



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4107

Introduced 2/27/2009, by Rep. Sidney H. Mathias

SYNOPSIS AS INTRODUCED:

720 ILCS 5/33-8 new

Amends the Criminal Code of 1961. Creates the offense of improper use of public funds. Provides that a person commits the offense when he or she knowingly misappropriates, misuses, or unlawfully withholds or converts to his or her own use or to the use of another any public funds made available through a gubernatorial or legislative member initiative. Provides that an official or employee of the State or a unit of local government who knowingly facilitates, aids, abets, assists, or participates in the misappropriation, misuse, or unlawful withholding or conversion to his or her own use or to the use of another any public funds made available through a gubernatorial or legislative member initiative also commits the offense. Provides that a person convicted of a felony violation of improper use of public funds is ineligible to receive any grant or contract from the State of Illinois. Defines "gubernatorial or legislative member initiative" and "infrastructure improvements".

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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 adding
5 Section 33-8 as follows:

6 (720 ILCS 5/33-8 new)

7 Sec. 33-8. Improper use of public funds.

8 (a) A person who knowingly misappropriates, misuses, or
9 unlawfully withholds or converts to his or her own use or to
10 the use of another any public funds made available through a
11 gubernatorial or legislative member initiative is guilty of the
12 offense of improper use of public funds.

13 (b) An official or employee of the State or a unit of local
14 government who knowingly facilitates, aids, abets, assists, or
15 participates in the misappropriation, misuse, or unlawful
16 withholding or conversion to his or her own use or to the use
17 of another any public funds made available through a
18 gubernatorial or legislative member initiative is guilty of the
19 offense of improper use of public funds.

20 (c) In this Section, "gubernatorial or legislative member
21 initiative" means a grant from State funds to a specific unit
22 of local government, specific school district, specific
23 not-for-profit organization, or specific non-governmental

1 entity for infrastructure improvements or operating expenses.
2 Grants that are part of a statewide program and are based on
3 generally applicable standards of eligibility are not
4 gubernatorial or legislative member initiatives, unless the
5 grant has been requested or initiated by the Governor or a
6 member of the Illinois General Assembly. In this Section,
7 "infrastructure improvements" include without limitation
8 capital improvements, capital projects, planning,
9 construction, reconstruction, equipment, utilities, vehicles,
10 and all costs associated with economic development, community
11 programs, educational programs, public health, and public
12 safety.

13 (d) Sentence. A person convicted of a violation of
14 subsection (a) or (b) of this Section shall be punished as
15 follows:

16 (1) If the total amount of money involved in the
17 violation is less than \$1,000, the violation is a Class A
18 misdemeanor.

19 (2) If the total amount of money involved in the
20 violation is \$1,000 or more, but less than \$5,000, the
21 violation is a Class 3 felony.

22 (3) If the total amount of money involved in the
23 violation is \$5,000 or more but less than \$10,000, the
24 violation is a Class 2 felony.

25 (4) If the total amount of money involved in the
26 violation is \$10,000 or more, the violation is a Class 1

1 felony.

2 (e) A person convicted of a felony violation of this
3 Section is ineligible to receive any grant or contract from the
4 State of Illinois.