



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2842

Introduced 2/19/2021, by Rep. Blaine Wilhour

SYNOPSIS AS INTRODUCED:

5 ILCS 430/20-52
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 any investigation or issuing a subpoena. Provides that any existing rule, as of the effective date of the amendatory Act, requiring the Legislative Inspectors General to seek the Commission's advance approval before commencing any investigation or issuing a subpoena is void. Removes language providing that the Legislative Inspector General needs the advance approval of the Commission to issue subpoenas. Provides that within 60 days after receipt of a summary report and response from the ultimate jurisdictional authority or agency head, the Executive and Legislative Ethics Commissions shall make available to the public the report and response or a redacted version of the report and response (currently, report required to be made public only if it resulted in a suspension of at least 3 days or termination of employment). Makes conforming changes. Effective immediately.

LRB102 10994 RJF 16326 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 20-52, 25-15, 25-20, and 25-52 as
6 follows:

7 (5 ILCS 430/20-52)

8 Sec. 20-52. Release of summary reports.

9 (a) Within 60 days after receipt of a summary report and
10 response from the ultimate jurisdictional authority or agency
11 head ~~that resulted in a suspension of at least 3 days or~~
12 ~~termination of employment,~~ the Executive Ethics Commission
13 shall make available to the public the report and response or a
14 redacted version of the report and response. ~~The Executive~~
15 ~~Ethics Commission may make available to the public any other~~
16 ~~summary report and response of the ultimate jurisdictional~~
17 ~~authority or agency head or a redacted version of the report~~
18 ~~and response.~~

19 (b) The Commission shall redact information in the summary
20 report that may reveal the identity of witnesses,
21 complainants, or informants or if the Commission determines it
22 is appropriate to protect the identity of a person before the
23 report is made public. The Commission may also redact any

1 information it believes should not be made public. Prior to
2 publication, the Commission shall permit the respondents,
3 Inspector General, and Attorney General to review documents to
4 be made public and offer suggestions for redaction or provide
5 a response that shall be made public with the summary report.

6 (c) The Commission may withhold publication of the report
7 or response if the Executive Inspector General or Attorney
8 General certifies that releasing the report to the public will
9 interfere with an ongoing investigation.

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

11 (5 ILCS 430/25-15)

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

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

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

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

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

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

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

26 (6) To the extent authorized by this Act, to make

1 rulings, issue recommendations, and impose administrative
2 fines, if appropriate, in connection with the
3 implementation and interpretation of this Act. The powers
4 and duties of the Commission are limited to matters
5 clearly within the purview of this Act.

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

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

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

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

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

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

1 Sec. 25-20. Duties of the Legislative Inspector General.
2 In addition to duties otherwise assigned by law, the
3 Legislative Inspector General shall have the following duties:

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

17 (1.5) Notwithstanding any provision of law to the
18 contrary, the Legislative Inspector General, whether
19 appointed by the Legislative Ethics Commission or the
20 General Assembly, may initiate an investigation based on
21 information provided to the Office of the Legislative
22 Inspector General or the Legislative Ethics Commission
23 during the period from December 1, 2014 through November
24 3, 2017. Any investigation initiated under this paragraph
25 (1.5) must be initiated within one year after the
26 effective date of this amendatory Act of the 100th General

1 Assembly.

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

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

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

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

25 (5) To file pleadings in the name of the Legislative
26 Inspector General with the Legislative Ethics Commission,

1 through the Attorney General, as provided in this Article
2 if the Attorney General finds that reasonable cause exists
3 to believe that a violation has occurred.

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

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

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

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

21 (10) To post information to the Legislative Inspector
22 General's website explaining to complainants and subjects
23 of an investigation the legal limitations on the
24 Legislative Inspector General's ability to provide
25 information to them and a general overview of the
26 investigation process.

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

2 (5 ILCS 430/25-52)

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

4 (a) Within 60 days after receipt of a summary report and
5 response from the ultimate jurisdictional authority or agency
6 head ~~that resulted in a suspension of at least 3 days or~~
7 ~~termination of employment~~, the Legislative Ethics Commission
8 shall make available to the public the report and response or a
9 redacted version of the report and response. ~~The Legislative~~
10 ~~Ethics Commission may make available to the public any other~~
11 ~~summary report and response of the ultimate jurisdictional~~
12 ~~authority or agency head or a redacted version of the report~~
13 ~~and response.~~

14 (b) The Legislative Ethics Commission shall redact
15 information in the summary report that may reveal the identity
16 of witnesses, complainants, or informants or if the Commission
17 determines it is appropriate to protect the identity of a
18 person before publication. The Commission may also redact any
19 information it believes should not be made public. Prior to
20 publication, the Commission shall permit the respondents,
21 Legislative Inspector General, and Attorney General to review
22 documents to be made public and offer suggestions for
23 redaction or provide a response that shall be made public with
24 the summary report.

25 (c) The Legislative Ethics Commission may withhold

1 publication of the report or response if the Legislative
2 Inspector General or Attorney General certifies that
3 publication will interfere with an ongoing investigation.

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

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