

HB3676



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3676

by Rep. Fred Crespo

SYNOPSIS AS INTRODUCED:

5 ILCS 430/20-95

Amends the State Officials and Employees Ethics Act. Provides that investigatory files and reports of the Office of an Executive Inspector General may be divulged to the head of the State agency affected by or involved in the investigation when an Executive Inspector General determines that it involves a risk to public safety or is in the best interest of the State. Effective January 1, 2016.

LRB099 05688 JLK 25731 b

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Officials and Employees Ethics Act is
5 amended by changing Section 20-95 as follows:

6 (5 ILCS 430/20-95)

7 Sec. 20-95. Exemptions.

8 (a) Documents generated by an ethics officer under this
9 Act, except Section 5-50, are exempt from the provisions of the
10 Freedom of Information Act.

11 (b) Any allegations and related documents submitted to an
12 Executive Inspector General and any pleadings and related
13 documents brought before the Executive Ethics Commission are
14 exempt from the provisions of the Freedom of Information Act so
15 long as the Executive Ethics Commission does not make a finding
16 of a violation of this Act. If the Executive Ethics Commission
17 finds that a violation has occurred, the entire record of
18 proceedings before the Commission, the decision and
19 recommendation, and the response from the agency head or
20 ultimate jurisdictional authority to the Executive Ethics
21 Commission are not exempt from the provisions of the Freedom of
22 Information Act but information contained therein that is
23 otherwise exempt from the Freedom of Information Act must be

1 redacted before disclosure as provided in the Freedom of
2 Information Act. A summary report released by the Executive
3 Ethics Commission under Section 20-52 is a public record, but
4 information redacted by the Executive Ethics Commission shall
5 not be part of the public record.

6 (c) Meetings of the Commission are exempt from the
7 provisions of the Open Meetings Act.

8 (d) Unless otherwise provided in this Act, all
9 investigatory files and reports of the Office of an Executive
10 Inspector General, other than monthly reports required under
11 Section 20-85, are confidential, are exempt from disclosure
12 under the Freedom of Information Act, and shall not be divulged
13 to any person or agency, except as necessary (i) to a law
14 enforcement authority, (ii) to the ultimate jurisdictional
15 authority, (iii) to the Executive Ethics Commission, (iv) to
16 another Inspector General appointed pursuant to this Act, ~~or~~
17 (v) to an Inspector General appointed or employed by a Regional
18 Transit Board in accordance with Section 75-10, or (vi) to the
19 head of the State agency affected by or involved in the
20 investigation when an Executive Inspector General determines
21 that it involves a risk to public safety or is in the best
22 interest of the State.

23 (Source: P.A. 96-555, eff. 8-18-09; 96-1528, eff. 7-1-11.)

24 Section 99. Effective date. This Act takes effect January
25 1, 2016.