



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB2695

Introduced 1/28/2014, by Sen. David Koehler

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/33-3

from Ch. 38, par. 33-3

Amends the Criminal Code of 2012 concerning official misconduct. Provides that an employee of a law enforcement agency commits misconduct when he or she knowingly uses or communicates, directly or indirectly, information acquired in the course of employment, which obstructs, impedes, or prevents the investigation, apprehension, or prosecution of any criminal offense or person. Provides that an employee who violates this provision is guilty of a Class 3 felony and shall forfeit his or her office or employment.

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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 2012 is amended by changing  
5 Section 33-3 as follows:

6 (720 ILCS 5/33-3) (from Ch. 38, par. 33-3)

7 Sec. 33-3. Official Misconduct.†

8 (a) A public officer or employee or special government  
9 agent commits misconduct when, in his official capacity or  
10 capacity as a special government agent, he or she commits any  
11 of the following acts:

12 (1) ~~(a)~~ Intentionally or recklessly fails to perform  
13 any mandatory duty as required by law; or

14 (2) ~~(b)~~ Knowingly performs an act which he knows he is  
15 forbidden by law to perform; or

16 (3) ~~(c)~~ With intent to obtain a personal advantage for  
17 himself or another, he performs an act in excess of his  
18 lawful authority; or

19 (4) ~~(d)~~ Solicits or knowingly accepts for the  
20 performance of any act a fee or reward which he knows is  
21 not authorized by law.

22 (b) An employee of a law enforcement agency commits  
23 misconduct when he or she knowingly uses or communicates,

1 directly or indirectly, information acquired in the course of  
2 employment, which obstructs, impedes, or prevents the  
3 investigation, apprehension, or prosecution of any criminal  
4 offense or person.

5 (c) A public officer or employee or special government  
6 agent convicted of violating any provision of this Section  
7 forfeits his or her office or employment or position as a  
8 special government agent. In addition, he or she commits a  
9 Class 3 felony.

10 (d) For purposes of this Section, "special government  
11 agent" has the meaning ascribed to it in subsection (1) of  
12 Section 4A-101 of the Illinois Governmental Ethics Act.

13 (Source: P.A. 94-338, eff. 1-1-06.)