

# HB3840



## 100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3840

by Rep. Fred Crespo

### SYNOPSIS AS INTRODUCED:

5 ILCS 430/20-90  
5 ILCS 430/20-95

Amends the State Officials and Employees Ethics Act. Provides that the head and employees of a State agency affected by or involved in an investigation shall keep confidential and shall not disclose information exempted from disclosure under the Act or the Freedom of Information Act. Permits disclosure of investigatory files, reports, and requests for information of or by the Office of an Executive Inspector General to the head of a State agency affected by or involved in an investigation.

LRB100 09492 RJF 19655 b

A BILL FOR

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The State Officials and Employees Ethics Act is  
5 amended by changing Sections 20-90 and 20-95 as follows:

6 (5 ILCS 430/20-90)

7 Sec. 20-90. Confidentiality.

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

18 (b) Subject to the provisions of Section 20-52,  
19 commissioners, employees, and agents of the Executive Ethics  
20 Commission, the Executive Inspectors General, and employees  
21 and agents of each Office of an Executive Inspector General,  
22 the Attorney General, and the employees and agents of the  
23 office of the Attorney General, and the head and employees of a

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

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

10 (5 ILCS 430/20-95)

11 Sec. 20-95. Exemptions.

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

15 (b) Any allegations and related documents submitted to an  
16 Executive Inspector General and any pleadings and related  
17 documents brought before the Executive Ethics Commission are  
18 exempt from the provisions of the Freedom of Information Act so  
19 long as the Executive Ethics Commission does not make a finding  
20 of a violation of this Act. If the Executive Ethics Commission  
21 finds that a violation has occurred, the entire record of  
22 proceedings before the Commission, the decision and  
23 recommendation, and the response from the agency head or  
24 ultimate jurisdictional authority to the Executive Ethics  
25 Commission are not exempt from the provisions of the Freedom of

1 Information Act but information contained therein that is  
2 otherwise exempt from the Freedom of Information Act must be  
3 redacted before disclosure as provided in the Freedom of  
4 Information Act. A summary report released by the Executive  
5 Ethics Commission under Section 20-52 is a public record, but  
6 information redacted by the Executive Ethics Commission shall  
7 not be part of the public record.

8 (c) Meetings of the Commission are exempt from the  
9 provisions of the Open Meetings Act.

10 (d) Unless otherwise provided in this Act, all  
11 investigatory files, ~~and~~ reports and requests for information  
12 of or by the Office of an Executive Inspector General, other  
13 than monthly reports required under Section 20-85, are  
14 confidential, are exempt from disclosure under the Freedom of  
15 Information Act, and shall not be divulged to any person or  
16 agency, except as necessary (i) to a law enforcement authority,  
17 (ii) to the ultimate jurisdictional authority, (iii) to the  
18 Executive Ethics Commission, (iv) to another Inspector General  
19 appointed pursuant to this Act, ~~or~~ (v) to an Inspector General  
20 appointed or employed by a Regional Transit Board in accordance  
21 with Section 75-10, or (vi) to the head of a State agency  
22 affected by or involved in the investigation.

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