



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3609

Introduced 2/17/2023, by Rep. Fred Crespo

SYNOPSIS AS INTRODUCED:

5 ILCS 430/20-95

Amends the State Officials and Employees Ethics Act. Provides that an Executive Inspector General may issue public statements when an investigation, audit, or review concerns inefficient or wasteful management, or when the Executive Inspector General concludes its investigation and finds reasonable cause to believe that a violation has occurred and the Executive Inspector General believes that a complaint concerning the investigation should not be filed by the Attorney General with the Executive Ethics Commission. Provides that public statements shall summarize the nature of the allegation or complaint, the specific violations found based on reasonable cause, and the Executive Inspector General's recommendations for discipline or other corrective measures. Provides that before issuing a public statement, the Executive Inspector General shall share the public statement with the agency head and ultimate jurisdictional authority affected by the investigation and allow the agency head and ultimate jurisdictional authority affected by the investigation a period of 10 business days to provide the Executive Inspector General with a response to the proposed public statement. Effective immediately.

LRB103 29500 DTM 55895 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 20-95 as follows:

6 (5 ILCS 430/20-95)

7 Sec. 20-95. Exemptions.

8 (a) Documents generated by an ethics officer under this
9 Act, except Section 5-50, are exempt from the provisions of
10 the Freedom of Information Act.

11 (b) Any allegations and related documents submitted to an
12 Executive Inspector General and any pleadings and related
13 documents brought before the Executive Ethics Commission are
14 exempt from the provisions of the Freedom of Information Act
15 so long as the Executive Ethics Commission does not make a
16 finding of a violation of this Act. If the Executive Ethics
17 Commission finds that a violation has occurred, the entire
18 record of proceedings before the Commission, the decision and
19 recommendation, and the response from the agency head or
20 ultimate jurisdictional authority to the Executive Ethics
21 Commission are not exempt from the provisions of the Freedom
22 of Information Act but information contained therein that is
23 otherwise exempt from the Freedom of Information Act must be

1 redacted before disclosure as provided in the Freedom of
2 Information Act. A summary report released by the Executive
3 Ethics Commission under Section 20-52 is a public record, but
4 information redacted by the Executive Ethics Commission shall
5 not be part of the public record.

6 (c) Meetings of the Commission are exempt from the
7 provisions of the Open Meetings Act.

8 (d) Unless otherwise provided in this Act, all
9 investigatory files and reports of the Office of an Executive
10 Inspector General, other than monthly reports required under
11 Section 20-85, are confidential and privileged, are exempt
12 from disclosure under the Freedom of Information Act, and
13 shall not be divulged to any person or agency, except as
14 necessary (i) to a law enforcement authority, (ii) to the
15 ultimate jurisdictional authority, (iii) to the Executive
16 Ethics Commission, (iv) to another Inspector General appointed
17 pursuant to this Act, or (v) to an Inspector General appointed
18 or employed by a Regional Transit Board in accordance with
19 Section 75-10.

20 (e) An Executive Inspector General may issue public
21 statements when: (i) an investigation, audit, or review
22 concerns inefficient or wasteful management or (ii) when the
23 Executive Inspector General concludes its investigation and
24 finds reasonable cause to believe that a violation has
25 occurred and the Executive Inspector General believes that a
26 complaint concerning the investigation should not be filed by

1 the Attorney General with the Executive Ethics Commission.

2 Public statements shall summarize, without disclosing the
3 name of any individual who was the subject of such
4 investigation: (i) the nature of the allegation or complaint;
5 (ii) the specific violations found based on reasonable cause;
6 and (iii) the Executive Inspector General's recommendations
7 for discipline or other corrective measures.

8 Before issuing a public statement, the Executive Inspector
9 General shall: (i) share the public statement with the agency
10 head and ultimate jurisdictional authority affected by the
11 investigation and (ii) allow the agency head and ultimate
12 jurisdictional authority affected by the investigation a
13 period of 10 business days to provide the Executive Inspector
14 General with a response to the proposed public statement, to
15 be included with the public statement.

16 (Source: P.A. 102-664, eff. 1-1-22.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.