



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2488

Introduced 1/22/2020, by Sen. Melinda Bush

SYNOPSIS AS INTRODUCED:

5 ILCS 430/5-63 new
5 ILCS 430/25-5

Amends the State Officials and Employees Ethics Act. Provides that any member of the General Assembly shall, upon being charged with a crime or the return of an indictment for a crime, be immediately removed from any leadership position held by that person. Provides that if the charges are dropped or dismissed, or the member is acquitted of the crime, his or her leadership position shall not be automatically restored, but he or she shall once again be eligible to hold a leadership position. Provides that any person serving as a commissioner of the Legislative Ethics Commission shall, upon being charged with a crime or the return of an indictment for a crime, be immediately removed from his or her position as a commissioner of the Commission. Provides that if the charges are dropped or dismissed, or the former commissioner is acquitted of the crime, his or her position as a commissioner shall not be automatically restored, but he or she shall once again be eligible to hold a position as a commissioner. Makes a conforming changes.

LRB101 15900 RJF 65257 b

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 Section 25-5 and by adding Section 5-63 as
6 follows:

7 (5 ILCS 430/5-63 new)

8 Sec. 5-63. Removal from legislative leadership;
9 Legislative Ethics Commission.

10 (a) Any member of the General Assembly shall, upon being
11 charged with a crime or the return of an indictment for a
12 crime, be immediately removed from any leadership position held
13 by that person. If the charges are dropped or dismissed, or the
14 member is acquitted of the crime, his or her leadership
15 position shall not be automatically restored, but he or she
16 shall once again be eligible to hold a leadership position.

17 (b) Any person serving as a commissioner of the Legislative
18 Ethics Commission shall, upon being charged with a crime or the
19 return of an indictment for a crime, be immediately removed
20 from his or her position as a commissioner of the Commission,
21 and that vacancy shall be filled as provided under Section
22 25-5. If the charges are dropped or dismissed, or the former
23 commissioner is acquitted of the crime, his or her position as

1 a commissioner shall not be automatically restored, but he or
2 she shall once again be eligible to hold a position as a
3 commissioner.

4 (5 ILCS 430/25-5)

5 Sec. 25-5. Legislative Ethics Commission.

6 (a) The Legislative Ethics Commission is created.

7 (b) The Legislative Ethics Commission shall consist of 8
8 commissioners appointed 2 each by the President and Minority
9 Leader of the Senate and the Speaker and Minority Leader of the
10 House of Representatives.

11 The terms of the initial commissioners shall commence upon
12 qualification. Each appointing authority shall designate one
13 appointee who shall serve for a 2-year term running through
14 June 30, 2005. Each appointing authority shall designate one
15 appointee who shall serve for a 4-year term running through
16 June 30, 2007. The initial appointments shall be made within 60
17 days after the effective date of this Act.

18 After the initial terms, commissioners shall serve for
19 4-year terms commencing on July 1 of the year of appointment
20 and running through June 30 of the fourth following year.
21 Commissioners may be reappointed to one or more subsequent
22 terms.

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

1 Terms shall run regardless of whether the position is
2 filled.

3 (c) The appointing authorities shall appoint commissioners
4 who have experience holding governmental office or employment
5 and may appoint commissioners who are members of the General
6 Assembly as well as commissioners from the general public. A
7 commissioner who is a member of the General Assembly must
8 recuse himself or herself from participating in any matter
9 relating to any investigation or proceeding in which he or she
10 is the subject or is a complainant. A person is not eligible to
11 serve as a commissioner if that person (i) has been convicted
12 of a felony or a crime of dishonesty or moral turpitude, (ii)
13 is, or was within the preceding 12 months, engaged in
14 activities that require registration under the Lobbyist
15 Registration Act, (iii) is a relative of the appointing
16 authority, (iv) is a State officer or employee other than a
17 member of the General Assembly, or (v) is a candidate for
18 statewide office, federal office, or judicial office.

19 (c-3) If a commissioner during his or her term of service
20 is either charged with or indicted for a crime, he or she shall
21 be immediately removed from his or her position as a
22 commissioner as provided under subsection (b) of Section 5-63.

23 (c-5) If a commissioner is required to recuse himself or
24 herself from participating in a matter as provided in
25 subsection (c), the recusal shall create a temporary vacancy
26 for the limited purpose of consideration of the matter for

1 which the commissioner recused himself or herself, and the
2 appointing authority for the recusing commissioner shall make a
3 temporary appointment to fill the vacancy for consideration of
4 the matter for which the commissioner recused himself or
5 herself.

6 (d) The Legislative Ethics Commission shall have
7 jurisdiction over current and former members of the General
8 Assembly regarding events occurring during a member's term of
9 office and current and former State employees regarding events
10 occurring during any period of employment where the State
11 employee's ultimate jurisdictional authority is (i) a
12 legislative leader, (ii) the Senate Operations Commission, or
13 (iii) the Joint Committee on Legislative Support Services. The
14 Legislative Ethics Commission shall have jurisdiction over
15 complainants and respondents in violation of subsection (d) of
16 Section 25-90. The jurisdiction of the Commission is limited to
17 matters arising under this Act.

18 An officer or executive branch State employee serving on a
19 legislative branch board or commission remains subject to the
20 jurisdiction of the Executive Ethics Commission and is not
21 subject to the jurisdiction of the Legislative Ethics
22 Commission.

23 (e) The Legislative Ethics Commission must meet, either in
24 person or by other technological means, monthly or as often as
25 necessary. At the first meeting of the Legislative Ethics
26 Commission, the commissioners shall choose from their number a

1 chairperson and other officers that they deem appropriate. The
2 terms of officers shall be for 2 years commencing July 1 and
3 running through June 30 of the second following year. Meetings
4 shall be held at the call of the chairperson or any 3
5 commissioners. Official action by the Commission shall require
6 the affirmative vote of 5 commissioners, and a quorum shall
7 consist of 5 commissioners. Commissioners shall receive no
8 compensation but may be reimbursed for their reasonable
9 expenses actually incurred in the performance of their duties.

10 (f) No commissioner, other than a commissioner who is a
11 member of the General Assembly, or employee of the Legislative
12 Ethics Commission may during his or her term of appointment or
13 employment:

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

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

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

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

24 (f-5) No commissioner who is a member of the General
25 Assembly may be a candidate for statewide office, federal
26 office, or judicial office. If a commissioner who is a member

1 of the General Assembly files petitions to be a candidate for a
2 statewide office, federal office, or judicial office, he or she
3 shall be deemed to have resigned from his or her position as a
4 commissioner on the date his or her name is certified for the
5 ballot by the State Board of Elections or local election
6 authority and his or her position as a commissioner shall be
7 deemed vacant. Such person may not be reappointed to the
8 Commission during any time he or she is a candidate for
9 statewide office, federal office, or judicial office.

10 (g) An appointing authority may remove a commissioner only
11 for cause.

12 (h) The Legislative Ethics Commission shall appoint an
13 Executive Director subject to the approval of at least 3 of the
14 4 legislative leaders. The compensation of the Executive
15 Director shall be as determined by the Commission. The
16 Executive Director of the Legislative Ethics Commission may
17 employ, subject to the approval of at least 3 of the 4
18 legislative leaders, and determine the compensation of staff,
19 as appropriations permit.

20 (i) In consultation with the Legislative Inspector
21 General, the Legislative Ethics Commission may develop
22 comprehensive training for members and employees under its
23 jurisdiction that includes, but is not limited to, sexual
24 harassment, employment discrimination, and workplace civility.
25 The training may be recommended to the ultimate jurisdictional
26 authorities and may be approved by the Commission to satisfy

1 the sexual harassment training required under Section 5-10.5 or
2 be provided in addition to the annual sexual harassment
3 training required under Section 5-10.5. The Commission may seek
4 input from governmental agencies or private entities for
5 guidance in developing such training.

6 (Source: P.A. 100-588, eff. 6-8-18; 101-81, eff. 7-12-19;
7 101-221, eff. 8-9-19; 101-617, eff. 12-20-19.)