



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB2575

Introduced 2/19/2021, by Rep. Mike Murphy

#### SYNOPSIS AS INTRODUCED:

- 5 ILCS 430/25-15
- 5 ILCS 430/25-20
- 5 ILCS 430/25-52

Amends the State Officials and Employees Ethics Act. Provides that the Legislative Ethics Commission shall adopt no rule requiring the Legislative Inspector General to seek the Commission's advance approval before commencing an investigation or issuing a subpoena. Provides that an investigation of the Legislative Inspector General may not be initiated more than 2 years (currently, one year) after the most recent act of the alleged violation or of a series of alleged violations. Provides that if the subject matter of the investigation would constitute a civil offense or crime if proven, then the statute of limitations should be the same as that for the offense or crime. Requires the Legislative Inspector General to notify complainants of receipt of a complaint within 15 business day after receiving such complaint. Provides for the release of founded and unfounded reports. Provides that any respondent who is afforded the opportunity to participate in an investigation, but who refuses to cooperate, forfeits the right to offer redactions or to provide a response to the report to the Commission. Makes conforming and other changes. Effective immediately.

LRB102 11313 RJF 16646 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 Sections 25-15, 25-20, and 25-52 as  
6 follows:

7 (5 ILCS 430/25-15)

8 Sec. 25-15. Duties of the Legislative Ethics Commission.  
9 In addition to duties otherwise assigned by law, the  
10 Legislative Ethics Commission shall have the following duties:

11 (1) To promulgate rules governing the performance of  
12 its duties and the exercise of its powers and governing  
13 the investigations of the Legislative Inspector General;  
14 except that, the Legislative Ethics Commission shall adopt  
15 no rule requiring the Legislative Inspector General to  
16 seek the Commission's advance approval before commencing  
17 any investigation authorized under this Article or issuing  
18 a subpoena under this Article. Any existing rule, as of  
19 the effective date of this amendatory Act of the 102nd  
20 General Assembly, requiring the Legislative Inspector  
21 General to seek the Commission's advance approval before  
22 commencing any investigation or issuing a subpoena is  
23 void. The rules shall be available on the Commission's

1 website and any proposed changes to the rules must be made  
2 available to the public on the Commission's website no  
3 less than 7 days before the adoption of the changes. Any  
4 person shall be given an opportunity to provide written or  
5 oral testimony before the Commission in support of or  
6 opposition to proposed rules.

7 (2) To conduct administrative hearings and rule on  
8 matters brought before the Commission only upon the  
9 receipt of pleadings filed by the Legislative Inspector  
10 General and not upon its own prerogative, but may appoint  
11 special Legislative Inspectors General as provided in  
12 Section 25-21. Any other allegations of misconduct  
13 received by the Commission from a person other than the  
14 Legislative Inspector General shall be referred to the  
15 Office of the Legislative Inspector General.

16 (3) To prepare and publish manuals and guides and,  
17 working with the Office of the Attorney General, oversee  
18 training of employees under its jurisdiction that explains  
19 their duties.

20 (4) To prepare public information materials to  
21 facilitate compliance, implementation, and enforcement of  
22 this Act.

23 (5) To submit reports as required by this Act.

24 (6) To the extent authorized by this Act, to make  
25 rulings, issue recommendations, and impose administrative  
26 fines, if appropriate, in connection with the

1 implementation and interpretation of this Act. The powers  
2 and duties of the Commission are limited to matters  
3 clearly within the purview of this Act.

4 (7) To issue subpoenas with respect to matters pending  
5 before the Commission, ~~subject to the provisions of this~~  
6 ~~Article and in the discretion of the Commission,~~ to compel  
7 the attendance of witnesses for purposes of testimony and  
8 the production of documents and other items for inspection  
9 and copying.

10 (8) To appoint special Legislative Inspectors General  
11 as provided in Section 25-21.

12 (9) To conspicuously display on the Commission's  
13 website the procedures for reporting a violation of this  
14 Act, including how to report violations via email or  
15 online.

16 (10) To conspicuously display on the Commission's  
17 website any vacancies within the Office of the Legislative  
18 Inspector General.

19 (11) To appoint an Acting Legislative Inspector  
20 General in the event of a vacancy in the Office of the  
21 Legislative Inspector General.

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

23 (5 ILCS 430/25-20)

24 Sec. 25-20. Duties of the Legislative Inspector General.

25 In addition to duties otherwise assigned by law, the

1 Legislative Inspector General shall have the following duties:

2 (1) To receive and investigate allegations of  
3 violations of this Act. Except as otherwise provided in  
4 paragraph (1.5), an investigation may not be initiated  
5 more than 2 years ~~one year~~ after the most recent act of the  
6 alleged violation or of a series of alleged violations  
7 except where there is reasonable cause to believe that  
8 fraudulent concealment has occurred. To constitute  
9 fraudulent concealment sufficient to toll this limitations  
10 period, there must be an affirmative act or representation  
11 calculated to prevent discovery of the fact that a  
12 violation has occurred. If the subject matter of the  
13 investigation would constitute a civil offense or crime if  
14 proven, then the statute of limitations should be the same  
15 as that for the offense or crime. The Legislative  
16 Inspector General shall have the discretion to determine  
17 the appropriate means of investigation as permitted by  
18 law.

19 (1.5) Notwithstanding any provision of law to the  
20 contrary, the Legislative Inspector General, whether  
21 appointed by the Legislative Ethics Commission or the  
22 General Assembly, may initiate an investigation based on  
23 information provided to the Office of the Legislative  
24 Inspector General or the Legislative Ethics Commission  
25 during the period from December 1, 2014 through November  
26 3, 2017. Any investigation initiated under this paragraph

1 (1.5) must be initiated within one year after the  
2 effective date of this amendatory Act of the 100th General  
3 Assembly.

4 Notwithstanding any provision of law to the contrary,  
5 the Legislative Inspector General, through the Attorney  
6 General, shall have the authority to file a complaint  
7 related to any founded violations that occurred during the  
8 period December 1, 2014 through November 3, 2017 to the  
9 Legislative Ethics Commission, and the Commission shall  
10 have jurisdiction to conduct administrative hearings  
11 related to any pleadings filed by the Legislative  
12 Inspector General, provided the complaint is filed with  
13 the Commission no later than 6 months after the summary  
14 report is provided to the Attorney General in accordance  
15 with subsection (c) of Section 25-50.

16 (2) To request information relating to an  
17 investigation from any person when the Legislative  
18 Inspector General deems that information necessary in  
19 conducting an investigation.

20 (3) To issue subpoenas, ~~with the advance approval of~~  
21 ~~the Commission,~~ to compel the attendance of witnesses for  
22 the purposes of testimony and production of documents and  
23 other items for inspection and copying and to make service  
24 of those subpoenas and subpoenas issued under item (7) of  
25 Section 25-15.

26 (4) To submit reports as required by this Act.

1           (5) To file pleadings in the name of the Legislative  
2           Inspector General with the Legislative Ethics Commission,  
3           through the Attorney General, as provided in this Article  
4           if the Attorney General finds that reasonable cause exists  
5           to believe that a violation has occurred.

6           (6) To assist and coordinate the ethics officers for  
7           State agencies under the jurisdiction of the Legislative  
8           Inspector General and to work with those ethics officers.

9           (7) To participate in or conduct, when appropriate,  
10          multi-jurisdictional investigations.

11          (8) To request, as the Legislative Inspector General  
12          deems appropriate, from ethics officers of State agencies  
13          under his or her jurisdiction, reports or information on  
14          (i) the content of a State agency's ethics training  
15          program and (ii) the percentage of new officers and  
16          employees who have completed ethics training.

17          (9) To establish a policy that ensures the appropriate  
18          handling and correct recording of all investigations of  
19          allegations and to ensure that the policy is accessible  
20          via the Internet in order that those seeking to report  
21          those allegations are familiar with the process and that  
22          the subjects of those allegations are treated fairly.

23          (10) To post information to the Legislative Inspector  
24          General's website explaining to complainants and subjects  
25          of an investigation the legal limitations on the  
26          Legislative Inspector General's ability to provide

1 information to them and a general overview of the  
2 investigation process.

3 (11) To notify complainants of receipt of a complaint  
4 within 15 business day after receiving such complaint.

5 (Source: P.A. 100-553, eff. 11-16-17; 100-588, eff. 6-8-18.)

6 (5 ILCS 430/25-52)

7 Sec. 25-52. Release of summary reports.

8 (a) Within 60 days after receipt of a summary report and  
9 response from the ultimate jurisdictional authority or agency  
10 head that resulted in a suspension of at least 3 days or  
11 termination of employment, the Legislative Ethics Commission  
12 shall make available to the public the report and response or a  
13 redacted version of the report and response. The Legislative  
14 Ethics Commission shall also make available to the public any  
15 founded report of the Legislative Inspector General, or a  
16 redacted version of such report, and may make available to the  
17 public any other summary report and response of the ultimate  
18 jurisdictional authority or agency head or a redacted version  
19 of the report and response. The Legislative Inspector General  
20 may, with the consent of the accused, also make available to  
21 the public any unfounded report and the reason why no  
22 complaint was filed by the Legislative Inspector General.

23 (b) The Legislative Ethics Commission shall redact  
24 information in the summary report that may reveal the identity  
25 of witnesses, complainants, or informants or if the Commission



1 determines it is appropriate to protect the identity of a  
2 person before publication. The Commission may also redact any  
3 information it believes should not be made public. Prior to  
4 publication, the Commission shall permit the respondents,  
5 Legislative Inspector General, and Attorney General to review  
6 documents to be made public and offer suggestions for  
7 redaction or provide a response that shall be made public with  
8 the summary report. Any respondent who is afforded the  
9 opportunity to participate in an investigation, but who  
10 refuses to cooperate, forfeits the right to offer redactions  
11 or to provide a response to the report to the Commission.

12 (c) Subject to the requirements of subsection (d), the ~~The~~  
13 Legislative Ethics Commission may withhold publication of the  
14 report or response if the Legislative Inspector General or  
15 Attorney General certifies that publication will interfere  
16 with an ongoing investigation.

17 (d) Notwithstanding any provision of law or rule to the  
18 contrary, any founded report released under this Section shall  
19 be made available to the public in all cases, unless the  
20 Legislative Ethics Commission by a majority vote of 6 members  
21 votes to deny the release of such report. If the Legislative  
22 Ethics Commissions votes to deny the release of a founded  
23 report, the Commission shall provide reasoning for such  
24 denial, and make that reasoning available to the public on the  
25 Internet website of the Commission.

26 (Source: P.A. 96-555, eff. 8-18-09.)

1           Section 99. Effective date. This Act takes effect upon  
2           becoming law.