

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 1. Short title. This Act may be cited as the
5 Elected Officials Misconduct Forfeiture Act.

6 Section 5. Definitions. For the purposes of this Act,
7 "elected official" means any former elected official whose term
8 of office is terminated by operation of law for conviction of
9 an offense, who is removed from office on conviction of
10 impeachment for misconduct in office, or who resigned from
11 office prior, upon, or after conviction; and "proceeds" means
12 any interest in property of any kind acquired through or caused
13 by an act or omission, or derived from the act or omission,
14 directly or indirectly, and any fruits of this interest, in
15 whatever form.

16 Section 10. Purposes. The General Assembly finds that it
17 has compelling governmental interests in: (1) preventing
18 criminals from profiting from their crimes, and (2) ensuring
19 that the victims of crime are compensated by those who harm
20 them. Further, the General Assembly finds that the unlawful or
21 deceitful actions of elected officials can erode the public's
22 confidence in its government and debase the public's belief in

1 a fair democratic process.

2 Section 15. Forfeiture action. The Attorney General may
3 file an action in circuit court on behalf of the people of
4 Illinois against an elected official who has, by his or her
5 violation of Article 33 of the Criminal Code of 1961 or
6 violation of a similar federal offense, injured the people of
7 Illinois. The purpose of such suit is to recover all proceeds
8 traceable to the elected official's offense and by so doing,
9 prevent, restrain or remedy violations of Article 33 of the
10 Criminal Code of 1961 or similar federal offenses.

11 Section 20. Procedure.

12 (a) The circuit court has jurisdiction to prevent,
13 restrain, and remedy violations of Article 33 of the Criminal
14 Code of 1961 or violations of a similar federal offense after a
15 hearing or trial, as appropriate, by issuing appropriate
16 orders. Prior to a determination of liability such orders may
17 include, but are not limited to, issuing seizure warrants,
18 entering findings of probable cause for in personam or in rem
19 forfeiture, or taking such other actions, in connection with
20 any property or other interest subject to forfeiture or other
21 remedies or restraints pursuant to this Section as the court
22 deems proper.

23 (b) If the Attorney General prevails in his or her action,
24 the court shall order the forfeiture of all proceeds traceable

1 to the elected official's violations of Article 33 of the
2 Criminal Code of 1961 or similar federal offenses. Proceeds
3 seized and forfeited as a result of the Attorney General's
4 action will be deposited into the General Revenue Fund or the
5 corporate county fund, as appropriate.

6 Section 25. Term of forfeiture. The maximum term of a civil
7 forfeiture under this Act shall be equal to the term of
8 imprisonment, probation and mandatory supervised release or
9 parole received by the elected official as a result of his or
10 her conviction for violating Article 33 of the Criminal Code of
11 1961 or similar federal offenses.

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