



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5789

by Rep. Jim Durkin

SYNOPSIS AS INTRODUCED:

5 ILCS 430/5-70 new
5 ILCS 430/50-5

Amends the State Officials and Employees Ethics Act. Provides that no member of the General Assembly shall file or sponsor any legislation, where the member's purpose in filing or sponsoring that legislation is to, whether directly or indirectly, intentionally: cause individuals or businesses to spend money and devote resources to prevent its passage; assist a registered lobbyist or any other person to obtain a financial or other personal advantage in violation of the provisions of this Act; or gain a financial or other personal advantage for himself or herself in violation of the provisions of this Act. Provides that a violation of this provision is a Class 4 felony. Effective immediately.

LRB101 21535 JWD 72351 b

1 AN ACT concerning the General Assembly.

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 Section 50-5 and by adding Section 5-70 as
6 follows:

7 (5 ILCS 430/5-70 new)

8 Sec. 5-70. Unethical legislation. No member shall file or
9 sponsor any legislation, where the member's purpose in filing
10 or sponsoring that legislation is to, whether directly or
11 indirectly, intentionally: cause individuals or businesses to
12 spend money and devote resources to prevent its passage; assist
13 a registered lobbyist or any other person to obtain a financial
14 or other personal advantage in violation of the provisions of
15 this Act; or gain a financial or other personal advantage for
16 himself or herself in violation of the provisions of this Act.

17 (5 ILCS 430/50-5)

18 Sec. 50-5. Penalties.

19 (a) A person is guilty of a Class A misdemeanor if that
20 person intentionally violates any provision of Section 5-15,
21 5-30, 5-40, or 5-45 or Article 15.

22 (a-1) An ethics commission may levy an administrative fine

1 for a violation of Section 5-45 of this Act of up to 3 times the
2 total annual compensation that would have been obtained in
3 violation of Section 5-45.

4 (a-5) A member is guilty of a Class 4 felony if that member
5 intentionally violates any provision of Section 5-70.

6 (b) A person who intentionally violates any provision of
7 Section 5-20, 5-35, 5-50, or 5-55 is guilty of a business
8 offense subject to a fine of at least \$1,001 and up to \$5,000.

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

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

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

23 (f) In addition to any other penalty that may apply,
24 whether criminal or civil, a State employee who intentionally
25 violates any provision of Section 5-5, 5-15, 5-20, 5-30, 5-35,
26 5-45, or 5-50, Article 10, Article 15, or Section 20-90 or

1 25-90 is subject to discipline or discharge by the appropriate
2 ultimate jurisdictional authority.

3 (g) Any person who violates Section 5-65 is subject to a
4 fine of up to \$5,000 per offense, and is subject to discipline
5 or discharge by the appropriate ultimate jurisdictional
6 authority. Each violation of Section 5-65 is a separate
7 offense. Any penalty imposed by an ethics commission shall be
8 separate and distinct from any fines or penalties imposed by a
9 court of law or a State or federal agency.

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

1 imposed by a court of law or by the Secretary of State under
2 the Lobbyist Registration Act.

3 (Source: P.A. 100-554, eff. 11-16-17; 100-588, eff. 6-8-18.)

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