

1 AN ACT concerning civil law.

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

4 Section 5. The Whistleblower Act is amended by changing
5 Sections 5 and 15 and by adding Section 40 as follows:

6 (740 ILCS 174/5)

7 Sec. 5. Definitions. As used in this Act:

8 "Employer" means: an individual, sole proprietorship,
9 partnership, firm, corporation, association, and any other
10 entity that has one or more employees in this State, including
11 a political subdivision of the State; a unit of local
12 government; a school district, combination of school
13 districts, or governing body of a joint agreement of any type
14 formed by two or more school districts; a community college
15 district, State college or university, or any State agency
16 whose major function is providing educational services; any
17 authority including a department, division, bureau, board,
18 commission, or other agency of these entities; and any person
19 acting within the scope of his or her authority express or
20 implied on behalf of those entities in dealing with its
21 employees ~~except that "employer" does not include any~~
22 ~~governmental entity.~~

23 "Employee" means any individual who is employed on a

1 full-time, part-time, or contractual basis by an employer.

2 (Source: P.A. 93-544, eff. 1-1-04.)

3 (740 ILCS 174/15)

4 Sec. 15. Retaliation for certain disclosures prohibited.

5 (a) An employer may not retaliate against an employee who
6 discloses information in a court, an administrative hearing, or
7 before a legislative commission or committee, or in any other
8 proceeding, where the employee has reasonable cause to believe
9 that the information discloses a violation of a State or
10 federal law, rule, or regulation.

11 (b) An employer may not retaliate against an employee for
12 disclosing information to a government or law enforcement
13 agency, where the employee has reasonable cause to believe that
14 the information discloses a violation of a State or federal
15 law, rule, or regulation.

16 (Source: P.A. 93-544, eff. 1-1-04.)

17 (740 ILCS 174/40 new)

18 Sec. 40. Home Rule Limitation. It is the public policy of
19 this State, pursuant to paragraphs (h) and (i) of Section 6 of
20 Article VII of the Illinois Constitution that the provisions of
21 this Act are the exclusive exercise by the State of powers and
22 functions which might otherwise be exercised by other home rule
23 units. Such powers and functions may not be exercised
24 concurrently, either directly or indirectly by any unit of

1 local government, including any home rule unit except as
2 otherwise authorized by this Act.

3 Section 10. The Whistleblower Reward and Protection Act is
4 amended by changing Sections 2 and 3 as follows:

5 (740 ILCS 175/2) (from Ch. 127, par. 4102)

6 Sec. 2. Definitions. As used in this Act:

7 (a) "State" means the State of Illinois; any agency of
8 State government; the system of State colleges and
9 universities, any school district, community college district,
10 county, municipality, municipal corporation, unit of local
11 government, and any combination of the above under an
12 intergovernmental agreement that includes provisions for a
13 governing body of the agency created by the agreement. and any
14 ~~of the following entities which may elect to adopt the~~
15 ~~provisions of this Act by ordinance or resolution, a copy of~~
16 ~~which shall be filed with the Attorney General within 30 days~~
17 ~~of its adoption: the system of State colleges and universities,~~
18 ~~any school district, any public community college district, any~~
19 ~~municipality, municipal corporations, units of local~~
20 ~~government, and any combination of the above under an~~
21 ~~intergovernmental agreement that includes provisions for a~~
22 ~~governing body of the agency created by the agreement.~~

23 (b) "Guard" means the Illinois National Guard.

24 (c) "Investigation" means any inquiry conducted by any

1 investigator for the purpose of ascertaining whether any person
2 is or has been engaged in any violation of this Act.

3 (d) "Investigator" means a person who is charged by the
4 Department of State Police with the duty of conducting any
5 investigation under this Act, or any officer or employee of the
6 State acting under the direction and supervision of the
7 Department of State Police, through the Division of Operations
8 or the Division of Internal Investigation, in the course of an
9 investigation.

10 (e) "Documentary material" includes the original or any
11 copy of any book, record, report, memorandum, paper,
12 communication, tabulation, chart, or other document, or data
13 compilations stored in or accessible through computer or other
14 information retrieval systems, together with instructions and
15 all other materials necessary to use or interpret such data
16 compilations, and any product of discovery.

17 (f) "Custodian" means the custodian, or any deputy
18 custodian, designated by the Attorney General under subsection
19 (i) (1) of Section 6.

20 (g) "Product of discovery" includes:

21 (1) the original or duplicate of any deposition,
22 interrogatory, document, thing, result of the inspection
23 of land or other property, examination, or admission, which
24 is obtained by any method of discovery in any judicial or
25 administrative proceeding of an adversarial nature;

26 (2) any digest, analysis, selection, compilation, or

1 derivation of any item listed in paragraph (1); and
2 (3) any index or other manner of access to any item
3 listed in paragraph (1).
4 (Source: P.A. 91-760, eff. 1-1-01.)

5 (740 ILCS 175/3) (from Ch. 127, par. 4103)
6 Sec. 3. False claims.

7 (a) Liability for certain acts. Any person who:

8 (1) knowingly presents, or causes to be presented, to
9 an officer or employee of the State or a member of the
10 Guard a false or fraudulent claim for payment or approval;

11 (2) knowingly makes, uses, or causes to be made or
12 used, a false record or statement to get a false or
13 fraudulent claim paid or approved by the State;

14 (3) conspires to defraud the State by getting a false
15 or fraudulent claim allowed or paid;

16 (4) has possession, custody, or control of property or
17 money used, or to be used, by the State and, intending to
18 defraud the State or willfully to conceal the property,
19 delivers, or causes to be delivered, less property than the
20 amount for which the person receives a certificate or
21 receipt;

22 (5) authorized to make or deliver a document certifying
23 receipt of property used, or to be used, by the State and,
24 intending to defraud the State, makes or delivers the
25 receipt without completely knowing that the information on

1 the receipt is true;

2 (6) knowingly buys, or receives as a pledge of an
3 obligation or debt, public property from an officer or
4 employee of the State, or a member of the Guard, who
5 lawfully may not sell or pledge the property; ~~or~~

6 (7) knowingly makes, uses, or causes to be made or
7 used, a false record or statement to conceal, avoid or
8 decrease an obligation to pay or transmit money or property
9 to the State; ~~or~~

10 (8) knowingly takes adverse employment action against
11 an employee for disclosing information to a government or
12 law enforcement agency, if the employee has reasonable
13 cause to believe that the information discloses a violation
14 of State or federal law, rule, or regulation; or

15 (9) knowingly retaliates against an employee who has
16 disclosed information in a court, an administrative
17 hearing, before a legislative commission or committee, or
18 in another proceeding and discloses information, if the
19 employee has reasonable cause to believe that the
20 information discloses a violation of State or federal law,
21 rule, or regulation,

22 is liable to the State for a civil penalty of not less than
23 \$5,500 and not more than \$11,000, plus 3 times the amount of
24 damages which the State sustains because of the act of that
25 person. A person violating this subsection (a) shall also be
26 liable to the State for the costs of a civil action brought to

1 recover any such penalty or damages.

2 (b) Knowing and knowingly defined. As used in this Section,
3 the terms "knowing" and "knowingly" mean that a person, with
4 respect to information:

5 (1) has actual knowledge of the information;

6 (2) acts in deliberate ignorance of the truth or
7 falsity of the information; or

8 (3) acts in reckless disregard of the truth or falsity
9 of the information, and no proof of specific intent to
10 defraud is required.

11 (c) Claim defined. As used in this Section, "claim"
12 includes any request or demand, whether under a contract or
13 otherwise, for money or property which is made to a contractor,
14 grantee, or other recipient if the State provides any portion
15 of the money or property which is requested or demanded, or if
16 the State will reimburse such contractor, grantee, or other
17 recipient for any portion of the money or property which is
18 requested or demanded. A claim also includes a request or
19 demand for money damages or injunctive relief on behalf of an
20 employee who has suffered an adverse employment action taken in
21 violation of paragraphs (8) or (9) of subsection (a).

22 (d) Exclusion. This Section does not apply to claims,
23 records, or statements made under the Illinois Income Tax Act.

24 (Source: P.A. 94-1059, eff. 7-31-06.)