

**SB2008**



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB2008**

Introduced 2/25/2005, by Sen. Kirk W. Dillard - Peter J. Roskam

**SYNOPSIS AS INTRODUCED:**

720 ILCS 5/33-3

from Ch. 38, par. 33-3

Amends the Criminal Code of 1961. Provides that a special government agent may be guilty of official misconduct as well as a public officer or employee. Effective immediately.

LRB094 11138 RLC 41772 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

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