



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2618

Introduced 2/15/2008, by Sen. Kirk W. Dillard

SYNOPSIS AS INTRODUCED:

720 ILCS 5/33-3.1

Amends the Criminal Code of 1961. Provides that a special government agent commits solicitation misconduct (State government) when, at any time, he or she knowingly solicits or receives contributions, as defined in the Election Code, on behalf of an executive branch constitutional officer or a political committee for such executive branch constitutional officer who has directed, retained, designated, or employed the special government agent to make ex parte communications. Provides that a violation is a Class A misdemeanor. Effective July 1, 2008.

LRB095 19581 RLC 45911 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 33-3.1 as follows:

6 (720 ILCS 5/33-3.1)

7 Sec. 33-3.1. Solicitation misconduct (State government).

8 (a) An employee of an executive branch constitutional
9 officer commits solicitation misconduct (State government)
10 when, at any time, he or she knowingly solicits or receives
11 contributions, as that term is defined in Section 9-1.4 of the
12 Election Code, from a person engaged in a business or activity
13 over which the person has regulatory authority.

14 (a-5) A special government agent commits solicitation
15 misconduct (State government) when, at any time, he or she
16 knowingly solicits or receives contributions, as that term is
17 defined in Section 9-1.4 of the Election Code, on behalf of an
18 executive branch constitutional officer or a political
19 committee for such executive branch constitutional officer who
20 has directed, retained, designated, or employed the special
21 government agent to make ex parte communications.

22 (b) For the purpose of this Section:

23 (1) "Employee, ~~"employee~~ of an executive branch

1 constitutional officer" means a full-time or part-time
2 salaried employee, full-time or part-time salaried
3 appointee, or any contractual employee of any office,
4 board, commission, agency, department, authority,
5 administrative unit, or corporate outgrowth under the
6 jurisdiction of an executive branch constitutional
7 officer; and "regulatory authority" means having the
8 responsibility to investigate, inspect, license, or
9 enforce regulatory measures necessary to the requirements
10 of any State or federal statute or regulation relating to
11 the business or activity.

12 (2) "Ex parte communication" has the meaning ascribed
13 to it in Section 5-50 of the State Officials and Employees
14 Ethics Act.

15 (3) "Special government agent" has the meaning
16 ascribed to it in paragraph (1) of Section 4A-101 of the
17 Illinois Governmental Ethics Act.

18 (c) An employee of an executive branch constitutional
19 officer, including one who does not have regulatory authority,
20 commits a violation of this Section if that employee knowingly
21 acts in concert with an employee of an executive branch
22 constitutional officer who does have regulatory authority to
23 solicit or receive contributions in violation of this Section.

24 (d) Solicitation misconduct (State government) is a Class A
25 misdemeanor. An employee of an executive branch constitutional
26 officer convicted of committing solicitation misconduct (State

1 government) forfeits his or her employment.

2 (e) An employee of an executive branch constitutional
3 officer who is discharged, demoted, suspended, threatened,
4 harassed, or in any other manner discriminated against in the
5 terms and conditions of employment because of lawful acts done
6 by the employee or on behalf of the employee or others in
7 furtherance of the enforcement of this Section shall be
8 entitled to all relief necessary to make the employee whole.

9 (f) Any person who knowingly makes a false report of
10 solicitation misconduct (State government) to the State
11 Police, the Attorney General, a State's Attorney, or any law
12 enforcement official is guilty of a Class C misdemeanor.

13 (Source: P.A. 92-853, eff. 8-28-02.)

14 Section 99. Effective date. This Act takes effect July 1,
15 2008.