

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, with the intent to obstruct, impede, or prevent the  
3 investigation, apprehension, or prosecution of any criminal  
4 offense or person. Nothing in this subsection (b) shall be  
5 construed to impose liability for communicating to a  
6 confidential resource, who is participating or aiding law  
7 enforcement, in an ongoing investigation.

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

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

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