request of an ethics officer,
19 member, or State employee by the Office of the Legislative
20 Inspector General, a Special Legislative Inspector General,
21 the Legislative Ethics Commission, an ethics officer, or a
22 person designated by a legislative leader on matters involving
23 the interpretation or application of this Act or rules
24 promulgated under this Act is exempt from the provisions of the
25 Freedom of Information Act.

1 (b) Summary investigation reports released by the
2 Legislative Ethics Commission as provided in Section 25-52 are
3 public records. Otherwise, any allegations and related
4 documents submitted to the Legislative Inspector General and
5 any pleadings and related documents brought before the
6 Legislative Ethics Commission are exempt from the provisions of
7 the Freedom of Information Act so long as the Legislative
8 Ethics Commission does not make a finding of a violation of
9 this Act. If the Legislative Ethics Commission finds that a
10 violation has occurred, the entire record of proceedings before
11 the Commission, the decision and recommendation, and the
12 mandatory report from the agency head or ultimate
13 jurisdictional authority to the Legislative Ethics Commission
14 are not exempt from the provisions of the Freedom of
15 Information Act but information contained therein that is
16 exempt from the Freedom of Information Act must be redacted
17 before disclosure as provided in Section 8 of the Freedom of
18 Information Act.

19 (c) Meetings of the Commission are exempt from the
20 provisions of the Open Meetings Act.

21 (d) Unless otherwise provided in this Act, all
22 investigatory files and reports of the Office of the
23 Legislative Inspector General, other than quarterly reports
24 under Sections 25-65, 25-85, and 25-86 ~~monthly reports~~, are
25 confidential, are exempt from disclosure under the Freedom of
26 Information Act, and shall not be divulged to any person or

1 agency, except as necessary (i) to the appropriate law
2 enforcement authority if the matter is referred pursuant to
3 this Act, (ii) to the ultimate jurisdictional authority, ~~or~~
4 (iii) to the Legislative Ethics Commission, or (iv) to keep a
5 complainant informed of the status and outcome of the
6 investigation of a complaint involving a violation of Section
7 5-65 of this Act.

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

9 (5 ILCS 430/30-52 new)

10 Sec. 30-52. Release of summary reports. Within 60 days
11 after receipt of a summary report and response from the Auditor
12 General in accordance with 2 Ill. Adm. Code 605.50, including,
13 if applicable, a statement of reasons why the Auditor General
14 Inspector General does not believe a complaint should be filed
15 where the allegations are based upon a violation of Section
16 5-65 of this Act and regardless of whether or not a violation
17 was found to have occurred, the Auditor General Inspector
18 General shall make available to the complainant the summary
19 report and response, including, if applicable, any statement of
20 reasons why the Auditor General Inspector General does not
21 believe a complaint should be filed or a redacted version of
22 the report and response. Within 60 days after receipt of a
23 summary report and response from the Auditor General that finds
24 a violation of Section 5-65 of this Act, the Auditor General
25 Inspector General shall make available to the public the report

1 and response or a redacted version of the report and response.

2 In no case may the name of a person who has been found to
3 have violated Section 5-65 be redacted.

4 (5 ILCS 430/30-95 new)

5 Sec. 30-95. Confidentiality; exemption. Monthly reports of
6 the Auditor General Inspector General submitted in accordance
7 with 2 Ill. Adm. Code 605.40 are not confidential or exempt
8 from the provisions of the Freedom of Information Act.

9 Investigatory files and reports of the Auditor General
10 Inspector General may be disclosed, as necessary, to keep a
11 complainant informed of the status and outcome of the
12 investigation of a complaint involving a violation of Section
13 5-65 of this Act."