



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3756

Introduced 2/17/2023, by Rep. Tim Ozinga

SYNOPSIS AS INTRODUCED:

5 ILCS 430/25-15

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 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.

LRB103 30136 DTM 56560 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. 102-664, eff. 1-1-22.)

23 (5 ILCS 430/25-52)

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

25 (a) Within 60 days after receipt of a summary report and

1 response from the ultimate jurisdictional authority or agency
2 head that resulted in a suspension of at least 3 days or
3 termination of employment, the Legislative Ethics Commission
4 shall make available to the public the report and response or a
5 redacted version of the report and response. The Legislative
6 Ethics Commission shall also make available to the public any
7 founded report of the Legislative Inspector General, or a
8 redacted version of such report, and may make available to the
9 public any other summary report and response of the ultimate
10 jurisdictional authority or agency head or a redacted version
11 of the report and response. The Legislative Inspector General
12 may, with the consent of the accused, also make available to
13 the public any unfounded report and the reason why no
14 complaint was filed by the Legislative Inspector General.

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

1 refuses to cooperate, forfeits the right to offer redactions
2 or to provide a response to the report to the Commission.

3 (c) Subject to the requirements of subsection (d), the ~~The~~
4 Legislative Ethics Commission may withhold publication of the
5 report or response if the Legislative Inspector General or
6 Attorney General certifies that publication will interfere
7 with an ongoing investigation.

8 (d) Notwithstanding any provision of law or rule to the
9 contrary, any founded report released under this Section shall
10 be made available to the public in all cases, unless the
11 Legislative Ethics Commission by a majority vote of 6 members
12 votes to deny the release of such report. If the Legislative
13 Ethics Commissions votes to deny the release of a founded
14 report, the Commission shall provide reasoning for such
15 denial, and make that reasoning available to the public on the
16 Internet website of the Commission.

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

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