

1 AN ACT concerning State government.

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 Sections 20-20, 20-50, 20-85, 20-90, 25-5,
6 25-10, 25-15, 25-20, 25-50, 25-70, 25-85, 25-90, 25-95, and
7 50-5 and by adding Sections 25-100 and 25-105 as follows:

8 (5 ILCS 430/20-20)

9 Sec. 20-20. Duties of the Executive Inspectors General. In
10 addition to duties otherwise assigned by law, each Executive
11 Inspector General shall have the following duties:

12 (1) To receive and investigate allegations of
13 violations of this Act. An investigation may not be
14 initiated more than one year after the most recent act of
15 the alleged violation or of a series of alleged violations
16 except where there is reasonable cause to believe that
17 fraudulent concealment has occurred. To constitute
18 fraudulent concealment sufficient to toll this limitations
19 period, there must be an affirmative act or representation
20 calculated to prevent discovery of the fact that a
21 violation has occurred. The Executive Inspector General
22 shall have the discretion to determine the appropriate
23 means of investigation as permitted by law.

1 (2) To request information relating to an
2 investigation from any person when the Executive Inspector
3 General deems that information necessary in conducting an
4 investigation.

5 (3) To issue subpoenas to compel the attendance of
6 witnesses for the purposes of testimony and production of
7 documents and other items for inspection and copying and to
8 make service of those subpoenas and subpoenas issued under
9 item (7) of Section 20-15.

10 (4) To submit reports as required by this Act.

11 (5) To file pleadings in the name of the Executive
12 Inspector General with the Executive Ethics Commission,
13 through the Attorney General, as provided in this Article
14 if the Attorney General finds that reasonable cause exists
15 to believe that a violation has occurred.

16 (6) To assist and coordinate the ethics officers for
17 State agencies under the jurisdiction of the Executive
18 Inspector General and to work with those ethics officers.

19 (7) To participate in or conduct, when appropriate,
20 multi-jurisdictional investigations.

21 (8) To request, as the Executive Inspector General
22 deems appropriate, from ethics officers of State agencies
23 under his or her jurisdiction, reports or information on
24 (i) the content of a State agency's ethics training program
25 and (ii) the percentage of new officers and employees who
26 have completed ethics training.

1 (9) To review hiring and employment files of each State
2 agency within the Executive Inspector General's
3 jurisdiction to ensure compliance with *Rutan v. Republican*
4 Party of Illinois, 497 U.S. 62 (1990), and with all
5 applicable employment laws.

6 (10) To establish a policy that ensures the appropriate
7 handling and correct recording of all investigations
8 conducted by the Office, and to ensure that the policy is
9 accessible via the Internet in order that those seeking to
10 report those allegations are familiar with the process and
11 that the subjects of those allegations are treated fairly.

12 (11) To post information to the Executive Inspector
13 General's website explaining to complainants and subjects
14 of an investigation the legal limitations on the Executive
15 Inspector General's ability to provide information to them
16 and a general overview of the investigation process.

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

18 (5 ILCS 430/20-50)

19 Sec. 20-50. Investigation reports.

20 (a) If an Executive Inspector General, upon the conclusion
21 of an investigation, determines that reasonable cause exists to
22 believe that a violation has occurred, then the Executive
23 Inspector General shall issue a summary report of the
24 investigation. The report shall be delivered to the appropriate
25 ultimate jurisdictional authority and to the head of each State

1 agency affected by or involved in the investigation, if
2 appropriate. The appropriate ultimate jurisdictional authority
3 or agency head shall respond to the summary report within 20
4 days, in writing, to the Executive Inspector General. The
5 response shall include a description of any corrective or
6 disciplinary action to be imposed. If the appropriate ultimate
7 jurisdictional authority does not respond within 20 days, or
8 within an extended time period as agreed to by the Executive
9 Inspector General, an Executive Inspector General may proceed
10 under subsection (c) as if a response had been received.

11 (b) The summary report of the investigation shall include
12 the following:

13 (1) A description of any allegations or other
14 information received by the Executive Inspector General
15 pertinent to the investigation.

16 (2) A description of any alleged misconduct discovered
17 in the course of the investigation.

18 (3) Recommendations for any corrective or disciplinary
19 action to be taken in response to any alleged misconduct
20 described in the report, including but not limited to
21 discharge.

22 (4) Other information the Executive Inspector General
23 deems relevant to the investigation or resulting
24 recommendations.

25 (c) Within 30 days after receiving a response from the
26 appropriate ultimate jurisdictional authority or agency head

1 under subsection (a), the Executive Inspector General shall
2 notify the Commission and the Attorney General if the Executive
3 Inspector General believes that a complaint should be filed
4 with the Commission. If the Executive Inspector General desires
5 to file a complaint with the Commission, the Executive
6 Inspector General shall submit the summary report and
7 supporting documents to the Attorney General. If the Attorney
8 General concludes that there is insufficient evidence that a
9 violation has occurred, the Attorney General shall notify the
10 Executive Inspector General and the Executive Inspector
11 General shall deliver to the Executive Ethics Commission a copy
12 of the summary report and response from the ultimate
13 jurisdictional authority or agency head. If the Attorney
14 General determines that reasonable cause exists to believe that
15 a violation has occurred, then the Executive Inspector General,
16 represented by the Attorney General, may file with the
17 Executive Ethics Commission a complaint. The complaint shall
18 set forth the alleged violation and the grounds that exist to
19 support the complaint. The complaint must be filed with the
20 Commission within 18 months after the most recent act of the
21 alleged violation or of a series of alleged violations except
22 where there is reasonable cause to believe that fraudulent
23 concealment has occurred. To constitute fraudulent concealment
24 sufficient to toll this limitations period, there must be an
25 affirmative act or representation calculated to prevent
26 discovery of the fact that a violation has occurred. If a

1 complaint is not filed with the Commission within 6 months
2 after notice by the Inspector General to the Commission and the
3 Attorney General, then the Commission may set a meeting of the
4 Commission at which the Attorney General shall appear and
5 provide a status report to the Commission.

6 (c-5) Within 30 days after receiving a response from the
7 appropriate ultimate jurisdictional authority or agency head
8 under subsection (a), if the Executive Inspector General does
9 not believe that a complaint should be filed, the Executive
10 Inspector General shall deliver to the Executive Ethics
11 Commission a statement setting forth the basis for the decision
12 not to file a complaint and a copy of the summary report and
13 response from the ultimate jurisdictional authority or agency
14 head. An Inspector General may also submit a redacted version
15 of the summary report and response from the ultimate
16 jurisdictional authority if the Inspector General believes
17 either contains information that, in the opinion of the
18 Inspector General, should be redacted prior to releasing the
19 report, may interfere with an ongoing investigation, or
20 identifies an informant or complainant.

21 (c-10) If, after reviewing the documents, the Commission
22 believes that further investigation is warranted, the
23 Commission may request that the Executive Inspector General
24 provide additional information or conduct further
25 investigation. The Commission may also appoint a Special
26 Executive Inspector General to investigate or refer the summary

1 report and response from the ultimate jurisdictional authority
2 to the Attorney General for further investigation or review. If
3 the Commission requests the Attorney General to investigate or
4 review, the Commission must notify the Attorney General and the
5 Inspector General. The Attorney General may not begin an
6 investigation or review until receipt of notice from the
7 Commission. If, after review, the Attorney General determines
8 that reasonable cause exists to believe that a violation has
9 occurred, then the Attorney General may file a complaint with
10 the Executive Ethics Commission. If the Attorney General
11 concludes that there is insufficient evidence that a violation
12 has occurred, the Attorney General shall notify the Executive
13 Ethics Commission and the appropriate Executive Inspector
14 General.

15 (d) A copy of the complaint filed with the Executive Ethics
16 Commission must be served on all respondents named in the
17 complaint and on each respondent's ultimate jurisdictional
18 authority in the same manner as process is served under the
19 Code of Civil Procedure.

20 (e) A respondent may file objections to the complaint
21 within 30 days after notice of the petition has been served on
22 the respondent.

23 (f) The Commission shall meet, either in person or by
24 telephone, at least 30 days after the complaint is served on
25 all respondents in a closed session to review the sufficiency
26 of the complaint. The Commission shall issue notice by

1 certified mail, return receipt requested, to the Executive
2 Inspector General, Attorney General, and all respondents of the
3 Commission's ruling on the sufficiency of the complaint. If the
4 complaint is deemed to sufficiently allege a violation of this
5 Act, then the Commission shall include a hearing date scheduled
6 within 4 weeks after the date of the notice, unless all of the
7 parties consent to a later date. If the complaint is deemed not
8 to sufficiently allege a violation, then the Commission shall
9 send by certified mail, return receipt requested, a notice to
10 the Executive Inspector General, Attorney General, and all
11 respondents of the decision to dismiss the complaint.

12 (g) On the scheduled date the Commission shall conduct a
13 closed meeting, either in person or, if the parties consent, by
14 telephone, on the complaint and allow all parties the
15 opportunity to present testimony and evidence. All such
16 proceedings shall be transcribed.

17 (h) Within an appropriate time limit set by rules of the
18 Executive Ethics Commission, the Commission shall (i) dismiss
19 the complaint, (ii) issue a recommendation of discipline to the
20 respondent and the respondent's ultimate jurisdictional
21 authority, (iii) impose an administrative fine upon the
22 respondent, (iv) issue injunctive relief as described in
23 Section 50-10, or (v) impose a combination of (ii) through
24 (iv).

25 (i) The proceedings on any complaint filed with the
26 Commission shall be conducted pursuant to rules promulgated by

1 the Commission.

2 (j) The Commission may designate hearing officers to
3 conduct proceedings as determined by rule of the Commission.

4 (k) In all proceedings before the Commission, the standard
5 of proof is by a preponderance of the evidence.

6 (l) Within 30 days after the issuance of a final
7 administrative decision that concludes that a violation
8 occurred, the Executive Ethics Commission shall make public the
9 entire record of proceedings before the Commission, the
10 decision, any recommendation, any discipline imposed, and the
11 response from the agency head or ultimate jurisdictional
12 authority to the Executive Ethics Commission.

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

14 (5 ILCS 430/20-85)

15 Sec. 20-85. Monthly reports by Executive Inspector
16 General. Each Executive Inspector General shall submit monthly
17 reports to the appropriate executive branch constitutional
18 officer, on dates determined by the executive branch
19 constitutional officer, indicating:

20 (1) the total number of allegations received since the
21 date of the last report and the total number of allegations
22 received since the date of the last report by category of
23 claim;

24 (2) the total number of investigations initiated since
25 the date of the last report and the total number of

1 investigations initiated since the date of the last report
2 by category of claim;

3 (3) the total number of investigations concluded since
4 the date of the last report and the total number of
5 investigations concluded since the date of the last report
6 by category of claim;

7 (4) the total number of investigations pending as of
8 the reporting date and the total number of investigations
9 pending as of the reporting date by category of claim;

10 (5) the total number of complaints forwarded to the
11 Attorney General since the date of the last report;

12 (6) the total number of actions filed with the
13 Executive Ethics Commission since the date of the last
14 report, ~~and~~ the total number of actions pending before the
15 Executive Ethics Commission as of the reporting date , the
16 total number of actions filed with the Executive Ethics
17 Commission since the date of the last report by category of
18 claim, and the total number of actions pending before the
19 Executive Ethics Commission as of the reporting date by
20 category of claim; and

21 (7) the total number of allegations referred to any law
22 enforcement agency since the date of the last report; -

23 (8) the total number of allegations referred to another
24 investigatory body since the date of the last report; and

25 (9) the cumulative number of each of the foregoing for
26 the current calendar year.

1 For the purposes of this Section, "category of claim" shall
2 include discrimination claims, harassment claims, sexual
3 harassment claims, retaliation claims, gift ban claims,
4 prohibited political activity claims, revolving door
5 prohibition claims, and other, miscellaneous, or
6 uncharacterized claims.

7 The monthly report shall be available on the websites of
8 the Executive Inspector General and the constitutional
9 officer.

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

11 (5 ILCS 430/20-90)

12 Sec. 20-90. Confidentiality.

13 (a) The identity of any individual providing information or
14 reporting any possible or alleged misconduct to an Executive
15 Inspector General or the Executive Ethics Commission shall be
16 kept confidential and may not be disclosed without the consent
17 of that individual, unless the individual consents to
18 disclosure of his or her name or disclosure of the individual's
19 identity is otherwise required by law. The confidentiality
20 granted by this subsection does not preclude the disclosure of
21 the identity of a person in any capacity other than as the
22 source of an allegation.

23 (b) Subject to the provisions of Section 20-52,
24 commissioners, employees, and agents of the Executive Ethics
25 Commission, the Executive Inspectors General, and employees

1 and agents of each Office of an Executive Inspector General,
2 the Attorney General, and the employees and agents of the
3 office of the Attorney General shall keep confidential and
4 shall not disclose information exempted from disclosure under
5 the Freedom of Information Act or by this Act, provided the
6 identity of any individual providing information or reporting
7 any possible or alleged misconduct to the Executive Inspector
8 General for the Governor may be disclosed to an Inspector
9 General appointed or employed by a Regional Transit Board in
10 accordance with Section 75-10.

11 (c) In his or her discretion, an Executive Inspector
12 General may notify complainants and subjects of an
13 investigation with an update on the status of the respective
14 investigation, including when the investigation is opened and
15 closed.

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

17 (5 ILCS 430/25-5)

18 Sec. 25-5. Legislative Ethics Commission.

19 (a) The Legislative Ethics Commission is created.

20 (b) The Legislative Ethics Commission shall consist of 8
21 commissioners appointed 2 each by the President and Minority
22 Leader of the Senate and the Speaker and Minority Leader of the
23 House of Representatives.

24 The terms of the initial commissioners shall commence upon
25 qualification. Each appointing authority shall designate one

1 appointee who shall serve for a 2-year term running through
2 June 30, 2005. Each appointing authority shall designate one
3 appointee who shall serve for a 4-year term running through
4 June 30, 2007. The initial appointments shall be made within 60
5 days after the effective date of this Act.

6 After the initial terms, commissioners shall serve for
7 4-year terms commencing on July 1 of the year of appointment
8 and running through June 30 of the fourth following year.
9 Commissioners may be reappointed to one or more subsequent
10 terms.

11 Vacancies occurring other than at the end of a term shall
12 be filled by the appointing authority only for the balance of
13 the term of the commissioner whose office is vacant.

14 Terms shall run regardless of whether the position is
15 filled.

16 (c) The appointing authorities shall appoint commissioners
17 who have experience holding governmental office or employment
18 and may appoint commissioners who are members of the General
19 Assembly as well as commissioners from the general public. A
20 commissioner who is a member of the General Assembly must
21 recuse himself or herself from participating in any matter
22 relating to any investigation or proceeding in which he or she
23 is the subject or is a complainant. A person is not eligible to
24 serve as a commissioner if that person (i) has been convicted
25 of a felony or a crime of dishonesty or moral turpitude, (ii)
26 is, or was within the preceding 12 months, engaged in

1 activities that require registration under the Lobbyist
2 Registration Act, (iii) is a relative of the appointing
3 authority, ~~or~~ (iv) is a State officer or employee other than a
4 member of the General Assembly, or (v) is a candidate for
5 statewide office, federal office, or judicial office.

6 (c-5) If a commissioner is required to recuse himself or
7 herself from participating in a matter as provided in
8 subsection (c), the recusal shall create a temporary vacancy
9 for the limited purpose of consideration of the matter for
10 which the commissioner recused himself or herself, and the
11 appointing authority for the recusing commissioner shall make a
12 temporary appointment to fill the vacancy for consideration of
13 the matter for which the commissioner recused himself or
14 herself.

15 (d) The Legislative Ethics Commission shall have
16 jurisdiction over current and former members of the General
17 Assembly regarding events occurring during a member's term of
18 office and current and former ~~all~~ State employees regarding
19 events occurring during any period of employment where the
20 State employee's ~~whose~~ ultimate jurisdictional authority is
21 (i) a legislative leader, (ii) the Senate Operations
22 Commission, or (iii) the Joint Committee on Legislative Support
23 Services. The jurisdiction of the Commission is limited to
24 matters arising under this Act.

25 An officer or executive branch State employee serving on a
26 legislative branch board or commission remains subject to the

1 jurisdiction of the Executive Ethics Commission and is not
2 subject to the jurisdiction of the Legislative Ethics
3 Commission.

4 (e) The Legislative Ethics Commission must meet, either in
5 person or by other technological means, monthly or as often as
6 necessary. At the first meeting of the Legislative Ethics
7 Commission, the commissioners shall choose from their number a
8 chairperson and other officers that they deem appropriate. The
9 terms of officers shall be for 2 years commencing July 1 and
10 running through June 30 of the second following year. Meetings
11 shall be held at the call of the chairperson or any 3
12 commissioners. Official action by the Commission shall require
13 the affirmative vote of 5 commissioners, and a quorum shall
14 consist of 5 commissioners. Commissioners shall receive no
15 compensation but may be reimbursed for their reasonable
16 expenses actually incurred in the performance of their duties.

17 (f) No commissioner, other than a commissioner who is a
18 member of the General Assembly, or employee of the Legislative
19 Ethics Commission may during his or her term of appointment or
20 employment:

21 (1) become a candidate for any elective office;

22 (2) hold any other elected or appointed public office
23 except for appointments on governmental advisory boards or
24 study commissions or as otherwise expressly authorized by
25 law;

26 (3) be actively involved in the affairs of any

1 political party or political organization; or

2 (4) advocate for the appointment of another person to
3 an appointed or elected office or position or actively
4 participate in any campaign for any elective office.

5 (f-5) No commissioner who is a member of the General
6 Assembly may be a candidate for statewide office, federal
7 office, or judicial office. If a commissioner who is a member
8 of the General Assembly files petitions to be a candidate for a
9 statewide office, federal office, or judicial office, he or she
10 shall be deemed to have resigned from his or her position as a
11 commissioner on the date his or her name is certified for the
12 ballot by the State Board of Elections or local election
13 authority and his or position as a commissioner shall be deemed
14 vacant. Such person may not be reappointed to the Commission
15 during any time he or she is a candidate for statewide office,
16 federal office, or judicial office.

17 (g) An appointing authority may remove a commissioner only
18 for cause.

19 (h) The Legislative Ethics Commission shall appoint an
20 Executive Director subject to the approval of at least 3 of the
21 4 legislative leaders. The compensation of the Executive
22 Director shall be as determined by the Commission. The
23 Executive Director of the Legislative Ethics Commission may
24 employ, subject to the approval of at least 3 of the 4
25 legislative leaders, and determine the compensation of staff,
26 as appropriations permit.

1 (i) In consultation with the Legislative Inspector
2 General, the Legislative Ethics Commission may develop
3 comprehensive training for members and employees under its
4 jurisdiction that includes, but is not limited to, sexual
5 harassment, employment discrimination, and workplace civility.
6 The training may be recommended to the ultimate jurisdictional
7 authorities and may be approved by the Commission to satisfy
8 the sexual harassment training required under Section 5-10.5 or
9 be provided in addition to the annual sexual harassment
10 training required under Section 5-10.5. The Commission may seek
11 input from governmental agencies or private entities for
12 guidance in developing such training.

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

14 (5 ILCS 430/25-10)

15 Sec. 25-10. Office of Legislative Inspector General.

16 (a) The independent Office of the Legislative Inspector
17 General is created. The Office shall be under the direction and
18 supervision of the Legislative Inspector General and shall be a
19 fully independent office with its own appropriation.

20 (b) The Legislative Inspector General shall be appointed
21 without regard to political affiliation and solely on the basis
22 of integrity and demonstrated ability. The Legislative Ethics
23 Commission shall diligently search out qualified candidates
24 for Legislative Inspector General and shall make
25 recommendations to the General Assembly. The Legislative

1 Inspector General may serve in a full-time, part-time, or
2 contractual capacity.

3 The Legislative Inspector General shall be appointed by a
4 joint resolution of the Senate and the House of
5 Representatives, which may specify the date on which the
6 appointment takes effect. A joint resolution, or other document
7 as may be specified by the Joint Rules of the General Assembly,
8 appointing the Legislative Inspector General must be certified
9 by the Speaker of the House of Representatives and the
10 President of the Senate as having been adopted by the
11 affirmative vote of three-fifths of the members elected to each
12 house, respectively, and be filed with the Secretary of State.
13 The appointment of the Legislative Inspector General takes
14 effect on the day the appointment is completed by the General
15 Assembly, unless the appointment specifies a later date on
16 which it is to become effective.

17 The Legislative Inspector General shall have the following
18 qualifications:

19 (1) has not been convicted of any felony under the laws
20 of this State, another state, or the United States;

21 (2) has earned a baccalaureate degree from an
22 institution of higher education; and

23 (3) has 5 or more years of cumulative service (A) with
24 a federal, State, or local law enforcement agency, at least
25 2 years of which have been in a progressive investigatory
26 capacity; (B) as a federal, State, or local prosecutor; (C)

1 as a senior manager or executive of a federal, State, or
2 local agency; (D) as a member, an officer, or a State or
3 federal judge; or (E) representing any combination of (A)
4 through (D).

5 The Legislative Inspector General may not be a relative of
6 a commissioner.

7 The term of the initial Legislative Inspector General shall
8 commence upon qualification and shall run through June 30,
9 2008.

10 After the initial term, the Legislative Inspector General
11 shall serve for 5-year terms commencing on July 1 of the year
12 of appointment and running through June 30 of the fifth
13 following year. The Legislative Inspector General may be
14 reappointed to one or more subsequent terms. Terms shall run
15 regardless of whether the position is filled.

16 (b-5) A vacancy occurring other than at the end of a term
17 shall be filled in the same manner as an appointment only for
18 the balance of the term of the Legislative Inspector General
19 whose office is vacant. Within 7 days of the Office becoming
20 vacant or receipt of a Legislative Inspector General's
21 prospective resignation, the vacancy shall be publicly posted
22 on the Commission's website, along with a description of the
23 requirements for the position and where applicants may apply.

24 Within 45 days of the vacancy, if the Office is vacant, or
25 if a Legislative Inspector General resigns, the Commission
26 shall designate an Acting Legislative Inspector General who

1 shall serve until the vacancy is filled. The Commission shall
2 file the designation in writing with the Secretary of State.

3 Within 60 days prior to the end of the term of the
4 Legislative Inspector General or within 30 days of the
5 occurrence of a vacancy in the Office of the Legislative
6 Inspector General, the Legislative Ethics Commission shall
7 establish a four-member search committee within the Commission
8 for the purpose of conducting a search for qualified candidates
9 to serve as Legislative Inspector General. The Speaker of the
10 House of Representatives, Minority Leader of the House, Senate
11 President, and Minority Leader of the Senate shall each appoint
12 one member to the search committee. A member of the search
13 committee shall be either a retired judge or former prosecutor
14 and may not be a member or employee of the General Assembly or
15 a registered lobbyist. If the Legislative Ethics Commission
16 wishes to recommend that the Legislative Inspector General be
17 re-appointed, a search committee does not need to be appointed.

18 The search committee shall conduct a search for qualified
19 candidates, accept applications, and conduct interviews. The
20 search committee shall recommend up to 3 candidates for
21 Legislative Inspector General to the Legislative Ethics
22 Commission. The search committee shall be disbanded upon an
23 appointment of the Legislative Inspector General. Members of
24 the search committee are not entitled to compensation but shall
25 be entitled to reimbursement of reasonable expenses incurred in
26 connection with the performance of their duties.

1 Within 30 days after the effective date of this amendatory
2 Act of the 100th General Assembly, the Legislative Ethics
3 Commission shall create a search committee in the manner
4 provided for in this subsection to recommend up to 3 candidates
5 for Legislative Inspector General to the Legislative Ethics
6 Commission by October 31, 2018.

7 If a vacancy exists and the Commission has not appointed an
8 Acting Legislative Inspector General, either the staff of the
9 Office of the Legislative Inspector General, or if there is no
10 staff, the Executive Director, shall advise the Commission of
11 all open investigations and any new allegations or complaints
12 received in the Office of the Inspector General. These reports
13 shall not include the name of any person identified in the
14 allegation or complaint, including, but not limited to, the
15 subject of and the person filing the allegation or complaint.
16 Notification shall be made to the Commission on a weekly basis
17 unless the Commission approves of a different reporting
18 schedule.

19 If the Office of the Inspector General is vacant for 6
20 months or more beginning on or after January 1, 2019, and the
21 Legislative Ethics Commission has not appointed an Acting
22 Legislative Inspector General, all complaints made to the
23 Legislative Inspector General or the Legislative Ethics
24 Commission shall be directed to the Inspector General for the
25 Auditor General, and he or she shall have the authority to act
26 as provided in subsection (c) of this Section and Section 25-20

1 of this Act, and shall be subject to all laws and rules
2 governing a Legislative Inspector General or Acting
3 Legislative Inspector General. The authority for the Inspector
4 General of the Auditor General under this paragraph shall
5 terminate upon appointment of a Legislative Inspector General
6 or an Acting Legislative Inspector General.

7 ~~Terms shall run regardless of whether the position is~~
8 ~~filled.~~

9 (c) The Legislative Inspector General shall have
10 jurisdiction over the current and former members of the General
11 Assembly regarding events occurring during a member's term of
12 office and current and former ~~all~~ State employees regarding
13 events occurring during any period of employment where the
14 State employee's ~~whose~~ ultimate jurisdictional authority is
15 (i) a legislative leader, (ii) the Senate Operations
16 Commission, or (iii) the Joint Committee on Legislative Support
17 Services.

18 The jurisdiction of each Legislative Inspector General is
19 to investigate allegations of fraud, waste, abuse,
20 mismanagement, misconduct, nonfeasance, misfeasance,
21 malfeasance, or violations of this Act or violations of other
22 related laws and rules.

23 (d) The compensation of the Legislative Inspector General
24 shall be the greater of an amount (i) determined by the
25 Commission or (ii) by joint resolution of the General Assembly
26 passed by a majority of members elected in each chamber.

1 Subject to Section 25-45 of this Act, the Legislative Inspector
2 General has full authority to organize the Office of the
3 Legislative Inspector General, including the employment and
4 determination of the compensation of staff, such as deputies,
5 assistants, and other employees, as appropriations permit.
6 Employment of staff is subject to the approval of at least 3 of
7 the 4 legislative leaders.

8 (e) No Legislative Inspector General or employee of the
9 Office of the Legislative Inspector General may, during his or
10 her term of appointment or employment:

11 (1) become a candidate for any elective office;

12 (2) hold any other elected or appointed public office
13 except for appointments on governmental advisory boards or
14 study commissions or as otherwise expressly authorized by
15 law;

16 (3) be actively involved in the affairs of any
17 political party or political organization; or

18 (4) actively participate in any campaign for any
19 elective office.

20 A full-time Legislative Inspector General shall not engage
21 in the practice of law or any other business, employment, or
22 vocation.

23 In this subsection an appointed public office means a
24 position authorized by law that is filled by an appointing
25 authority as provided by law and does not include employment by
26 hiring in the ordinary course of business.

1 (e-1) No Legislative Inspector General or employee of the
2 Office of the Legislative Inspector General may, for one year
3 after the termination of his or her appointment or employment:

4 (1) become a candidate for any elective office;

5 (2) hold any elected public office; or

6 (3) hold any appointed State, county, or local judicial
7 office.

8 (e-2) The requirements of item (3) of subsection (e-1) may
9 be waived by the Legislative Ethics Commission.

10 (f) The Commission may remove the Legislative Inspector
11 General only for cause. At the time of the removal, the
12 Commission must report to the General Assembly the
13 justification for the removal.

14 (Source: P.A. 98-631, eff. 5-29-14.)

15 (5 ILCS 430/25-15)

16 Sec. 25-15. Duties of the Legislative Ethics Commission.
17 In addition to duties otherwise assigned by law, the
18 Legislative Ethics Commission shall have the following duties:

19 (1) To promulgate rules governing the performance of
20 its duties and the exercise of its powers and governing the
21 investigations of the Legislative Inspector General. The
22 rules shall be available on the Commission's website and
23 any proposed changes to the rules must be made available to
24 the public on the Commission's website no less than 7 days
25 before the adoption of the changes. Any person shall be

1 given an opportunity to provide written or oral testimony
2 before the Commission in support of or opposition to
3 proposed rules.

4 (2) To conduct administrative hearings and rule on
5 matters brought before the Commission only upon the receipt
6 of pleadings filed by the Legislative Inspector General and
7 not upon its own prerogative, but may appoint special
8 Legislative Inspectors General as provided in Section
9 25-21. Any other allegations of misconduct received by the
10 Commission from a person other than the Legislative
11 Inspector General shall be referred to the Office of the
12 Legislative Inspector General.

13 (3) To prepare and publish manuals and guides and,
14 working with the Office of the Attorney General, oversee
15 training of employees under its jurisdiction that explains
16 their duties.

17 (4) To prepare public information materials to
18 facilitate compliance, implementation, and enforcement of
19 this Act.

20 (5) To submit reports as required by this Act.

21 (6) To the extent authorized by this Act, to make
22 rulings, issue recommendations, and impose administrative
23 fines, if appropriate, in connection with the
24 implementation and interpretation of this Act. The powers
25 and duties of the Commission are limited to matters clearly
26 within the purview of this Act.

1 (7) To issue subpoenas with respect to matters pending
2 before the Commission, subject to the provisions of this
3 Article and in the discretion of the Commission, to compel
4 the attendance of witnesses for purposes of testimony and
5 the production of documents and other items for inspection
6 and copying.

7 (8) To appoint special Legislative Inspectors General
8 as provided in Section 25-21.

9 (9) To conspicuously display on the Commission's
10 website the procedures for reporting a violation of this
11 Act, including how to report violations via email or
12 online.

13 (10) To conspicuously display on the Commission's
14 website any vacancies within the Office of the Legislative
15 Inspector General.

16 (11) To appoint an Acting Legislative Inspector
17 General in the event of a vacancy in the Office of the
18 Legislative Inspector General.

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

20 (5 ILCS 430/25-20)

21 Sec. 25-20. Duties of the Legislative Inspector General.
22 In addition to duties otherwise assigned by law, the
23 Legislative Inspector General shall have the following duties:

24 (1) To receive and investigate allegations of
25 violations of this Act. Except as otherwise provided in

1 paragraph (1.5), an investigation may not be initiated more
2 than one year after the most recent act of the alleged
3 violation or of a series of alleged violations except where
4 there is reasonable cause to believe that fraudulent
5 concealment has occurred. To constitute fraudulent
6 concealment sufficient to toll this limitations period,
7 there must be an affirmative act or representation
8 calculated to prevent discovery of the fact that a
9 violation has occurred. The Legislative Inspector General
10 shall have the discretion to determine the appropriate
11 means of investigation as permitted by law.

12 (1.5) Notwithstanding any provision of law to the
13 contrary, the Legislative Inspector General, whether
14 appointed by the Legislative Ethics Commission or the
15 General Assembly, may initiate an investigation based on
16 information provided to the Office of the Legislative
17 Inspector General or the Legislative Ethics Commission
18 during the period from December 1, 2014 through November 3,
19 2017. Any investigation initiated under this paragraph
20 (1.5) must be initiated within one year after the effective
21 date of this amendatory Act of the 100th General Assembly.

22 Notwithstanding any provision of law to the contrary, the
23 Legislative Inspector General, through the Attorney General,
24 shall have the authority to file a complaint related to any
25 founded violations that occurred during the period December 1,
26 2014 through November 3, 2017 to the Legislative Ethics

1 Commission, and the Commission shall have jurisdiction to
2 conduct administrative hearings related to any pleadings filed
3 by the Legislative Inspector General, provided the complaint is
4 filed with the Commission no later than 6 months after the
5 summary report is provided to the Attorney General in
6 accordance with subsection (c) of Section 25-50.

7 (2) To request information relating to an
8 investigation from any person when the Legislative
9 Inspector General deems that information necessary in
10 conducting an investigation.

11 (3) To issue subpoenas, with the advance approval of
12 the Commission, to compel the attendance of witnesses for
13 the purposes of testimony and production of documents and
14 other items for inspection and copying and to make service
15 of those subpoenas and subpoenas issued under item (7) of
16 Section 25-15.

17 (4) To submit reports as required by this Act.

18 (5) To file pleadings in the name of the Legislative
19 Inspector General with the Legislative Ethics Commission,
20 through the Attorney General, as provided in this Article
21 if the Attorney General finds that reasonable cause exists
22 to believe that a violation has occurred.

23 (6) To assist and coordinate the ethics officers for
24 State agencies under the jurisdiction of the Legislative
25 Inspector General and to work with those ethics officers.

26 (7) To participate in or conduct, when appropriate,

1 multi-jurisdictional investigations.

2 (8) To request, as the Legislative Inspector General
3 deems appropriate, from ethics officers of State agencies
4 under his or her jurisdiction, reports or information on
5 (i) the content of a State agency's ethics training program
6 and (ii) the percentage of new officers and employees who
7 have completed ethics training.

8 (9) To establish a policy that ensures the appropriate
9 handling and correct recording of all investigations of
10 allegations and to ensure that the policy is accessible via
11 the Internet in order that those seeking to report those
12 allegations are familiar with the process and that the
13 subjects of those allegations are treated fairly.

14 (10) To post information to the Legislative Inspector
15 General's website explaining to complainants and subjects
16 of an investigation the legal limitations on the
17 Legislative Inspector General's ability to provide
18 information to them and a general overview of the
19 investigation process.

20 (Source: P.A. 100-553, eff. 11-16-17.)

21 (5 ILCS 430/25-50)

22 Sec. 25-50. Investigation reports.

23 (a) If the Legislative Inspector General, upon the
24 conclusion of an investigation, determines that reasonable
25 cause exists to believe that a violation has occurred, then the

1 Legislative Inspector General shall issue a summary report of
2 the investigation. The report shall be delivered to the
3 appropriate ultimate jurisdictional authority, ~~and~~ to the head
4 of each State agency affected by or involved in the
5 investigation, if appropriate, and the member, if any, that is
6 the subject of the report. The appropriate ultimate
7 jurisdictional authority or agency head and the member, if any,
8 that is the subject of the report shall respond to the summary
9 report within 20 days, in writing, to the Legislative Inspector
10 General. If the ultimate jurisdictional authority is the
11 subject of the report, he or she may only respond to the
12 summary report in his or her capacity as the subject of the
13 report and shall not respond in his or her capacity as the
14 ultimate jurisdictional authority. The response shall include
15 a description of any corrective or disciplinary action to be
16 imposed. If the appropriate ultimate jurisdictional authority
17 or the member that is the subject of the report does not
18 respond within 20 days, or within an extended time as agreed to
19 by the Legislative Inspector General, the Legislative
20 Inspector General may proceed under subsection (c) as if a
21 response had been received. A member receiving and responding
22 to a report under this Section shall be deemed to be acting in
23 his or her official capacity.

24 (b) The summary report of the investigation shall include
25 the following:

26 (1) A description of any allegations or other

1 information received by the Legislative Inspector General
2 pertinent to the investigation.

3 (2) A description of any alleged misconduct discovered
4 in the course of the investigation.

5 (3) Recommendations for any corrective or disciplinary
6 action to be taken in response to any alleged misconduct
7 described in the report, including but not limited to
8 discharge.

9 (4) Other information the Legislative Inspector
10 General deems relevant to the investigation or resulting
11 recommendations.

12 (c) Within 30 days after receiving a response from the
13 appropriate ultimate jurisdictional authority or agency head
14 under subsection (a), the Legislative Inspector General shall
15 notify the Commission and the Attorney General if the
16 Legislative Inspector General believes that a complaint should
17 be filed with the Commission. If the Legislative Inspector
18 General desires to file a complaint with the Commission, the
19 Legislative Inspector General shall submit the summary report
20 and supporting documents to the Attorney General. If the
21 Attorney General concludes that there is insufficient evidence
22 that a violation has occurred, the Attorney General shall
23 notify the Legislative Inspector General and the Legislative
24 Inspector General shall deliver to the Legislative Ethics
25 Commission a copy of the summary report and response from the
26 ultimate jurisdictional authority or agency head. If the

1 Attorney General determines that reasonable cause exists to
2 believe that a violation has occurred, then the Legislative
3 Inspector General, represented by the Attorney General, may
4 file with the Legislative Ethics Commission a complaint. The
5 complaint shall set forth the alleged violation and the grounds
6 that exist to support the complaint. Except as provided under
7 subsection (1.5) of Section 20, the ~~The~~ complaint must be filed
8 with the Commission within 18 months after the most recent act
9 of the alleged violation or of a series of alleged violations
10 except where there is reasonable cause to believe that
11 fraudulent concealment has occurred. To constitute fraudulent
12 concealment sufficient to toll this limitations period, there
13 must be an affirmative act or representation calculated to
14 prevent discovery of the fact that a violation has occurred. If
15 a complaint is not filed with the Commission within 6 months
16 after notice by the Inspector General to the Commission and the
17 Attorney General, then the Commission may set a meeting of the
18 Commission at which the Attorney General shall appear and
19 provide a status report to the Commission.

20 (c-5) Within 30 days after receiving a response from the
21 appropriate ultimate jurisdictional authority or agency head
22 under subsection (a), if the Legislative Inspector General does
23 not believe that a complaint should be filed, the Legislative
24 Inspector General shall deliver to the Legislative Ethics
25 Commission a statement setting forth the basis for the decision
26 not to file a complaint and a copy of the summary report and

1 response from the ultimate jurisdictional authority or agency
2 head. The Inspector General may also submit a redacted version
3 of the summary report and response from the ultimate
4 jurisdictional authority if the Inspector General believes
5 either contains information that, in the opinion of the
6 Inspector General, should be redacted prior to releasing the
7 report, may interfere with an ongoing investigation, or
8 identifies an informant or complainant.

9 (c-10) If, after reviewing the documents, the Commission
10 believes that further investigation is warranted, the
11 Commission may request that the Legislative Inspector General
12 provide additional information or conduct further
13 investigation. The Commission may also refer the summary report
14 and response from the ultimate jurisdictional authority to the
15 Attorney General for further investigation or review. If the
16 Commission requests the Attorney General to investigate or
17 review, the Commission must notify the Attorney General and the
18 Legislative Inspector General. The Attorney General may not
19 begin an investigation or review until receipt of notice from
20 the Commission. If, after review, the Attorney General
21 determines that reasonable cause exists to believe that a
22 violation has occurred, then the Attorney General may file a
23 complaint with the Legislative Ethics Commission. If the
24 Attorney General concludes that there is insufficient evidence
25 that a violation has occurred, the Attorney General shall
26 notify the Legislative Ethics Commission and the appropriate

1 Legislative Inspector General.

2 (d) A copy of the complaint filed with the Legislative
3 Ethics Commission must be served on all respondents named in
4 the complaint and on each respondent's ultimate jurisdictional
5 authority in the same manner as process is served under the
6 Code of Civil Procedure.

7 (e) A respondent may file objections to the complaint
8 within 30 days after notice of the petition has been served on
9 the respondent.

10 (f) The Commission shall meet, at least 30 days after the
11 complaint is served on all respondents either in person or by
12 telephone, in a closed session to review the sufficiency of the
13 complaint. The Commission shall issue notice by certified mail,
14 return receipt requested, to the Legislative Inspector
15 General, the Attorney General, and all respondents of the
16 Commission's ruling on the sufficiency of the complaint. If the
17 complaint is deemed to sufficiently allege a violation of this
18 Act, then the Commission shall include a hearing date scheduled
19 within 4 weeks after the date of the notice, unless all of the
20 parties consent to a later date. If the complaint is deemed not
21 to sufficiently allege a violation, then the Commission shall
22 send by certified mail, return receipt requested, a notice to
23 the Legislative Inspector General, the Attorney General, and
24 all respondents the decision to dismiss the complaint.

25 (g) On the scheduled date the Commission shall conduct a
26 closed meeting, either in person or, if the parties consent, by

1 telephone, on the complaint and allow all parties the
2 opportunity to present testimony and evidence. All such
3 proceedings shall be transcribed.

4 (h) Within an appropriate time limit set by rules of the
5 Legislative Ethics Commission, the Commission shall (i)
6 dismiss the complaint, (ii) issue a recommendation of
7 discipline to the respondent and the respondent's ultimate
8 jurisdictional authority, (iii) impose an administrative fine
9 upon the respondent, (iv) issue injunctive relief as described
10 in Section 50-10, or (v) impose a combination of (ii) through
11 (iv).

12 (i) The proceedings on any complaint filed with the
13 Commission shall be conducted pursuant to rules promulgated by
14 the Commission.

15 (j) The Commission may designate hearing officers to
16 conduct proceedings as determined by rule of the Commission.

17 (k) In all proceedings before the Commission, the standard
18 of proof is by a preponderance of the evidence.

19 (l) Within 30 days after the issuance of a final
20 administrative decision that concludes that a violation
21 occurred, the Legislative Ethics Commission shall make public
22 the entire record of proceedings before the Commission, the
23 decision, any recommendation, any discipline imposed, and the
24 response from the agency head or ultimate jurisdictional
25 authority to the Legislative Ethics Commission.

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

1 (5 ILCS 430/25-70)

2 Sec. 25-70. Cooperation in investigations. It is the duty
3 of every officer and employee under the jurisdiction of the
4 Legislative Inspector General, including any inspector general
5 serving in any State agency under the jurisdiction of the
6 Legislative Inspector General, to cooperate with the
7 Legislative Inspector General and the Attorney General in any
8 investigation undertaken pursuant to this Act. Failure to
9 cooperate includes, but is not limited to, intentional
10 omissions and knowing false statements. Failure to cooperate
11 with an investigation of the Legislative Inspector General or
12 the Attorney General is grounds for disciplinary action,
13 including dismissal. Nothing in this Section limits or alters a
14 person's existing rights or privileges under State or federal
15 law.

16 (Source: P.A. 93-617, eff. 12-9-03.)

17 (5 ILCS 430/25-85)

18 Sec. 25-85. Quarterly reports by the Legislative Inspector
19 General. The Legislative Inspector General shall submit
20 quarterly reports of claims within his or her jurisdiction
21 filed with the Office of the Legislative Inspector General to
22 the General Assembly and the Legislative Ethics Commission, on
23 dates determined by the Legislative Ethics Commission,
24 indicating:

1 (1) the total number of allegations received since the
2 date of the last report and the total number of allegations
3 received since the date of the last report by category of
4 claim;

5 (2) the total number of investigations initiated since
6 the date of the last report and the total number of
7 investigations initiated since the date of the last report
8 by category of claim;

9 (3) the total number of investigations concluded since
10 the date of the last report and the total number of
11 investigations concluded since the date of the last report
12 by category of claim;

13 (4) the total number of investigations pending as of
14 the reporting date and the total number of investigations
15 pending as of the reporting date by category of claim;

16 (5) the total number of complaints forwarded to the
17 Attorney General since the date of the last report; ~~and~~

18 (6) the total number of actions filed with the
19 Legislative Ethics Commission since the date of the last
20 report, ~~and~~ the total number of actions pending before the
21 Legislative Ethics Commission as of the reporting date, the
22 total number of actions filed with the Legislative Ethics
23 Commission since the date of the last report by category of
24 claim, and the total number of actions pending before the
25 Legislative Ethics Commission as of the reporting date by
26 category of claim;

1 (7) the number of allegations referred to any law
2 enforcement agency since the date of the last report;

3 (8) the total number of allegations referred to another
4 investigatory body since the date of the last report; and

5 (9) the cumulative number of each of the foregoing for
6 the current calendar year.

7 For the purposes of this Section, "category of claim" shall
8 include discrimination claims, harassment claims, sexual
9 harassment claims, retaliation claims, gift ban claims,
10 prohibited political activity claims, revolving door
11 prohibition claims, and other, miscellaneous, or
12 uncharacterized claims.

13 The quarterly report shall be available on the website of
14 the Legislative Inspector General.

15 (Source: P.A. 93-617, eff. 12-9-03.)

16 (5 ILCS 430/25-90)

17 Sec. 25-90. Confidentiality.

18 (a) The identity of any individual providing information or
19 reporting any possible or alleged misconduct to the Legislative
20 Inspector General or the Legislative Ethics Commission shall be
21 kept confidential and may not be disclosed without the consent
22 of that individual, unless the individual consents to
23 disclosure of his or her name or disclosure of the individual's
24 identity is otherwise required by law. The confidentiality
25 granted by this subsection does not preclude the disclosure of

1 the identity of a person in any capacity other than as the
2 source of an allegation.

3 (b) Subject to the provisions of Section 25-50(c),
4 commissioners, employees, and agents of the Legislative Ethics
5 Commission, the Legislative Inspector General, and employees
6 and agents of the Office of the Legislative Inspector General
7 shall keep confidential and shall not disclose information
8 exempted from disclosure under the Freedom of Information Act
9 or by this Act.

10 (c) In his or her discretion, the Legislative Inspector
11 General may notify complainants and subjects of an
12 investigation with an update on the status of the respective
13 investigation, including when the investigation is opened and
14 closed.

15 (Source: P.A. 93-617, eff. 12-9-03.)

16 (5 ILCS 430/25-95)

17 Sec. 25-95. 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 (a-5) Requests from ethics officers, members, and State
22 employees to the Office of the Legislative Inspector General, a
23 Special Legislative Inspector General, the Legislative Ethics
24 Commission, an ethics officer, or a person designated by a
25 legislative leader for guidance on matters involving the

1 interpretation or application of this Act or rules promulgated
2 under this Act are exempt from the provisions of the Freedom of
3 Information Act. Guidance provided to an ethics officer,
4 member, or State employee at the request of an ethics officer,
5 member, or State employee by the Office of the Legislative
6 Inspector General, a Special Legislative Inspector General,
7 the Legislative Ethics Commission, an ethics officer, or a
8 person designated by a legislative leader on matters involving
9 the interpretation or application of this Act or rules
10 promulgated under this Act is exempt from the provisions of the
11 Freedom of Information Act.

12 (b) Summary investigation reports released by the
13 Legislative Ethics Commission as provided in Section 25-52 are
14 public records. Otherwise, any allegations and related
15 documents submitted to the Legislative Inspector General and
16 any pleadings and related documents brought before the
17 Legislative Ethics Commission are exempt from the provisions of
18 the Freedom of Information Act so long as the Legislative
19 Ethics Commission does not make a finding of a violation of
20 this Act. If the Legislative Ethics Commission finds that a
21 violation has occurred, the entire record of proceedings before
22 the Commission, the decision and recommendation, and the
23 mandatory report from the agency head or ultimate
24 jurisdictional authority to the Legislative Ethics Commission
25 are not exempt from the provisions of the Freedom of
26 Information Act but information contained therein that is

1 exempt from the Freedom of Information Act must be redacted
2 before disclosure as provided in Section 8 of the Freedom of
3 Information Act.

4 (c) Meetings of the Commission are exempt from the
5 provisions of the Open Meetings Act.

6 (d) Unless otherwise provided in this Act, all
7 investigatory files and reports of the Office of the
8 Legislative Inspector General, other than quarterly ~~monthly~~
9 reports under Section 25-85, are confidential, are exempt from
10 disclosure under the Freedom of Information Act, and shall not
11 be divulged to any person or agency, except as necessary (i) to
12 the appropriate law enforcement authority if the matter is
13 referred pursuant to this Act, (ii) to the ultimate
14 jurisdictional authority, ~~or~~ (iii) to the Legislative Ethics
15 Commission, or (iv) to the Executive Director of the
16 Legislative Ethics Commission to the extent necessary to advise
17 the Commission of all open investigations and any new
18 allegations or complaints received in the Office of the
19 Inspector General when there is a vacancy in the Office of
20 Inspector General pursuant to subparagraph (b-5) of Section
21 25-10.

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

23 (5 ILCS 430/25-100 new)

24 Sec. 25-100. Reports.

25 (a) Within 30 days of the effective date of this amendatory

1 Act of the 100th General Assembly, for the period beginning
2 November 4, 2017 until the date of the report, the Legislative
3 Ethics Commission shall issue a report to the General Assembly
4 containing the following information: (i) the total number of
5 summary reports that the Inspector General requested be
6 published; (ii) the total number of summary reports that the
7 Inspector General closed without a request to be published;
8 (iii) the total number of summary reports that the Commission
9 agreed to publish; (iv) the total number of summary reports
10 that the Commission did not agree to publish; (v) the total
11 number of investigations that the Inspector General requested
12 to open; and (vi) the total number of investigations that the
13 Commission did not allow the Inspector General to open.

14 (b) The Legislative Ethics Commission shall issue a
15 quarterly report to the General Assembly within 30 days after
16 the end of each quarter containing the following information
17 for the preceding quarter: (i) the total number of summary
18 reports that the Inspector General requested be published; (ii)
19 the total number of summary reports that the Inspector General
20 closed without a request to be published; (iii) the total
21 number of summary reports that the Commission agreed to
22 publish; (iv) the total number of summary reports that the
23 Commission did not agree to publish; (v) the total number of
24 investigations that the Inspector General requested to open;
25 and (vi) the total number of investigations that the Commission
26 did not allow the Inspector General to open.

1 (c) The reports to the General Assembly under this Section
2 shall be provided to the Clerk of the House of Representatives
3 and the Secretary of the Senate in electronic form only, in the
4 manner that the Clerk and the Secretary shall direct.

5 (5 ILCS 430/25-105 new)

6 Sec. 25-105. Investigation of sexual harassment.
7 Notwithstanding any provision of law to the contrary, the
8 Legislative Inspector General may investigate any allegation
9 or complaint of sexual harassment without the approval of the
10 Legislative Ethics Commission. At each Legislative Ethics
11 Commission meeting, the Legislative Inspector General shall
12 inform the Commission of each investigation opened under this
13 Section since the last meeting of the Commission.

14 (5 ILCS 430/50-5)

15 Sec. 50-5. Penalties.

16 (a) A person is guilty of a Class A misdemeanor if that
17 person intentionally violates any provision of Section 5-15,
18 5-30, 5-40, or 5-45 or Article 15.

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

23 (b) A person who intentionally violates any provision of
24 Section 5-20, 5-35, 5-50, or 5-55 is guilty of a business

1 offense subject to a fine of at least \$1,001 and up to \$5,000.

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

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

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

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

22 (g) Any person who violates Section 5-65 is subject to a
23 fine of up to \$5,000 per offense, and is subject to discipline
24 or discharge by the appropriate ultimate jurisdictional
25 authority. Each violation of Section 5-65 is a separate
26 offense. Any penalty imposed by an ethics commission shall be

1 separate and distinct from any fines or penalties imposed by a
2 court of law or a State or federal agency.

3 (h) Any natural person or lobbying entity who intentionally
4 violates Section 4.7, ~~or~~ paragraph (d) of Section 5, or
5 subsection (a-5) of Section 11 of the Lobbyist Registration Act
6 is guilty of a business offense and shall be subject to a fine
7 of up to \$5,000. The Executive Ethics Commission, after the
8 adjudication of a violation of Section 4.7 of the Lobbyist
9 Registration Act for which an investigation was initiated by
10 the Inspector General appointed by the Secretary of State under
11 Section 14 of the Secretary of State Act, is authorized to
12 strike or suspend the registration under the Lobbyist
13 Registration Act of any person or lobbying entity for which
14 that person is employed for a period of up to 3 years. In
15 addition to any other fine or penalty which may be imposed, the
16 Executive Ethics Commission may also levy an administrative
17 fine of up to \$5,000 for a violation specified under this
18 subsection (h). Any penalty imposed by an ethics commission
19 shall be separate and distinct from any fines or penalties
20 imposed by a court of law or by the Secretary of State under
21 the Lobbyist Registration Act.

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

23 Section 10. The Election Code is amended by adding Section
24 7-8.03 as follows:

1 (10 ILCS 5/7-8.03 new)

2 Sec. 7-8.03. State central committees; discrimination and
3 harassment policies. No later than 90 days after the effective
4 date of this amendatory Act of the 100th General Assembly, each
5 State central committee of an established statewide political
6 party shall establish and maintain a policy that includes, at a
7 minimum: (i) a prohibition on discrimination and harassment;
8 (ii) details on how an individual can report an allegation of
9 discrimination or harassment; (iii) a prohibition on
10 retaliation for reporting discrimination or harassment
11 allegations; and (iv) the consequences of a violation of the
12 prohibition on sexual harassment and the consequences for
13 knowingly making a false report.

14 A State central committee, or its appropriate designee,
15 shall notify the Board of the adoption of the required
16 policies.

17 The requirements of this Section shall not prohibit a
18 political committee from considering political affiliation, as
19 permitted by law and the United States Constitution, when
20 hiring or retaining a person as an employee, consultant,
21 independent contractor, or volunteer.

22 Section 15. The Secretary of State Act is amended by
23 changing Section 14 as follows:

24 (15 ILCS 305/14)

1 Sec. 14. Inspector General.

2 (a) The Secretary of State must, with the advice and
3 consent of the Senate, appoint an Inspector General for the
4 purpose of detection, deterrence, and prevention of fraud,
5 corruption, mismanagement, gross or aggravated misconduct, or
6 misconduct that may be criminal in nature in the Office of the
7 Secretary of State. The Inspector General shall serve a 5-year
8 term. If no successor is appointed and qualified upon the
9 expiration of the Inspector General's term, the Office of
10 Inspector General is deemed vacant and the powers and duties
11 under this Section may be exercised only by an appointed and
12 qualified interim Inspector General until a successor
13 Inspector General is appointed and qualified. If the General
14 Assembly is not in session when a vacancy in the Office of
15 Inspector General occurs, the Secretary of State may appoint an
16 interim Inspector General whose term shall expire 2 weeks after
17 the next regularly scheduled session day of the Senate.

18 (b) The Inspector General shall have the following
19 qualifications:

20 (1) has not been convicted of any felony under the laws
21 of this State, another State, or the United States;

22 (2) has earned a baccalaureate degree from an
23 institution of higher education; and

24 (3) has either (A) 5 or more years of service with a
25 federal, State, or local law enforcement agency, at least 2
26 years of which have been in a progressive investigatory

1 capacity; (B) 5 or more years of service as a federal,
2 State, or local prosecutor; or (C) 5 or more years of
3 service as a senior manager or executive of a federal,
4 State, or local agency.

5 (c) The Inspector General may review, coordinate, and
6 recommend methods and procedures to increase the integrity of
7 the Office of the Secretary of State. The duties of the
8 Inspector General shall supplement and not supplant the duties
9 of the Chief Auditor for the Secretary of State's Office or any
10 other Inspector General that may be authorized by law. The
11 Inspector General must report directly to the Secretary of
12 State.

13 (d) In addition to the authority otherwise provided by this
14 Section, but only when investigating the Office of the
15 Secretary of State, its employees, or their actions for fraud,
16 corruption, mismanagement, gross or aggravated misconduct, or
17 misconduct that may be criminal in nature, the Inspector
18 General is authorized:

19 (1) To have access to all records, reports, audits,
20 reviews, documents, papers, recommendations, or other
21 materials available that relate to programs and operations
22 with respect to which the Inspector General has
23 responsibilities under this Section.

24 (2) To make any investigations and reports relating to
25 the administration of the programs and operations of the
26 Office of the Secretary of State that are, in the judgment

1 of the Inspector General, necessary or desirable.

2 (3) To request any information or assistance that may
3 be necessary for carrying out the duties and
4 responsibilities provided by this Section from any local,
5 State, or federal governmental agency or unit thereof.

6 (4) To require by subpoena the appearance of witnesses
7 and the production of all information, documents, reports,
8 answers, records, accounts, papers, and other data and
9 documentary evidence necessary in the performance of the
10 functions assigned by this Section, with the exception of
11 subsection (c) and with the exception of records of a labor
12 organization authorized and recognized under the Illinois
13 Public Labor Relations Act to be the exclusive bargaining
14 representative of employees of the Secretary of State,
15 including, but not limited to, records of representation of
16 employees and the negotiation of collective bargaining
17 agreements. A subpoena may be issued under this paragraph
18 (4) only by the Inspector General and not by members of the
19 Inspector General's staff. A person duly subpoenaed for
20 testimony, documents, or other items who neglects or
21 refuses to testify or produce documents or other items
22 under the requirements of the subpoena shall be subject to
23 punishment as may be determined by a court of competent
24 jurisdiction, unless (i) the testimony, documents, or
25 other items are covered by the attorney-client privilege or
26 any other privilege or right recognized by law or (ii) the

1 testimony, documents, or other items concern the
2 representation of employees and the negotiation of
3 collective bargaining agreements by a labor organization
4 authorized and recognized under the Illinois Public Labor
5 Relations Act to be the exclusive bargaining
6 representative of employees of the Secretary of State.
7 Nothing in this Section limits a person's right to
8 protection against self-incrimination under the Fifth
9 Amendment of the United States Constitution or Article I,
10 Section 10, of the Constitution of the State of Illinois.

11 (5) To have direct and prompt access to the Secretary
12 of State for any purpose pertaining to the performance of
13 functions and responsibilities under this Section.

14 (d-5) In addition to the authority otherwise provided by
15 this Section, the Secretary of State Inspector General shall
16 have jurisdiction to investigate complaints and allegations of
17 wrongdoing by any person or entity related to the Lobbyist
18 Registration Act. When investigating those complaints and
19 allegations, the Inspector General is authorized:

20 (1) To have access to all records, reports, audits,
21 reviews, documents, papers, recommendations, or other
22 materials available that relate to programs and operations
23 with respect to which the Inspector General has
24 responsibilities under this Section.

25 (2) To request any information or assistance that may
26 be necessary for carrying out the duties and

1 responsibilities provided by this Section from any local,
2 State, or federal governmental agency or unit thereof.

3 (3) To require by subpoena the appearance of witnesses
4 and the production of all information, documents, reports,
5 answers, records, accounts, papers, and other data and
6 documentary evidence necessary in the performance of the
7 functions assigned by this Section. A subpoena may be
8 issued under this paragraph (3) only by the Inspector
9 General and not by members of the Inspector General's
10 staff. A person duly subpoenaed for testimony, documents,
11 or other items who neglects or refuses to testify or
12 produce documents or other items under the requirements of
13 the subpoena shall be subject to punishment as may be
14 determined by a court of competent jurisdiction, unless the
15 testimony, documents, or other items are covered by the
16 attorney-client privilege or any other privilege or right
17 recognized by law. Nothing in this Section limits a
18 person's right to protection against self-incrimination
19 under the Fifth Amendment of the United States Constitution
20 or Section 10 of Article I of the Constitution of the State
21 of Illinois.

22 (4) To have direct and prompt access to the Secretary
23 of State for any purpose pertaining to the performance of
24 functions and responsibilities under this Section.

25 (5) As provided in subsection (d) of Section 5 of the
26 Lobbyist Registration Act, to review allegations that an

1 individual required to be registered under the Lobbyist
2 Registration Act has engaged in one or more acts of sexual
3 harassment. Upon completion of that review, the Inspector
4 General shall submit a summary of the review to the
5 Executive Ethics Commission. The Inspector General is
6 authorized to file pleadings with the Executive Ethics
7 Commission, through the Attorney General, if the Attorney
8 General finds that reasonable cause exists to believe that
9 a violation regarding acts of sexual harassment has
10 occurred. The Secretary shall adopt rules setting forth the
11 procedures for the review of such allegations.

12 (e) The Inspector General may receive and investigate
13 complaints or information concerning the possible existence of
14 an activity constituting a violation of law, rules, or
15 regulations; mismanagement; abuse of authority; or substantial
16 and specific danger to the public health and safety. Any person
17 who knowingly files a false complaint or files a complaint with
18 reckless disregard for the truth or the falsity of the facts
19 underlying the complaint may be subject to discipline as set
20 forth in the rules of the Department of Personnel of the
21 Secretary of State or the Inspector General may refer the
22 matter to a State's Attorney or the Attorney General.

23 The Inspector General may not, after receipt of a complaint
24 or information, disclose the identity of the source without the
25 consent of the source, unless the Inspector General determines
26 that disclosure of the identity is reasonable and necessary for

1 the furtherance of the investigation.

2 Any employee who has the authority to recommend or approve
3 any personnel action or to direct others to recommend or
4 approve any personnel action may not, with respect to that
5 authority, take or threaten to take any action against any
6 employee as a reprisal for making a complaint or disclosing
7 information to the Inspector General, unless the complaint was
8 made or the information disclosed with the knowledge that it
9 was false or with willful disregard for its truth or falsity.

10 (f) The Inspector General must adopt rules, in accordance
11 with the provisions of the Illinois Administrative Procedure
12 Act, establishing minimum requirements for initiating,
13 conducting, and completing investigations. The rules must
14 establish criteria for determining, based upon the nature of
15 the allegation, the appropriate method of investigation, which
16 may include, but is not limited to, site visits, telephone
17 contacts, personal interviews, or requests for written
18 responses. The rules must also clarify how the Office of the
19 Inspector General shall interact with other local, State, and
20 federal law enforcement investigations.

21 Any employee of the Secretary of State subject to
22 investigation or inquiry by the Inspector General or any agent
23 or representative of the Inspector General concerning
24 misconduct that is criminal in nature shall have the right to
25 be notified of the right to remain silent during the
26 investigation or inquiry and the right to be represented in the

1 investigation or inquiry by an attorney or a representative of
2 a labor organization that is the exclusive collective
3 bargaining representative of employees of the Secretary of
4 State. Any investigation or inquiry by the Inspector General or
5 any agent or representative of the Inspector General must be
6 conducted with an awareness of the provisions of a collective
7 bargaining agreement that applies to the employees of the
8 Secretary of State and with an awareness of the rights of the
9 employees as set forth in State and federal law and applicable
10 judicial decisions. Any recommendations for discipline or any
11 action taken against any employee by the Inspector General or
12 any representative or agent of the Inspector General must
13 comply with the provisions of the collective bargaining
14 agreement that applies to the employee.

15 (g) On or before January 1 of each year, the Inspector
16 General shall report to the President of the Senate, the
17 Minority Leader of the Senate, the Speaker of the House of
18 Representatives, and the Minority Leader of the House of
19 Representatives on the types of investigations and the
20 activities undertaken by the Office of the Inspector General
21 during the previous calendar year.

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

23 Section 20. The Legislative Information System Act is
24 amended by adding Section 9 as follows:

1 (25 ILCS 145/9 new)

2 Sec. 9. Information regarding discrimination and
3 harassment. The System shall establish a page for electronic
4 public access on the General Assembly's website that provides
5 information regarding discrimination and harassment,
6 including, but not limited to:

7 (1) the name and contact information for the ethics officer
8 for each caucus;

9 (2) the name and contact information for the Legislative
10 Inspector General and information on how to file a complaint;

11 (3) a direct link to the website of the Department of Human
12 Rights for harassment and discrimination and the Department's
13 hotline phone number; and

14 (4) the name and contact information for the chief of staff
15 for each legislative caucus leader.

16 A direct link to the page required by this Section shall be
17 included on the front page of the General Assembly's website.

18 Section 25. The Lobbyist Registration Act is amended by
19 changing Section 11 as follows:

20 (25 ILCS 170/11) (from Ch. 63, par. 181)

21 Sec. 11. Enforcement.

22 (a) The Secretary of State Inspector General appointed
23 under Section 14 of the Secretary of State Act shall initiate
24 investigations of violations of this Act upon receipt of

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

1 Attorney, or the Attorney General pursuant to subsection (c).

2 (a-5) Failure to cooperate in an investigation initiated by
3 the Secretary of State Inspector General appointed under
4 Section 14 of the Secretary of State Act is a separate and
5 punishable offense for which the Secretary of State Inspector
6 General, through the Attorney General, shall file pleadings
7 with the Executive Ethics Commission, which has the discretion
8 to strike or suspend the registration of any person, or
9 lobbying entity for which that person is employed, registered
10 under this Act. Nothing in this Section limits or alters a
11 person's existing rights or protections under State or federal
12 law.

13 (b) Any violation of this Act may be prosecuted in the
14 county where the offense is committed or in Sangamon County. In
15 addition to the State's Attorney of the appropriate county, the
16 Attorney General of Illinois also is authorized to prosecute
17 any violation of this Act.

18 (c) Notwithstanding any other provision of this Act, the
19 Inspector General may at any time refer evidence of a violation
20 of State or federal law, in addition to a violation of this
21 Act, to the appropriate law enforcement agency, State's
22 Attorney, or Attorney General.

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

24 Section 30. The Illinois Human Rights Act is amended by
25 changing Sections 2-102, 2-107, and 7A-102 as follows:

1 (775 ILCS 5/2-102) (from Ch. 68, par. 2-102)

2 Sec. 2-102. Civil Rights Violations - Employment. It is a
3 civil rights violation:

4 (A) Employers. For any employer to refuse to hire, to
5 segregate, or to act with respect to recruitment, hiring,
6 promotion, renewal of employment, selection for training or
7 apprenticeship, discharge, discipline, tenure or terms,
8 privileges or conditions of employment on the basis of unlawful
9 discrimination or citizenship status.

10 (A-5) Language. For an employer to impose a restriction
11 that has the effect of prohibiting a language from being spoken
12 by an employee in communications that are unrelated to the
13 employee's duties.

14 For the purposes of this subdivision (A-5), "language"
15 means a person's native tongue, such as Polish, Spanish, or
16 Chinese. "Language" does not include such things as slang,
17 jargon, profanity, or vulgarity.

18 (B) Employment Agency. For any employment agency to fail or
19 refuse to classify properly, accept applications and register
20 for employment referral or apprenticeship referral, refer for
21 employment, or refer for apprenticeship on the basis of
22 unlawful discrimination or citizenship status or to accept from
23 any person any job order, requisition or request for referral
24 of applicants for employment or apprenticeship which makes or
25 has the effect of making unlawful discrimination or

1 discrimination on the basis of citizenship status a condition
2 of referral.

3 (C) Labor Organization. For any labor organization to
4 limit, segregate or classify its membership, or to limit
5 employment opportunities, selection and training for
6 apprenticeship in any trade or craft, or otherwise to take, or
7 fail to take, any action which affects adversely any person's
8 status as an employee or as an applicant for employment or as
9 an apprentice, or as an applicant for apprenticeships, or
10 wages, tenure, hours of employment or apprenticeship
11 conditions on the basis of unlawful discrimination or
12 citizenship status.

13 (D) Sexual Harassment. For any employer, employee, agent of
14 any employer, employment agency or labor organization to engage
15 in sexual harassment; provided, that an employer shall be
16 responsible for sexual harassment of the employer's employees
17 by nonemployees or nonmanagerial and nonsupervisory employees
18 only if the employer becomes aware of the conduct and fails to
19 take reasonable corrective measures.

20 (E) Public Employers. For any public employer to refuse to
21 permit a public employee under its jurisdiction who takes time
22 off from work in order to practice his or her religious beliefs
23 to engage in work, during hours other than such employee's
24 regular working hours, consistent with the operational needs of
25 the employer and in order to compensate for work time lost for
26 such religious reasons. Any employee who elects such deferred

1 work shall be compensated at the wage rate which he or she
2 would have earned during the originally scheduled work period.
3 The employer may require that an employee who plans to take
4 time off from work in order to practice his or her religious
5 beliefs provide the employer with a notice of his or her
6 intention to be absent from work not exceeding 5 days prior to
7 the date of absence.

8 (E-5) Religious discrimination. For any employer to impose
9 upon a person as a condition of obtaining or retaining
10 employment, including opportunities for promotion,
11 advancement, or transfer, any terms or conditions that would
12 require such person to violate or forgo a sincerely held
13 practice of his or her religion including, but not limited to,
14 the wearing of any attire, clothing, or facial hair in
15 accordance with the requirements of his or her religion,
16 unless, after engaging in a bona fide effort, the employer
17 demonstrates that it is unable to reasonably accommodate the
18 employee's or prospective employee's sincerely held religious
19 belief, practice, or observance without undue hardship on the
20 conduct of the employer's business.

21 Nothing in this Section prohibits an employer from enacting
22 a dress code or grooming policy that may include restrictions
23 on attire, clothing, or facial hair to maintain workplace
24 safety or food sanitation.

25 (F) Training and Apprenticeship Programs. For any
26 employer, employment agency or labor organization to

1 discriminate against a person on the basis of age in the
2 selection, referral for or conduct of apprenticeship or
3 training programs.

4 (G) Immigration-Related Practices.

5 (1) for an employer to request for purposes of
6 satisfying the requirements of Section 1324a(b) of Title 8
7 of the United States Code, as now or hereafter amended,
8 more or different documents than are required under such
9 Section or to refuse to honor documents tendered that on
10 their face reasonably appear to be genuine; or

11 (2) for an employer participating in the E-Verify
12 Program, as authorized by 8 U.S.C. 1324a, Notes, Pilot
13 Programs for Employment Eligibility Confirmation (enacted
14 by PL 104-208, div. C title IV, subtitle A) to refuse to
15 hire, to segregate, or to act with respect to recruitment,
16 hiring, promotion, renewal of employment, selection for
17 training or apprenticeship, discharge, discipline, tenure
18 or terms, privileges or conditions of employment without
19 following the procedures under the E-Verify Program.

20 (H) (Blank).

21 (I) Pregnancy. For an employer to refuse to hire, to
22 segregate, or to act with respect to recruitment, hiring,
23 promotion, renewal of employment, selection for training or
24 apprenticeship, discharge, discipline, tenure or terms,
25 privileges or conditions of employment on the basis of
26 pregnancy, childbirth, or medical or common conditions related

1 to pregnancy or childbirth. Women affected by pregnancy,
2 childbirth, or medical or common conditions related to
3 pregnancy or childbirth shall be treated the same for all
4 employment-related purposes, including receipt of benefits
5 under fringe benefit programs, as other persons not so affected
6 but similar in their ability or inability to work, regardless
7 of the source of the inability to work or employment
8 classification or status.

9 (J) Pregnancy; reasonable accommodations.

10 (1) If after a job applicant or employee, including a
11 part-time, full-time, or probationary employee, requests a
12 reasonable accommodation, for an employer to not make
13 reasonable accommodations for any medical or common
14 condition of a job applicant or employee related to
15 pregnancy or childbirth, unless the employer can
16 demonstrate that the accommodation would impose an undue
17 hardship on the ordinary operation of the business of the
18 employer. The employer may request documentation from the
19 employee's health care provider concerning the need for the
20 requested reasonable accommodation or accommodations to
21 the same extent documentation is requested for conditions
22 related to disability if the employer's request for
23 documentation is job-related and consistent with business
24 necessity. The employer may require only the medical
25 justification for the requested accommodation or
26 accommodations, a description of the reasonable

1 accommodation or accommodations medically advisable, the
2 date the reasonable accommodation or accommodations became
3 medically advisable, and the probable duration of the
4 reasonable accommodation or accommodations. It is the duty
5 of the individual seeking a reasonable accommodation or
6 accommodations to submit to the employer any documentation
7 that is requested in accordance with this paragraph.
8 Notwithstanding the provisions of this paragraph, the
9 employer may require documentation by the employee's
10 health care provider to determine compliance with other
11 laws. The employee and employer shall engage in a timely,
12 good faith, and meaningful exchange to determine effective
13 reasonable accommodations.

14 (2) For an employer to deny employment opportunities or
15 benefits to or take adverse action against an otherwise
16 qualified job applicant or employee, including a
17 part-time, full-time, or probationary employee, if the
18 denial or adverse action is based on the need of the
19 employer to make reasonable accommodations to the known
20 medical or common conditions related to the pregnancy or
21 childbirth of the applicant or employee.

22 (3) For an employer to require a job applicant or
23 employee, including a part-time, full-time, or
24 probationary employee, affected by pregnancy, childbirth,
25 or medical or common conditions related to pregnancy or
26 childbirth to accept an accommodation when the applicant or

1 employee did not request an accommodation and the applicant
2 or employee chooses not to accept the employer's
3 accommodation.

4 (4) For an employer to require an employee, including a
5 part-time, full-time, or probationary employee, to take
6 leave under any leave law or policy of the employer if
7 another reasonable accommodation can be provided to the
8 known medical or common conditions related to the pregnancy
9 or childbirth of an employee. No employer shall fail or
10 refuse to reinstate the employee affected by pregnancy,
11 childbirth, or medical or common conditions related to
12 pregnancy or childbirth to her original job or to an
13 equivalent position with equivalent pay and accumulated
14 seniority, retirement, fringe benefits, and other
15 applicable service credits upon her signifying her intent
16 to return or when her need for reasonable accommodation
17 ceases, unless the employer can demonstrate that the
18 accommodation would impose an undue hardship on the
19 ordinary operation of the business of the employer.

20 For the purposes of this subdivision (J), "reasonable
21 accommodations" means reasonable modifications or adjustments
22 to the job application process or work environment, or to the
23 manner or circumstances under which the position desired or
24 held is customarily performed, that enable an applicant or
25 employee affected by pregnancy, childbirth, or medical or
26 common conditions related to pregnancy or childbirth to be

1 considered for the position the applicant desires or to perform
2 the essential functions of that position, and may include, but
3 is not limited to: more frequent or longer bathroom breaks,
4 breaks for increased water intake, and breaks for periodic
5 rest; private non-bathroom space for expressing breast milk and
6 breastfeeding; seating; assistance with manual labor; light
7 duty; temporary transfer to a less strenuous or hazardous
8 position; the provision of an accessible worksite; acquisition
9 or modification of equipment; job restructuring; a part-time or
10 modified work schedule; appropriate adjustment or
11 modifications of examinations, training materials, or
12 policies; reassignment to a vacant position; time off to
13 recover from conditions related to childbirth; and leave
14 necessitated by pregnancy, childbirth, or medical or common
15 conditions resulting from pregnancy or childbirth.

16 For the purposes of this subdivision (J), "undue hardship"
17 means an action that is prohibitively expensive or disruptive
18 when considered in light of the following factors: (i) the
19 nature and cost of the accommodation needed; (ii) the overall
20 financial resources of the facility or facilities involved in
21 the provision of the reasonable accommodation, the number of
22 persons employed at the facility, the effect on expenses and
23 resources, or the impact otherwise of the accommodation upon
24 the operation of the facility; (iii) the overall financial
25 resources of the employer, the overall size of the business of
26 the employer with respect to the number of its employees, and

1 the number, type, and location of its facilities; and (iv) the
2 type of operation or operations of the employer, including the
3 composition, structure, and functions of the workforce of the
4 employer, the geographic separateness, administrative, or
5 fiscal relationship of the facility or facilities in question
6 to the employer. The employer has the burden of proving undue
7 hardship. The fact that the employer provides or would be
8 required to provide a similar accommodation to similarly
9 situated employees creates a rebuttable presumption that the
10 accommodation does not impose an undue hardship on the
11 employer.

12 No employer is required by this subdivision (J) to create
13 additional employment that the employer would not otherwise
14 have created, unless the employer does so or would do so for
15 other classes of employees who need accommodation. The employer
16 is not required to discharge any employee, transfer any
17 employee with more seniority, or promote any employee who is
18 not qualified to perform the job, unless the employer does so
19 or would do so to accommodate other classes of employees who
20 need it.

21 (K) Notice.

22 (1) For an employer to fail to post or keep posted in a
23 conspicuous location on the premises of the employer where
24 notices to employees are customarily posted, or fail to
25 include in any employee handbook information concerning an
26 employee's rights under this Article, a notice, to be

1 prepared or approved by the Department, summarizing the
2 requirements of this Article and information pertaining to
3 the filing of a charge, including the right to be free from
4 unlawful discrimination, the right to be free from sexual
5 harassment, and the right to certain reasonable
6 accommodations. The Department shall make the documents
7 required under this paragraph available for retrieval from
8 the Department's website.

9 (2) Upon notification of a violation of paragraph (1)
10 of this subdivision (K), the Department may launch a
11 preliminary investigation. If the Department finds a
12 violation, the Department may issue a notice to show cause
13 giving the employer 30 days to correct the violation. If
14 the violation is not corrected, the Department may initiate
15 a charge of a civil rights violation.

16 (Source: P.A. 100-100, eff. 8-11-17.)

17 (775 ILCS 5/2-107)

18 Sec. 2-107. Helpline ~~Hotline~~ to Report Sexual Harassment
19 and Discrimination.

20 (a) The Department shall, no later than 3 months after the
21 effective date of this amendatory Act of the 100th General
22 Assembly, establish and maintain a sexual harassment and
23 discrimination helpline ~~hotline~~. The Department shall help
24 persons who contact the Department through the helpline ~~hotline~~
25 find necessary resources, including counseling services, and

1 assist in the filing of sexual harassment and discrimination
2 complaints with the Department or other applicable agencies.
3 The Department may recommend individual seek private counsel,
4 but shall not make recommendations for legal representation.
5 The helpline ~~hotline~~ shall provide the means through which
6 persons may anonymously report sexual harassment and
7 discrimination in both private and public places of employment.
8 In the case of a report of sexual harassment and discrimination
9 by a person subject to Article 20 or 25 of the State Officials
10 and Employees Ethics Act, the Department shall, with the
11 permission of the reporting individual, report the allegations
12 to the Executive Inspector General or Legislative Inspector
13 General for further investigation.

14 (b) The Department shall advertise the helpline ~~hotline~~ on
15 its website and in materials related to sexual harassment and
16 discrimination, including posters made available to the
17 public, and encourage reporting by both those who are subject
18 to sexual harassment and discrimination and those who have
19 witnessed it.

20 (c) All communications received by the Department via the
21 helpline ~~hotline~~ or Internet communication shall remain
22 confidential and shall be exempt from disclosure under the
23 Freedom of Information Act.

24 (d) As used in this Section, "helpline" ~~"hotline"~~ means a
25 toll-free telephone with voicemail capabilities and an
26 Internet website through which persons may report instances of

1 sexual harassment and discrimination.

2 (e) The Department shall annually evaluate the helpline and
3 report to the Clerk of the House of Representatives and the
4 Secretary of the Senate in electronic form only, in the manner
5 that the Clerk and the Secretary shall direct, the following
6 information: (i) the total number of calls received, including
7 messages left during non-business hours; (ii) the number of
8 calls reporting sexual discrimination claims; (iii) the number
9 of calls reporting harassment claims; (iv) the number of calls
10 reporting sexual harassment claims; (v) the number of calls
11 that were referred to each Executive Inspector General; and
12 (vi) the number of calls that were referred to the Legislative
13 Inspector General.

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

15 (775 ILCS 5/7A-102) (from Ch. 68, par. 7A-102)

16 Sec. 7A-102. Procedures.

17 (A) Charge.

18 (1) Within 300 calendar ~~180~~ days after the date that a
19 civil rights violation allegedly has been committed, a
20 charge in writing under oath or affirmation may be filed
21 with the Department by an aggrieved party or issued by the
22 Department itself under the signature of the Director.

23 (2) The charge shall be in such detail as to
24 substantially apprise any party properly concerned as to
25 the time, place, and facts surrounding the alleged civil

1 rights violation.

2 (3) Charges deemed filed with the Department pursuant
3 to subsection (A-1) of this Section shall be deemed to be
4 in compliance with this subsection.

5 (A-1) Equal Employment Opportunity Commission Charges.

6 (1) If a charge is filed with the Equal Employment
7 Opportunity Commission (EEOC) within 300 calendar ~~180~~ days
8 after the date of the alleged civil rights violation, the
9 charge shall be deemed filed with the Department on the
10 date filed with the EEOC. If the EEOC is the governmental
11 agency designated to investigate the charge first, the
12 Department shall take no action until the EEOC makes a
13 determination on the charge and after the complainant
14 notifies the Department of the EEOC's determination. In
15 such cases, after receiving notice from the EEOC that a
16 charge was filed, the Department shall notify the parties
17 that (i) a charge has been received by the EEOC and has
18 been sent to the Department for dual filing purposes; (ii)
19 the EEOC is the governmental agency responsible for
20 investigating the charge and that the investigation shall
21 be conducted pursuant to the rules and procedures adopted
22 by the EEOC; (iii) it will take no action on the charge
23 until the EEOC issues its determination; (iv) the
24 complainant must submit a copy of the EEOC's determination
25 within 30 days after service of the determination by the
26 EEOC on complainant; and (v) that the time period to

1 investigate the charge contained in subsection (G) of this
2 Section is tolled from the date on which the charge is
3 filed with the EEOC until the EEOC issues its
4 determination.

5 (2) If the EEOC finds reasonable cause to believe that
6 there has been a violation of federal law and if the
7 Department is timely notified of the EEOC's findings by
8 complainant, the Department shall notify complainant that
9 the Department has adopted the EEOC's determination of
10 reasonable cause and that complainant has the right, within
11 90 days after receipt of the Department's notice, to either
12 file his or her own complaint with the Illinois Human
13 Rights Commission or commence a civil action in the
14 appropriate circuit court or other appropriate court of
15 competent jurisdiction. The Department's notice to
16 complainant that the Department has adopted the EEOC's
17 determination of reasonable cause shall constitute the
18 Department's Report for purposes of subparagraph (D) of
19 this Section.

20 (3) For those charges alleging violations within the
21 jurisdiction of both the EEOC and the Department and for
22 which the EEOC either (i) does not issue a determination,
23 but does issue the complainant a notice of a right to sue,
24 including when the right to sue is issued at the request of
25 the complainant, or (ii) determines that it is unable to
26 establish that illegal discrimination has occurred and

1 issues the complainant a right to sue notice, and if the
2 Department is timely notified of the EEOC's determination
3 by complainant, the Department shall notify the parties
4 that the Department will adopt the EEOC's determination as
5 a dismissal for lack of substantial evidence unless the
6 complainant requests in writing within 35 days after
7 receipt of the Department's notice that the Department
8 review the EEOC's determination.

9 (a) If the complainant does not file a written
10 request with the Department to review the EEOC's
11 determination within 35 days after receipt of the
12 Department's notice, the Department shall notify
13 complainant that the decision of the EEOC has been
14 adopted by the Department as a dismissal for lack of
15 substantial evidence and that the complainant has the
16 right, within 90 days after receipt of the Department's
17 notice, to commence a civil action in the appropriate
18 circuit court or other appropriate court of competent
19 jurisdiction. The Department's notice to complainant
20 that the Department has adopted the EEOC's
21 determination shall constitute the Department's report
22 for purposes of subparagraph (D) of this Section.

23 (b) If the complainant does file a written request
24 with the Department to review the EEOC's
25 determination, the Department shall review the EEOC's
26 determination and any evidence obtained by the EEOC

1 during its investigation. If, after reviewing the
2 EEOC's determination and any evidence obtained by the
3 EEOC, the Department determines there is no need for
4 further investigation of the charge, the Department
5 shall issue a report and the Director shall determine
6 whether there is substantial evidence that the alleged
7 civil rights violation has been committed pursuant to
8 subsection (D) of Section 7A-102. If, after reviewing
9 the EEOC's determination and any evidence obtained by
10 the EEOC, the Department determines there is a need for
11 further investigation of the charge, the Department
12 may conduct any further investigation it deems
13 necessary. After reviewing the EEOC's determination,
14 the evidence obtained by the EEOC, and any additional
15 investigation conducted by the Department, the
16 Department shall issue a report and the Director shall
17 determine whether there is substantial evidence that
18 the alleged civil rights violation has been committed
19 pursuant to subsection (D) of Section 7A-102 of this
20 Act.

21 (4) Pursuant to this Section, if the EEOC dismisses the
22 charge or a portion of the charge of discrimination
23 because, under federal law, the EEOC lacks jurisdiction
24 over the charge, and if, under this Act, the Department has
25 jurisdiction over the charge of discrimination, the
26 Department shall investigate the charge or portion of the

1 charge dismissed by the EEOC for lack of jurisdiction
2 pursuant to subsections (A), (A-1), (B), (B-1), (C), (D),
3 (E), (F), (G), (H), (I), (J), and (K) of Section 7A-102 of
4 this Act.

5 (5) The time limit set out in subsection (G) of this
6 Section is tolled from the date on which the charge is
7 filed with the EEOC to the date on which the EEOC issues
8 its determination.

9 (B) Notice and Response to Charge. The Department shall,
10 within 10 days of the date on which the charge was filed, serve
11 a copy of the charge on the respondent. This period shall not
12 be construed to be jurisdictional. The charging party and the
13 respondent may each file a position statement and other
14 materials with the Department regarding the charge of alleged
15 discrimination within 60 days of receipt of the notice of the
16 charge. The position statements and other materials filed shall
17 remain confidential unless otherwise agreed to by the party
18 providing the information and shall not be served on or made
19 available to the other party during pendency of a charge with
20 the Department. The Department may require the respondent to
21 file a response to the allegations contained in the charge.
22 Upon the Department's request, the respondent shall file a
23 response to the charge within 60 days and shall serve a copy of
24 its response on the complainant or his or her representative.
25 Notwithstanding any request from the Department, the
26 respondent may elect to file a response to the charge within 60

1 days of receipt of notice of the charge, provided the
2 respondent serves a copy of its response on the complainant or
3 his or her representative. All allegations contained in the
4 charge not denied by the respondent within 60 days of the
5 Department's request for a response may be deemed admitted,
6 unless the respondent states that it is without sufficient
7 information to form a belief with respect to such allegation.
8 The Department may issue a notice of default directed to any
9 respondent who fails to file a response to a charge within 60
10 days of receipt of the Department's request, unless the
11 respondent can demonstrate good cause as to why such notice
12 should not issue. The term "good cause" shall be defined by
13 rule promulgated by the Department. Within 30 days of receipt
14 of the respondent's response, the complainant may file a reply
15 to said response and shall serve a copy of said reply on the
16 respondent or his or her representative. A party shall have the
17 right to supplement his or her response or reply at any time
18 that the investigation of the charge is pending. The Department
19 shall, within 10 days of the date on which the charge was
20 filed, and again no later than 335 days thereafter, send by
21 certified or registered mail written notice to the complainant
22 and to the respondent informing the complainant of the
23 complainant's right to either file a complaint with the Human
24 Rights Commission or commence a civil action in the appropriate
25 circuit court under subparagraph (2) of paragraph (G),
26 including in such notice the dates within which the complainant

1 may exercise this right. In the notice the Department shall
2 notify the complainant that the charge of civil rights
3 violation will be dismissed with prejudice and with no right to
4 further proceed if a written complaint is not timely filed with
5 the Commission or with the appropriate circuit court by the
6 complainant pursuant to subparagraph (2) of paragraph (G) or by
7 the Department pursuant to subparagraph (1) of paragraph (G).

8 (B-1) Mediation. The complainant and respondent may agree
9 to voluntarily submit the charge to mediation without waiving
10 any rights that are otherwise available to either party
11 pursuant to this Act and without incurring any obligation to
12 accept the result of the mediation process. Nothing occurring
13 in mediation shall be disclosed by the Department or admissible
14 in evidence in any subsequent proceeding unless the complainant
15 and the respondent agree in writing that such disclosure be
16 made.

17 (C) Investigation.

18 (1) The Department shall conduct an investigation
19 sufficient to determine whether the allegations set forth
20 in the charge are supported by substantial evidence.

21 (2) The Director or his or her designated
22 representatives shall have authority to request any member
23 of the Commission to issue subpoenas to compel the
24 attendance of a witness or the production for examination
25 of any books, records or documents whatsoever.

26 (3) If any witness whose testimony is required for any

1 investigation resides outside the State, or through
2 illness or any other good cause as determined by the
3 Director is unable to be interviewed by the investigator or
4 appear at a fact finding conference, his or her testimony
5 or deposition may be taken, within or without the State, in
6 the same manner as is provided for in the taking of
7 depositions in civil cases in circuit courts.

8 (4) Upon reasonable notice to the complainant and the
9 respondent, the Department shall conduct a fact finding
10 conference, unless prior to 365 days after the date on
11 which the charge was filed the Director has determined
12 whether there is substantial evidence that the alleged
13 civil rights violation has been committed, the charge has
14 been dismissed for lack of jurisdiction, or the parties
15 voluntarily and in writing agree to waive the fact finding
16 conference. Any party's failure to attend the conference
17 without good cause shall result in dismissal or default.
18 The term "good cause" shall be defined by rule promulgated
19 by the Department. A notice of dismissal or default shall
20 be issued by the Director. The notice of default issued by
21 the Director shall notify the respondent that a request for
22 review may be filed in writing with the Commission within
23 30 days of receipt of notice of default. The notice of
24 dismissal issued by the Director shall give the complainant
25 notice of his or her right to seek review of the dismissal
26 before the Human Rights Commission or commence a civil

1 action in the appropriate circuit court. If the complainant
2 chooses to have the Human Rights Commission review the
3 dismissal order, he or she shall file a request for review
4 with the Commission within 90 days after receipt of the
5 Director's notice. If the complainant chooses to file a
6 request for review with the Commission, he or she may not
7 later commence a civil action in a circuit court. If the
8 complainant chooses to commence a civil action in a circuit
9 court, he or she must do so within 90 days after receipt of
10 the Director's notice.

11 (D) Report.

12 (1) Each charge shall be the subject of a report to the
13 Director. The report shall be a confidential document
14 subject to review by the Director, authorized Department
15 employees, the parties, and, where indicated by this Act,
16 members of the Commission or their designated hearing
17 officers.

18 (2) Upon review of the report, the Director shall
19 determine whether there is substantial evidence that the
20 alleged civil rights violation has been committed. The
21 determination of substantial evidence is limited to
22 determining the need for further consideration of the
23 charge pursuant to this Act and includes, but is not
24 limited to, findings of fact and conclusions, as well as
25 the reasons for the determinations on all material issues.
26 Substantial evidence is evidence which a reasonable mind

1 accepts as sufficient to support a particular conclusion
2 and which consists of more than a mere scintilla but may be
3 somewhat less than a preponderance.

4 (3) If the Director determines that there is no
5 substantial evidence, the charge shall be dismissed by
6 order of the Director and the Director shall give the
7 complainant notice of his or her right to seek review of
8 the dismissal order before the Commission or commence a
9 civil action in the appropriate circuit court. If the
10 complainant chooses to have the Human Rights Commission
11 review the dismissal order, he or she shall file a request
12 for review with the Commission within 90 days after receipt
13 of the Director's notice. If the complainant chooses to
14 file a request for review with the Commission, he or she
15 may not later commence a civil action in a circuit court.
16 If the complainant chooses to commence a civil action in a
17 circuit court, he or she must do so within 90 days after
18 receipt of the Director's notice.

19 (4) If the Director determines that there is
20 substantial evidence, he or she shall notify the
21 complainant and respondent of that determination. The
22 Director shall also notify the parties that the complainant
23 has the right to either commence a civil action in the
24 appropriate circuit court or request that the Department of
25 Human Rights file a complaint with the Human Rights
26 Commission on his or her behalf. Any such complaint shall

1 be filed within 90 days after receipt of the Director's
2 notice. If the complainant chooses to have the Department
3 file a complaint with the Human Rights Commission on his or
4 her behalf, the complainant must, within 30 days after
5 receipt of the Director's notice, request in writing that
6 the Department file the complaint. If the complainant
7 timely requests that the Department file the complaint, the
8 Department shall file the complaint on his or her behalf.
9 If the complainant fails to timely request that the
10 Department file the complaint, the complainant may file his
11 or her complaint with the Commission or commence a civil
12 action in the appropriate circuit court. If the complainant
13 files a complaint with the Human Rights Commission, the
14 complainant shall give notice to the Department of the
15 filing of the complaint with the Human Rights Commission.

16 (E) Conciliation.

17 (1) When there is a finding of substantial evidence,
18 the Department may designate a Department employee who is
19 an attorney licensed to practice in Illinois to endeavor to
20 eliminate the effect of the alleged civil rights violation
21 and to prevent its repetition by means of conference and
22 conciliation.

23 (2) When the Department determines that a formal
24 conciliation conference is necessary, the complainant and
25 respondent shall be notified of the time and place of the
26 conference by registered or certified mail at least 10 days

1 prior thereto and either or both parties shall appear at
2 the conference in person or by attorney.

3 (3) The place fixed for the conference shall be within
4 35 miles of the place where the civil rights violation is
5 alleged to have been committed.

6 (4) Nothing occurring at the conference shall be
7 disclosed by the Department unless the complainant and
8 respondent agree in writing that such disclosure be made.

9 (5) The Department's efforts to conciliate the matter
10 shall not stay or extend the time for filing the complaint
11 with the Commission or the circuit court.

12 (F) Complaint.

13 (1) When the complainant requests that the Department
14 file a complaint with the Commission on his or her behalf,
15 the Department shall prepare a written complaint, under
16 oath or affirmation, stating the nature of the civil rights
17 violation substantially as alleged in the charge
18 previously filed and the relief sought on behalf of the
19 aggrieved party. The Department shall file the complaint
20 with the Commission.

21 (2) If the complainant chooses to commence a civil
22 action in a circuit court, he or she must do so in the
23 circuit court in the county wherein the civil rights
24 violation was allegedly committed. The form of the
25 complaint in any such civil action shall be in accordance
26 with the Illinois Code of Civil Procedure.

1 (G) Time Limit.

2 (1) When a charge of a civil rights violation has been
3 properly filed, the Department, within 365 days thereof or
4 within any extension of that period agreed to in writing by
5 all parties, shall issue its report as required by
6 subparagraph (D). Any such report shall be duly served upon
7 both the complainant and the respondent.

8 (2) If the Department has not issued its report within
9 365 days after the charge is filed, or any such longer
10 period agreed to in writing by all the parties, the
11 complainant shall have 90 days to either file his or her
12 own complaint with the Human Rights Commission or commence
13 a civil action in the appropriate circuit court. If the
14 complainant files a complaint with the Commission, the form
15 of the complaint shall be in accordance with the provisions
16 of paragraph (F)(1). If the complainant commences a civil
17 action in a circuit court, the form of the complaint shall
18 be in accordance with the Illinois Code of Civil Procedure.
19 The aggrieved party shall notify the Department that a
20 complaint has been filed and shall serve a copy of the
21 complaint on the Department on the same date that the
22 complaint is filed with the Commission or in circuit court.
23 If the complainant files a complaint with the Commission,
24 he or she may not later commence a civil action in circuit
25 court.

26 (3) If an aggrieved party files a complaint with the

1 Human Rights Commission or commences a civil action in
2 circuit court pursuant to paragraph (2) of this subsection,
3 or if the time period for filing a complaint has expired,
4 the Department shall immediately cease its investigation
5 and dismiss the charge of civil rights violation. Any final
6 order entered by the Commission under this Section is
7 appealable in accordance with paragraph (B)(1) of Section
8 8-111. Failure to immediately cease an investigation and
9 dismiss the charge of civil rights violation as provided in
10 this paragraph (3) constitutes grounds for entry of an
11 order by the circuit court permanently enjoining the
12 investigation. The Department may also be liable for any
13 costs and other damages incurred by the respondent as a
14 result of the action of the Department.

15 (4) The Department shall stay any administrative
16 proceedings under this Section after the filing of a civil
17 action by or on behalf of the aggrieved party under any
18 federal or State law seeking relief with respect to the
19 alleged civil rights violation.

20 (H) This amendatory Act of 1995 applies to causes of action
21 filed on or after January 1, 1996.

22 (I) This amendatory Act of 1996 applies to causes of action
23 filed on or after January 1, 1996.

24 (J) The changes made to this Section by Public Act 95-243
25 apply to charges filed on or after the effective date of those
26 changes.

1 (K) The changes made to this Section by this amendatory Act
2 of the 96th General Assembly apply to charges filed on or after
3 the effective date of those changes.

4 (Source: P.A. 100-492, eff. 9-8-17.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.