



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3661

Introduced 2/14/2020, 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 or committee assignment 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 or committee assignment shall not be automatically restored, but he or she shall once again be eligible to hold a leadership position or committee assignment. 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 20202 RJF 69742 b

1 AN ACT concerning ethics.

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 or
13 committee assignment held by that person. If the charges are
14 dropped or dismissed, or the member is acquitted of the crime,
15 his or her leadership position or committee assignment shall
16 not be automatically restored, but he or she shall once again
17 be eligible to hold a leadership position or committee
18 assignment.

19 (b) Any person serving as a commissioner of the Legislative
20 Ethics Commission shall, upon being charged with a crime or the
21 return of an indictment for a crime, be immediately removed
22 from his or her position as a commissioner of the Commission,
23 and that vacancy shall be filled as provided under Section

1 25-5. If the charges are dropped or dismissed, or the former
2 commissioner is acquitted of the crime, his or her position as
3 a commissioner shall not be automatically restored, but he or
4 she shall once again be eligible to hold a position as a
5 commissioner.

6 (5 ILCS 430/25-5)

7 Sec. 25-5. Legislative Ethics Commission.

8 (a) The Legislative Ethics Commission is created.

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

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

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

25 Vacancies occurring other than at the end of a term shall

1 be filled by the appointing authority only for the balance of
2 the term of the commissioner whose office is vacant.

3 Terms shall run regardless of whether the position is
4 filled.

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

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

25 (c-5) If a commissioner is required to recuse himself or
26 herself from participating in a matter as provided in

1 subsection (c), the recusal shall create a temporary vacancy
2 for the limited purpose of consideration of the matter for
3 which the commissioner recused himself or herself, and the
4 appointing authority for the recusing commissioner shall make a
5 temporary appointment to fill the vacancy for consideration of
6 the matter for which the commissioner recused himself or
7 herself.

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

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

25 (e) The Legislative Ethics Commission must meet, either in
26 person or by other technological means, monthly or as often as

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

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

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

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

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

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

26 (f-5) No commissioner who is a member of the General

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

12 (g) An appointing authority may remove a commissioner only
13 for cause.

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

22 (i) In consultation with the Legislative Inspector
23 General, the Legislative Ethics Commission may develop
24 comprehensive training for members and employees under its
25 jurisdiction that includes, but is not limited to, sexual
26 harassment, employment discrimination, and workplace civility.

1 The training may be recommended to the ultimate jurisdictional
2 authorities and may be approved by the Commission to satisfy
3 the sexual harassment training required under Section 5-10.5 or
4 be provided in addition to the annual sexual harassment
5 training required under Section 5-10.5. The Commission may seek
6 input from governmental agencies or private entities for
7 guidance in developing such training.

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