

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 Department of Labor Law of the Civil  
5 Administrative Code of Illinois is amended by adding Section  
6 1505-215 as follows:

7 (20 ILCS 1505/1505-215 new)

8 Sec. 1505-215. Bureau on Apprenticeship Programs; Advisory  
9 Board.

10 (a) There is created within the Department of Labor a  
11 Bureau on Apprenticeship Programs. This Bureau shall work to  
12 increase minority participation in active apprentice programs  
13 in Illinois that are approved by the United States Department  
14 of Labor. The Bureau shall identify barriers to minorities  
15 gaining access to construction careers and make  
16 recommendations to the Governor and the General Assembly for  
17 policies to remove those barriers. The Department may hire  
18 staff to perform outreach in promoting diversity in active  
19 apprenticeship programs approved by the United States  
20 Department of Labor. The Bureau shall annually compile racial  
21 and gender workforce diversity information from contractors  
22 receiving State or other public funds and by labor unions with  
23 members working on projects receiving State or other public

1 funds.

2 (b) There is created the Advisory Board for Diversity in  
3 Active Apprenticeship Programs Approved by the United States  
4 Department of Labor. This Advisory Board shall be composed of  
5 12 legislators; 3 members appointed by the President of the  
6 Senate, 3 members appointed by the Speaker of the House of  
7 Representatives, 3 members appointed by the Minority Leader of  
8 the Senate, and 3 members appointed by the Minority Leader of  
9 the House of Representatives. The President of the Senate and  
10 the Speaker of the House of Representatives shall each appoint  
11 a co-chairperson. Members of the Advisory Board shall receive  
12 no compensation for serving as members of the Advisory Board.  
13 The Advisory Board shall meet quarterly. The Advisory Board may  
14 request necessary additional information from the Department  
15 for the purposes of performing its duties under this Section.  
16 The Advisory Board may advise the Department of programs to  
17 increase diversity in active apprenticeship programs. The  
18 Department shall provide administrative support and staffing  
19 for the Advisory Board.

20 Section 10. The Business Enterprise for Minorities, Women,  
21 and Persons with Disabilities Act is amended by changing  
22 Sections 4, 4f, and 7 as follows:

23 (30 ILCS 575/4) (from Ch. 127, par. 132.604)

24 (Section scheduled to be repealed on June 30, 2020)

1           Sec. 4. Award of State contracts.

2           (a) Except as provided in subsections (b) and (c), not less  
3 than 20% of the total dollar amount of State contracts, as  
4 defined by the Secretary of the Council and approved by the  
5 Council, shall be established as an aspirational goal to be  
6 awarded to businesses owned by minorities, women, and persons  
7 with disabilities; provided, however, that of the total amount  
8 of all State contracts awarded to businesses owned by  
9 minorities, women, and persons with disabilities pursuant to  
10 this Section, contracts representing at least 11% shall be  
11 awarded to businesses owned by minorities, contracts  
12 representing at least 7% shall be awarded to women-owned  
13 businesses, and contracts representing at least 2% shall be  
14 awarded to businesses owned by persons with disabilities.

15           The above percentage relates to the total dollar amount of  
16 State contracts during each State fiscal year, calculated by  
17 examining independently each type of contract for each agency  
18 or public institutions of higher education which lets such  
19 contracts. Only that percentage of arrangements which  
20 represents the participation of businesses owned by  
21 minorities, women, and persons with disabilities on such  
22 contracts shall be included.

23           (b) ~~Not In the case of State construction contracts, the~~  
24 ~~provisions of subsection (a) requiring a portion of State~~  
25 ~~contracts to be awarded to businesses owned and controlled by~~  
26 ~~persons with disabilities do not apply. The following~~

1 ~~aspirational goals are established for State construction~~  
2 ~~contracts: not~~ less than 20% of the total dollar amount of  
3 State construction contracts is established as an aspirational  
4 a goal to be awarded to businesses owned by minorities, women,  
5 and persons with disabilities; provided that, contracts  
6 representing at least 11% of the total dollar amount of State  
7 construction contracts shall be awarded to businesses owned by  
8 minorities; contracts representing at least 7% of the total  
9 dollar amount of State construction contracts shall be awarded  
10 to women-owned businesses; and contracts representing at least  
11 2% of the total dollar amount of State construction contracts  
12 shall be awarded to businesses owned by persons with  
13 disabilities ~~minority-owned and women-owned businesses.~~

14 (c) (Blank). ~~In the case of all work undertaken by the~~  
15 ~~University of Illinois related to the planning, organization,~~  
16 ~~and staging of the games, the University of Illinois shall~~  
17 ~~establish a goal of awarding not less than 25% of the annual~~  
18 ~~dollar value of all contracts, purchase orders, and other~~  
19 ~~agreements (collectively referred to as "the contracts") to~~  
20 ~~minority-owned businesses or businesses owned by a person with~~  
21 ~~a disability and 5% of the annual dollar value the contracts to~~  
22 ~~women-owned businesses. For purposes of this subsection, the~~  
23 ~~term "games" has the meaning set forth in the Olympic Games and~~  
24 ~~Paralympic Games (2016) Law.~~

25 (d) Within one year after April 28, 2009 (the effective  
26 date of Public Act 96-8), the Department of Central Management

1 Services shall conduct a social scientific study that measures  
2 the impact of discrimination on minority and women business  
3 development in Illinois. Within 18 months after April 28, 2009  
4 (the effective date of Public Act 96-8), the Department shall  
5 issue a report of its findings and any recommendations on  
6 whether to adjust the goals for minority and women  
7 participation established in this Act. Copies of this report  
8 and the social scientific study shall be filed with the  
9 Governor and the General Assembly.

10 (e) Except as permitted under this Act or as otherwise  
11 mandated by federal law or regulation, those who submit bids or  
12 proposals for State contracts subject to the provisions of this  
13 Act, whose bids or proposals are successful and include a  
14 utilization plan but that fail to meet the goals set forth in  
15 subsection (b) of this Section, shall be notified of that  
16 deficiency and shall be afforded a period not to exceed 10  
17 calendar days from the date of notification to cure that  
18 deficiency in the bid or proposal. The deficiency in the bid or  
19 proposal may only be cured by contracting with additional  
20 subcontractors who are owned by minorities or women, but in no  
21 case shall an identified subcontractor with a certification  
22 made pursuant to this Act be terminated from the contract  
23 without the written consent of the State agency or public  
24 institution of higher education entering into the contract.

25 (f) Non-construction solicitations that include Business  
26 Enterprise Program participation goals shall require bidders

1 and offerors to include utilization plans. Utilization plans  
2 are due at the time of bid or offer submission. Failure to  
3 complete and include a utilization plan, including  
4 documentation demonstrating good faith effort when requesting  
5 a waiver, shall render the bid or offer non-responsive.

6 (Source: P.A. 99-462, eff. 8-25-15; 99-514, eff. 6-30-16;  
7 100-391, eff. 8-25-17.)

8 (30 ILCS 575/4f)

9 (Section scheduled to be repealed on June 30, 2020)

10 Sec. 4f. Award of State contracts.

11 (1) It is hereby declared to be the public policy of the  
12 State of Illinois to promote and encourage each State agency  
13 and public institution of higher education to use businesses  
14 owned by minorities, women, and persons with disabilities in  
15 the area of goods and services, including, but not limited to,  
16 insurance services, investment management services,  
17 information technology services, accounting services,  
18 architectural and engineering services, and legal services.  
19 Furthermore, each State agency and public institution of higher  
20 education shall utilize such firms to the greatest extent  
21 feasible within the bounds of financial and fiduciary prudence,  
22 and take affirmative steps to remove any barriers to the full  
23 participation of such firms in the procurement and contracting  
24 opportunities afforded.

25 (a) When a State agency or public institution of higher

1 education, other than a community college, awards a  
2 contract for insurance services, for each State agency or  
3 public institution of higher education, it shall be the  
4 aspirational goal to use insurance brokers owned by  
5 minorities, women, and persons with disabilities as  
6 defined by this Act, for not less than 20% of the total  
7 annual premiums or fees; provided that, contracts  
8 representing at least 11% of the total annual premiums or  
9 fees shall be awarded to businesses owned by minorities;  
10 contracts representing at least 7% of the total annual  
11 premiums or fees shall be awarded to women-owned  
12 businesses; and contracts representing at least 2% of the  
13 total annual premiums or fees shall be awarded to  
14 businesses owned by persons with disabilities.

15 (b) When a State agency or public institution of higher  
16 education, other than a community college, awards a  
17 contract for investment services, for each State agency or  
18 public institution of higher education, it shall be the  
19 aspirational goal to use emerging investment managers  
20 owned by minorities, women, and persons with disabilities  
21 as defined by this Act, for not less than 20% of the total  
22 funds under management; provided that, contracts  
23 representing at least 11% of the total funds under  
24 management shall be awarded to businesses owned by  
25 minorities; contracts representing at least 7% of the total  
26 funds under management shall be awarded to women-owned

1 businesses; and contracts representing at least 2% of the  
2 total funds under management shall be awarded to businesses  
3 owned by persons with disabilities. Furthermore, it is the  
4 aspirational goal that not less than 20% of the direct  
5 asset managers of the State funds be minorities, women, and  
6 persons with disabilities.

7 (c) When a State agency or public institution of higher  
8 education, other than a community college, awards  
9 contracts for information technology services, accounting  
10 services, architectural and engineering services, and  
11 legal services, for each State agency and public  
12 institution of higher education, it shall be the  
13 aspirational goal to use such firms owned by minorities,  
14 women, and persons with disabilities as defined by this Act  
15 and lawyers who are minorities, women, and persons with  
16 disabilities as defined by this Act, for not less than 20%  
17 of the total dollar amount of State contracts; provided  
18 that, contracts representing at least 11% of the total  
19 dollar amount of State contracts shall be awarded to  
20 businesses owned by minorities or minority lawyers;  
21 contracts representing at least 7% of the total dollar  
22 amount of State contracts shall be awarded to women-owned  
23 businesses or women who are lawyers; and contracts  
24 representing at least 2% of the total dollar amount of  
25 State contracts shall be awarded to businesses owned by  
26 persons with disabilities or persons with disabilities who



1       are lawyers.

2           (d) When a community college awards a contract for  
3 insurance services, investment services, information  
4 technology services, accounting services, architectural  
5 and engineering services, and legal services, it shall be  
6 the aspirational goal of each community college to use  
7 businesses owned by minorities, women, and persons with  
8 disabilities as defined in this Act for not less than 20%  
9 of the total amount spent on contracts for these services  
10 collectively; provided that, contracts representing at  
11 least 11% of the total amount spent on contracts for these  
12 services shall be awarded to businesses owned by  
13 minorities; contracts representing at least 7% of the total  
14 amount spent on contracts for these services shall be  
15 awarded to women-owned businesses; and contracts  
16 representing at least 2% of the total amount spent on  
17 contracts for these services shall be awarded to businesses  
18 owned by persons with disabilities. When a community  
19 college awards contracts for investment services,  
20 contracts awarded to investment managers who are not  
21 emerging investment managers as defined in this Act shall  
22 not be considered businesses owned by minorities, women, or  
23 persons with disabilities for the purposes of this Section.

24       (2) As used in this Section:

25           "Accounting services" means the measurement,  
26 processing and communication of financial information

1 about economic entities including, but is not limited to,  
2 financial accounting, management accounting, auditing,  
3 cost containment and auditing services, taxation and  
4 accounting information systems.

5 "Architectural and engineering services" means  
6 professional services of an architectural or engineering  
7 nature, or incidental services, that members of the  
8 architectural and engineering professions, and individuals  
9 in their employ, may logically or justifiably perform,  
10 including studies, investigations, surveying and mapping,  
11 tests, evaluations, consultations, comprehensive planning,  
12 program management, conceptual designs, plans and  
13 specifications, value engineering, construction phase  
14 services, soils engineering, drawing reviews, preparation  
15 of operating and maintenance manuals, and other related  
16 services.

17 "Emerging investment manager" means an investment  
18 manager or claims consultant having assets under  
19 management below \$10 billion or otherwise adjudicating  
20 claims.

21 "Information technology services" means, but is not  
22 limited to, specialized technology-oriented solutions by  
23 combining the processes and functions of software,  
24 hardware, networks, telecommunications, web designers,  
25 cloud developing resellers, and electronics.

26 "Insurance broker" means an insurance brokerage firm,

1 claims administrator, or both, that procures, places all  
2 lines of insurance, or administers claims with annual  
3 premiums or fees of at least \$5,000,000 but not more than  
4 \$10,000,000.

5 "Legal services" means work performed by a lawyer  
6 including, but not limited to, contracts in anticipation of  
7 litigation, enforcement actions, or investigations.

8 (3) Each State agency and public institution of higher  
9 education shall adopt policies that identify its plan and  
10 implementation procedures for increasing the use of service  
11 firms owned by minorities, women, and persons with  
12 disabilities.

13 (4) Except as provided in subsection (5), the Council shall  
14 file no later than March 1 of each year an annual report to the  
15 Governor and the General Assembly. The report filed with the  
16 General Assembly shall be filed as required in Section 3.1 of  
17 the General Assembly Organization Act. This report shall: (i)  
18 identify the service firms used by each State agency and public  
19 institution of higher education, (ii) identify the actions it  
20 has undertaken to increase the use of service firms owned by  
21 minorities, women, and persons with disabilities, including  
22 encouraging non-minority-owned firms to use other service  
23 firms owned by minorities, women, and persons with disabilities  
24 as subcontractors when the opportunities arise, (iii) state any  
25 recommendations made by the Council to each State agency and  
26 public institution of higher education to increase

1 participation by the use of service firms owned by minorities,  
2 women, and persons with disabilities, and (iv) include the  
3 following:

4 (A) For insurance services: the names of the insurance  
5 brokers or claims consultants used, the total of risk  
6 managed by each State agency and public institution of  
7 higher education by insurance brokers, the total  
8 commissions, fees paid, or both, the lines or insurance  
9 policies placed, and the amount of premiums placed; and the  
10 percentage of the risk managed by insurance brokers, the  
11 percentage of total commission, fees paid, or both, the  
12 lines or insurance policies placed, and the amount of  
13 premiums placed with each by the insurance brokers owned by  
14 minorities, women, and persons with disabilities by each  
15 State agency and public institution of higher education.

16 (B) For investment management services: the names of  
17 the investment managers used, the total funds under  
18 management of investment managers; the total commissions,  
19 fees paid, or both; the total and percentage of funds under  
20 management of emerging investment managers owned by  
21 minorities, women, and persons with disabilities,  
22 including the total and percentage of total commissions,  
23 fees paid, or both by each State agency and public  
24 institution of higher education.

25 (C) The names of service firms, the percentage and  
26 total dollar amount paid for professional services by

1 category by each State agency and public institution of  
2 higher education.

3 (D) The names of service firms, the percentage and  
4 total dollar amount paid for services by category to firms  
5 owned by minorities, women, and persons with disabilities  
6 by each State agency and public institution of higher  
7 education.

8 (E) The total number of contracts awarded for services  
9 by category and the total number of contracts awarded to  
10 firms owned by minorities, women, and persons with  
11 disabilities by each State agency and public institution of  
12 higher education.

13 (5) For community college districts, the Business  
14 Enterprise Council shall only report the following information  
15 for each community college district: (i) the name of the  
16 community colleges in the district, (ii) the name and contact  
17 information of a person at each community college appointed to  
18 be the single point of contact for vendors owned by minorities,  
19 women, or persons with disabilities, (iii) the policy of the  
20 community college district concerning certified vendors, (iv)  
21 the certifications recognized by the community college  
22 district for determining whether a business is owned or  
23 controlled by a minority, woman, or person with a disability,  
24 (v) outreach efforts conducted by the community college  
25 district to increase the use of certified vendors, (vi) the  
26 total expenditures by the community college district in the

1 prior fiscal year in the divisions of work specified in  
2 paragraphs (a), (b), and (c) of subsection (1) of this Section  
3 and the amount paid to certified vendors in those divisions of  
4 work, and (vii) the total number of contracts entered into for  
5 the divisions of work specified in paragraphs (a), (b), and (c)  
6 of subsection (1) of this Section and the total number of  
7 contracts awarded to certified vendors providing these  
8 services to the community college district. The Business  
9 Enterprise Council shall not make any utilization reports under  
10 this Act for community college districts for Fiscal Year 2015  
11 and Fiscal Year 2016, but shall make the report required by  
12 this subsection for Fiscal Year 2017 and for each fiscal year  
13 thereafter. The Business Enterprise Council shall report the  
14 information in items (i), (ii), (iii), and (iv) of this  
15 subsection beginning in September of 2016. The Business  
16 Enterprise Council may collect the data needed to make its  
17 report from the Illinois Community College Board.

18 (6) The status of the utilization of services shall be  
19 discussed at each of the regularly scheduled Business  
20 Enterprise Council meetings. Time shall be allotted for the  
21 Council to receive, review, and discuss the progress of the use  
22 of service firms owned by minorities, women, and persons with  
23 disabilities by each State agency and public institution of  
24 higher education; and any evidence regarding past or present  
25 racial, ethnic, or gender-based discrimination which directly  
26 impacts a State agency or public institution of higher

1 education contracting with such firms. If after reviewing such  
2 evidence the Council finds that there is or has been such  
3 discrimination against a specific group, race or sex, the  
4 Council shall establish sheltered markets or adjust existing  
5 sheltered markets tailored to address the Council's specific  
6 findings for the divisions of work specified in paragraphs (a),  
7 (b), and (c) of subsection (1) of this Section.

8 (Source: P.A. 99-462, eff. 8-25-15; 99-642, eff. 7-28-16;  
9 100-391, eff. 8-25-17.)

10 (30 ILCS 575/7) (from Ch. 127, par. 132.607)

11 (Section scheduled to be repealed on June 30, 2020)

12 Sec. 7. Exemptions; waivers; publication of data.

13 (1) Individual contract exemptions. The Council, on its own  
14 initiative or at the request of the affected agency, public  
15 institution of higher education, or recipient of a grant or  
16 loan of State funds of \$250,000 or more complying with Section  
17 45 of the State Finance Act, may permit an individual contract  
18 or contract package, (related contracts being bid or awarded  
19 simultaneously for the same project or improvements) be made  
20 wholly or partially exempt from State contracting goals for  
21 businesses owned by minorities, women, and persons with  
22 disabilities prior to the advertisement for bids or  
23 solicitation of proposals whenever there has been a  
24 determination, reduced to writing and based on the best  
25 information available at the time of the determination, that

1 there is an insufficient number of businesses owned by  
2 minorities, women, and persons with disabilities to ensure  
3 adequate competition and an expectation of reasonable prices on  
4 bids or proposals solicited for the individual contract or  
5 contract package in question.

6 (a) Written request for contract exemption. A written  
7 request for an individual contract exception must include,  
8 but is not limited to, the following:

9 (i) a list of qualified businesses owned by  
10 minorities, women, and persons with disabilities that  
11 would qualify for the purpose of the contract;

12 (ii) each business's deficiency that would impair  
13 adequate competition or qualification; and

14 (iii) the difference in cost between the contract  
15 proposals being offered by businesses owned by  
16 minorities, women, and persons with disabilities and  
17 the agency or the public institution of higher  
18 education's expectations of reasonable prices on bids  
19 or proposals within that class.

20 (b) Determination. The Council's determination  
21 concerning an individual contract exemption must include  
22 the following:

23 (i) the justification for each business's  
24 disqualification;

25 (ii) the number of waivers of the affected agency,  
26 public institution of higher education, or recipient



1 of a grant or loan of State funds of \$250,000 or more  
2 complying with Section 45 of the State Finance Act that  
3 have been granted by the Council for that fiscal year;  
4 and

5 (iii) the affected agency or public institution of  
6 higher education's most current percentages in  
7 contracts awarded to businesses owned by minorities,  
8 women, and persons with disabilities for that fiscal  
9 year.

10 (2) Class exemptions.

11 (a) Creation. The Council, on its own initiative or at  
12 the request of the affected agency or public institution of  
13 higher education, may permit an entire class of contracts  
14 be made exempt from State contracting goals for businesses  
15 owned by minorities, women, and persons with disabilities  
16 whenever there has been a determination, reduced to writing  
17 and based on the best information available at the time of  
18 the determination, that there is an insufficient number of  
19 qualified businesses owned by minorities, women, and  
20 persons with disabilities to ensure adequate competition  
21 and an expectation of reasonable prices on bids or  
22 proposals within that class.

23 (a-1) Written request for class exemption. A written  
24 request for a class exception must include, but is not  
25 limited to, the following:

26 (i) a list of qualified businesses owned by

1 minorities, women, and persons with disabilities that  
2 pertain to the class of contracts in the requested  
3 waiver;

4 (ii) each business's deficiency that would impair  
5 adequate competition or qualification; and

6 (iii) the difference in cost between the contract  
7 proposals being offered by businesses owned by  
8 minorities, women, and persons with disabilities and  
9 the agency or the public institution of higher  
10 education's expectations of reasonable prices on bids  
11 or proposals within that class.

12 (a-2) Determination. The Council's determination  
13 concerning class exemptions must include the following:

14 (i) the justification for each business's  
15 disqualification;

16 (ii) the number of waivers of the requesting agency  
17 or public institution of higher education that have  
18 been granted by the Council for that fiscal year; and

19 (iii) the agency or public institution of higher  
20 education's most current percentages in contracts  
21 awarded to businesses owned by minorities, women, and  
22 persons with disabilities for that fiscal year.

23 (b) Limitation. Any such class exemption shall not be  
24 permitted for a period of more than one year at a time.

25 (3) Waivers. Where a particular contract requires a  
26 contractor to meet a goal established pursuant to this Act, the

1 contractor shall have the right to request a waiver from such  
2 requirements. The Council shall grant the waiver where the  
3 contractor demonstrates that there has been made a good faith  
4 effort to comply with the goals for participation by businesses  
5 owned by minorities, women, and persons with disabilities.

6 (a) Request for waiver. A contractor's request for a  
7 waiver under this subsection (3) must include, but is not  
8 limited to, the following:

9 (i) a list of qualified businesses owned by  
10 minorities, women, and persons with disabilities that  
11 pertain to the class of contracts in the requested  
12 waiver;

13 (ii) each business's deficiency that would impair  
14 adequate competition or qualification;

15 (iii) the difference in cost between the contract  
16 proposals being offered by businesses owned by  
17 minorities, women, and persons with disabilities and  
18 the agency or the public institution of higher  
19 education's expectations of reasonable prices on bids  
20 or proposals within that class.

21 (b) Determination. The Council's determination  
22 concerning waivers must include following:

23 (i) the justification for each business's  
24 disqualification;

25 (ii) the number of waivers the contractor has been  
26 granted by the Council for that fiscal year; and

1           (iii) the affected agency or public institution of  
2           higher education's most current percentages in  
3           contracts awarded to businesses owned by minorities,  
4           women, and persons with disabilities for that fiscal  
5           year.

6           (4) Conflict with other laws. In the event that any State  
7 contract, which otherwise would be subject to the provisions of  
8 this Act, is or becomes subject to federal laws or regulations  
9 which conflict with the provisions of this Act or actions of  
10 the State taken pursuant hereto, the provisions of the federal  
11 laws or regulations shall apply and the contract shall be  
12 interpreted and enforced accordingly.

13           (5) Each chief procurement officer, as defined in the  
14 Illinois Procurement Code, shall maintain on his or her  
15 official Internet website a database of the following: (i)  
16 waivers granted under this Section with respect to contracts  
17 under his or her jurisdiction; (ii) a State agency or public  
18 institution of higher education's written request for an  
19 exemption of an individual contract or an entire class of  
20 contracts; and (iii) the Council's written determination  
21 granting or denying a request for an exemption of an individual  
22 contract or an entire class of contracts. The database, which  
23 shall be updated periodically as necessary, shall be searchable  
24 by contractor name and by contracting State agency.

25           (6) Each chief procurement officer, as defined by the  
26 Illinois Procurement Code, shall maintain on its website a list

1 of all firms that have been prohibited from bidding, offering,  
2 or entering into a contract with the State of Illinois as a  
3 result of violations of this Act.

4 Each public notice required by law of the award of a State  
5 contract shall include for each bid or offer submitted for that  
6 contract the following: (i) the bidder's or offeror's name,  
7 (ii) the bid amount, (iii) the name or names of the certified  
8 firms identified in the bidder's or offeror's submitted  
9 utilization plan, and (iv) the bid's amount and percentage of  
10 the contract awarded to businesses owned by minorities, women,  
11 and persons with disabilities identified in the utilization  
12 plan.

13 (Source: P.A. 99-462, eff. 8-25-15; 100-391, eff. 8-25-17.)

14 Section 15. The Criminal Code of 2012 is amended by  
15 changing Section 17-10.3 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 1 ~~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 1 ~~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 1 ~~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 1 ~~2~~ felony.

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

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

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.