

**SB3309**



**101ST GENERAL ASSEMBLY**

**State of Illinois**

**2019 and 2020**

**SB3309**

Introduced 2/11/2020, by Sen. Dale Fowler

**SYNOPSIS AS INTRODUCED:**

720 ILCS 5/33-3

from Ch. 38, par. 33-3

Amends the Criminal Code of 2012. Provides that a person, lobbyist, or lobbying entity commits official misconduct when he or she influences or attempts to influence by any means with the intent to promote, support, affect, modify, oppose, or delay any executive, legislative, or administrative action of State government or to promote goodwill with officials as defined in the Lobbyist Registration Act and does any one or more of the following: (1) fails to register as a lobbyist or lobbying entity as required under the Lobbyist Registration Act; (2) fails to file or intentionally files incomplete or inaccurate lobbyist expenditure reports as required under the Lobbyist Registration Act; or (3) offers or attempts to offer anything of value to a public officer in exchange for official action. Defines "lobbyist" and "lobbyist entity".

LRB101 18112 RLC 70175 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

**A BILL FOR**

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by changing  
5 Section 33-3 as follows:

6 (720 ILCS 5/33-3) (from Ch. 38, par. 33-3)

7 Sec. 33-3. Official misconduct.

8 (a) A public officer or employee or special government  
9 agent commits misconduct when, in his official capacity or  
10 capacity as a special government agent, he or she commits any  
11 of the following acts:

12 (1) Intentionally or recklessly fails to perform any  
13 mandatory duty as required by law; or

14 (2) Knowingly performs an act which he knows he is  
15 forbidden by law to perform; or

16 (3) With intent to obtain a personal advantage for  
17 himself or another, he performs an act in excess of his  
18 lawful authority; or

19 (4) Solicits or knowingly accepts for the performance  
20 of any act a fee or reward which he knows is not authorized  
21 by law.

22 (b) An employee of a law enforcement agency commits  
23 misconduct when he or she knowingly uses or communicates,

1 directly or indirectly, information acquired in the course of  
2 employment, with the intent to obstruct, impede, or prevent the  
3 investigation, apprehension, or prosecution of any criminal  
4 offense or person. Nothing in this subsection (b) shall be  
5 construed to impose liability for communicating to a  
6 confidential resource, who is participating or aiding law  
7 enforcement, in an ongoing investigation.

8 (b-5) A person, lobbyist, or lobbying entity commits  
9 misconduct when he or she influences or attempts to influence  
10 by any means with the intent to promote, support, affect,  
11 modify, oppose, or delay any executive, legislative, or  
12 administrative action or to promote goodwill with officials as  
13 defined in the Lobbyist Registration Act and does any one or  
14 more of the following:

15 (1) fails to register as a lobbyist or lobbying entity  
16 as required under the Lobbyist Registration Act;

17 (2) fails to file or intentionally files incomplete or  
18 inaccurate lobbyist expenditure reports as required under  
19 the Lobbyist Registration Act; or

20 (3) offers or attempts to offer anything of value to a  
21 public officer in exchange for official action.

22 (c) A public officer or employee or special government  
23 agent convicted of violating any provision of this Section  
24 forfeits his or her office or employment or position as a  
25 special government agent. In addition, he or she commits a  
26 Class 3 felony.

1 (d) For purposes of this Section:

2 "Lobbyist" means any natural person who undertakes to lobby  
3 State government as provided in subsection (e) of Section 2 of  
4 the Lobbyist Registration Act.

5 "Lobbying entity" means any entity that hires, retains,  
6 employs, or compensates a natural person to lobby State  
7 government as provided in subsection (e) of Section 2 of the  
8 Lobbyist Registration Act.

9 "Special,~~—"special~~ government agent" has the meaning

10 ascribed to it in subsection (1) of Section 4A-101 of the

11 Illinois Governmental Ethics Act.

12 (Source: P.A. 98-867, eff. 1-1-15.)