

AN ACT concerning criminal law.

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

Section 5. The Criminal Code of 1961 is amended by changing Section 33-3 and by adding Section 33-7 as follows:

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

Sec. 33-3. Official Misconduct.) A public officer or employee or special government agent commits misconduct when, in his official capacity or capacity as a special government agent, he commits any of the following acts:

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

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

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

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

A public officer or employee or special government agent convicted of violating any provision of this Section forfeits his office or employment or position as a special government agent. In addition, he commits a Class 3 felony.

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

(Source: P.A. 82-790.)

(720 ILCS 5/33-7 new)

Sec. 33-7. Public contractor misconduct.

(a) A public contractor; a person seeking a public contract

on behalf of himself, herself, or another; an employee of a public contractor; or a person seeking a public contract on behalf of himself, herself, or another commits public contractor misconduct when, in the performance of, or in connection with, a contract with the State, a unit of local government, or a school district or in obtaining or seeking to obtain such a contract he or she commits any of the following acts:

(1) intentionally or knowingly makes, uses, or causes to be made or used a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property;

(2) knowingly performs an act that he or she knows he or she is forbidden by law to perform;

(3) with intent to obtain a personal advantage for himself, herself, or another, he or she performs an act in excess of his or her contractual responsibility; or

(4) solicits or knowingly accepts for the performance of any act a fee or reward that he or she knows is not authorized by law.

(b) Sentence. Any person who violates this Section commits a Class 3 felony.