

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing
5 Section 33-3 and by adding Section 33-7 as follows:

6 (720 ILCS 5/33-3) (from Ch. 38, par. 33-3)

7 Sec. 33-3. Official Misconduct.) A public officer or
8 employee or special government agent commits misconduct when,
9 in his official capacity or capacity as a special government
10 agent, he commits any of the following acts:

11 (a) Intentionally or recklessly fails to perform any
12 mandatory duty as required by law; or

13 (b) Knowingly performs an act which he knows he is
14 forbidden by law to perform; or

15 (c) With intent to obtain a personal advantage for himself
16 or another, he performs an act in excess of his lawful
17 authority; or

18 (d) Solicits or knowingly accepts for the performance of
19 any act a fee or reward which he knows is not authorized by
20 law.

21 A public officer or employee or special government agent
22 convicted of violating any provision of this Section forfeits
23 his office or employment or position as a special government
24 agent. In addition, he commits a Class 3 felony.

25 For purposes of this Section, "special government agent"
26 has the meaning ascribed to it in subsection (1) of Section
27 4A-101 of the Illinois Governmental Ethics Act.

28 (Source: P.A. 82-790.)

29 (720 ILCS 5/33-7 new)

30 Sec. 33-7. Public contractor misconduct.

31 (a) A public contractor; a person seeking a public contract

1 on behalf of himself, herself, or another; an employee of a
2 public contractor; or a person seeking a public contract on
3 behalf of himself, herself, or another commits public
4 contractor misconduct when, in the performance of, or in
5 connection with, a contract with the State, a unit of local
6 government, or a school district or in obtaining or seeking to
7 obtain such a contract he or she commits any of the following
8 acts:

9 (1) intentionally or knowingly makes, uses, or causes
10 to be made or used a false record or statement to conceal,
11 avoid, or decrease an obligation to pay or transmit money
12 or property;

13 (2) knowingly performs an act that he or she knows he
14 or she is forbidden by law to perform;

15 (3) with intent to obtain a personal advantage for
16 himself, herself, or another, he or she performs an act in
17 excess of his or her contractual responsibility; or

18 (4) solicits or knowingly accepts for the performance
19 of any act a fee or reward that he or she knows is not
20 authorized by law.

21 (b) Sentence. Any person who violates this Section commits
22 a Class 3 felony.