



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2996

Introduced 1/20/2006, by Sen. Kirk W. Dillard - Cheryl Axley - Frank C. Watson

SYNOPSIS AS INTRODUCED:

5 ILCS 430/5-60 new

5 ILCS 430/50-5

Amends the State Officials and Employees Ethics Act. Prohibits a State executive branch employee from being required to distribute information about a State program unless (i) the program is part of the mission of the employee's State agency; (ii) distribution is during the employee's normal course of his or her duties; and (iii) a State agency is the primary identifiable source of the information. Prohibits disciplining a State employee for refusing to perform a prohibited distribution or for refusing to attend program related events that are not part of or directly related to the employee's normal course of duties. Makes violation a Class A misdemeanor. Exempts State employees performing certain research or academic functions. Effective immediately.

LRB094 15953 JAM 52119 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning ethics.

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 50-5 and by adding Section 5-60 as
6 follows:

7 (5 ILCS 430/5-60 new)

8 Sec. 5-60. Distribution of State program information.

9 (a) A State executive branch employee may not be required
10 to distribute, or participate in the distribution, by any means
11 of information about a specific State program administered or
12 or proposed to be administered by a State agency unless: (i)
13 the program is part of or directly related to the mission of
14 the State employee's employing State agency; (ii) the
15 information is distributed during the normal course of the
16 State employee's duties; and (iii) the State employee's
17 employing State agency or another agency with related
18 information is the primary identifiable source of the
19 information.

20 (b) A State executive branch employee may not be
21 disciplined for refusing to distribute information in
22 violation of subsection (a). A State executive branch employee
23 may not be disciplined for refusing to attend events for a
24 specific State program that are not part of or directly related
25 to the normal course of the State employee's duties.

26 (c) Subsection (a) does not apply to a State employee in
27 the performance of library, research, or teaching functions.

28 (5 ILCS 430/50-5)

29 Sec. 50-5. Penalties.

30 (a) A person is guilty of a Class A misdemeanor if that
31 person intentionally violates any provision of Section 5-15,

1 5-30, 5-40, ~~or~~ 5-45, or 5-60 or Article 15.

2 (b) A person who intentionally violates any provision of
3 Section 5-20, 5-35, 5-50, or 5-55 is guilty of a business
4 offense subject to a fine of at least \$1,001 and up to \$5,000.

5 (c) A person who intentionally violates any provision of
6 Article 10 is guilty of a business offense and subject to a
7 fine of at least \$1,001 and up to \$5,000.

8 (d) Any person who intentionally makes a false report
9 alleging a violation of any provision of this Act to an ethics
10 commission, an inspector general, the State Police, a State's
11 Attorney, the Attorney General, or any other law enforcement
12 official is guilty of a Class A misdemeanor.

13 (e) An ethics commission may levy an administrative fine of
14 up to \$5,000 against any person who violates this Act, who
15 intentionally obstructs or interferes with an investigation
16 conducted under this Act by an inspector general, or who
17 intentionally makes a false, frivolous, or bad faith
18 allegation.

19 (f) In addition to any other penalty that may apply,
20 whether criminal or civil, a State employee who intentionally
21 violates any provision of Section 5-15, 5-20, 5-30, 5-35, 5-40,
22 or 5-50, Article 10, Article 15, or Section 20-90 or 25-90 is
23 subject to discipline or discharge by the appropriate ultimate
24 jurisdictional authority.

25 (Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03.)

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