



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB1482

Introduced 2/6/2015, by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

720 ILCS 5/33-3

from Ch. 38, par. 33-3

Amends the Criminal Code of 2012 concerning official misconduct. Increases the penalty for official misconduct from a Class 3 felony to a Class 2 felony. Provides that a prosecutor commits official misconduct when he or she, in the prosecution of a criminal case, knowingly fails to make timely disclosure to the accused of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, and, in connection with sentencing, fails to disclose to the accused and to the tribunal all unprivileged mitigating information known to the prosecutor, except when the prosecutor is relieved of this responsibility by a protective order of the tribunal.

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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) Intentionally or recklessly fails to perform any
13 mandatory duty as required by law; or

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

16 (3) 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) Solicits or knowingly accepts for the performance
20 of any act a fee or reward which he knows is not authorized
21 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 (b-5) A prosecutor commits misconduct when he or she, in
9 the prosecution of a criminal case, knowingly fails to make
10 timely disclosure to the accused of all evidence or information
11 known to the prosecutor that tends to negate the guilt of the
12 accused or mitigates the offense, and, in connection with
13 sentencing, fails to disclose to the accused and to the
14 tribunal all unprivileged mitigating information known to the
15 prosecutor, except when the prosecutor is relieved of this
16 responsibility by a protective order of the tribunal.

17 (c) A public officer or employee or special government
18 agent convicted of violating any provision of this Section
19 forfeits his or her office or employment or position as a
20 special government agent. In addition, he or she commits a
21 Class 2 ~~3~~ felony.

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

25 (Source: P.A. 98-867, eff. 1-1-15.)