



Sen. Melinda Bush

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LRB100 20682 RJF 37195 a

1 AMENDMENT TO SENATE BILL 3296

2 AMENDMENT NO. _____. Amend Senate Bill 3296 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Officials and Employees Ethics Act is
5 amended by changing Section 50-5 as follows:

6 (5 ILCS 430/50-5)

7 Sec. 50-5. Penalties.

8 (a) A person is guilty of a Class A misdemeanor if that
9 person intentionally violates any provision of Section 5-15,
10 5-30, 5-40, or 5-45 or Article 15.

11 (a-1) An ethics commission may levy an administrative fine
12 for a violation of Section 5-45 of this Act of up to 3 times the
13 total annual compensation that would have been obtained in
14 violation of Section 5-45.

15 (b) A person who intentionally violates any provision of
16 Section 5-20, 5-35, 5-50, or 5-55 is guilty of a business

1 offense subject to a fine of at least \$1,001 and up to \$5,000.

2 (c) A person who intentionally violates any provision of
3 Article 10 is guilty of a business offense and subject to a
4 fine of at least \$1,001 and up to \$5,000.

5 (d) Any person who intentionally makes a false report
6 alleging a violation of any provision of this Act to an ethics
7 commission, an inspector general, the State Police, a State's
8 Attorney, the Attorney General, or any other law enforcement
9 official is guilty of a Class A misdemeanor.

10 (e) An ethics commission may levy an administrative fine of
11 up to \$5,000 against any person who violates this Act, who
12 intentionally obstructs or interferes with an investigation
13 conducted under this Act by an inspector general, or who
14 intentionally makes a false, frivolous, or bad faith
15 allegation.

16 (f) In addition to any other penalty that may apply,
17 whether criminal or civil, a State employee who intentionally
18 violates any provision of Section 5-5, 5-15, 5-20, 5-30, 5-35,
19 5-45, or 5-50, Article 10, Article 15, or Section 20-90 or
20 25-90 is subject to discipline or discharge by the appropriate
21 ultimate jurisdictional authority.

22 (g) Any person who violates Section 5-65 is subject to a
23 fine of up to \$5,000 per offense, and is subject to discipline
24 or discharge by the appropriate ultimate jurisdictional
25 authority. Each violation of Section 5-65 is a separate
26 offense. Any penalty imposed by an ethics commission shall be

1 separate and distinct from any fines or penalties imposed by a
2 court of law or a State or federal agency.

3 (h) Any person who violates Section 4.7 or paragraph (d) of
4 Section 5 of the Lobbyist Registration Act is guilty of a
5 business offense and shall be subject to a fine of up to
6 \$5,000. The Executive Ethics Commission, after the
7 adjudication of a violation of Section 4.7 of the Lobbyist
8 Registration Act for which an investigation was initiated by
9 the Inspector General appointed by the Secretary of State under
10 Section 14 of the Secretary of State Act, is authorized to
11 temporarily suspend or terminate any person, or lobbying entity
12 for which that person is employed, registered under the
13 Lobbyist Registration Act. Any penalty imposed by an ethics
14 commission shall be separate and distinct from any fines or
15 penalties imposed by a court of law or by the Secretary of
16 State under the Lobbyist Registration Act.

17 (Source: P.A. 100-554, eff. 11-16-17.)

18 Section 10. The Secretary of State Act is amended by
19 changing Section 14 as follows:

20 (15 ILCS 305/14)

21 Sec. 14. Inspector General.

22 (a) The Secretary of State must, with the advice and
23 consent of the Senate, appoint an Inspector General for the
24 purpose of detection, deterrence, and prevention of fraud,

1 corruption, mismanagement, gross or aggravated misconduct, or
2 misconduct that may be criminal in nature in the Office of the
3 Secretary of State. The Inspector General shall serve a 5-year
4 term. If no successor is appointed and qualified upon the
5 expiration of the Inspector General's term, the Office of
6 Inspector General is deemed vacant and the powers and duties
7 under this Section may be exercised only by an appointed and
8 qualified interim Inspector General until a successor
9 Inspector General is appointed and qualified. If the General
10 Assembly is not in session when a vacancy in the Office of
11 Inspector General occurs, the Secretary of State may appoint an
12 interim Inspector General whose term shall expire 2 weeks after
13 the next regularly scheduled session day of the Senate.

14 (b) The Inspector General shall have the following
15 qualifications:

16 (1) has not been convicted of any felony under the laws
17 of this State, another State, or the United States;

18 (2) has earned a baccalaureate degree from an
19 institution of higher education; and

20 (3) has either (A) 5 or more years of service with a
21 federal, State, or local law enforcement agency, at least 2
22 years of which have been in a progressive investigatory
23 capacity; (B) 5 or more years of service as a federal,
24 State, or local prosecutor; or (C) 5 or more years of
25 service as a senior manager or executive of a federal,
26 State, or local agency.

1 (c) The Inspector General may review, coordinate, and
2 recommend methods and procedures to increase the integrity of
3 the Office of the Secretary of State. The duties of the
4 Inspector General shall supplement and not supplant the duties
5 of the Chief Auditor for the Secretary of State's Office or any
6 other Inspector General that may be authorized by law. The
7 Inspector General must report directly to the Secretary of
8 State.

9 (d) In addition to the authority otherwise provided by this
10 Section, but only when investigating the Office of the
11 Secretary of State, its employees, or their actions for fraud,
12 corruption, mismanagement, gross or aggravated misconduct, or
13 misconduct that may be criminal in nature, the Inspector
14 General is authorized:

15 (1) To have access to all records, reports, audits,
16 reviews, documents, papers, recommendations, or other
17 materials available that relate to programs and operations
18 with respect to which the Inspector General has
19 responsibilities under this Section.

20 (2) To make any investigations and reports relating to
21 the administration of the programs and operations of the
22 Office of the Secretary of State that are, in the judgment
23 of the Inspector General, necessary or desirable.

24 (3) To request any information or assistance that may
25 be necessary for carrying out the duties and
26 responsibilities provided by this Section from any local,

1 State, or federal governmental agency or unit thereof.

2 (4) To require by subpoena the appearance of witnesses
3 and the production of all information, documents, reports,
4 answers, records, accounts, papers, and other data and
5 documentary evidence necessary in the performance of the
6 functions assigned by this Section, with the exception of
7 subsection (c) and with the exception of records of a labor
8 organization authorized and recognized under the Illinois
9 Public Labor Relations Act to be the exclusive bargaining
10 representative of employees of the Secretary of State,
11 including, but not limited to, records of representation of
12 employees and the negotiation of collective bargaining
13 agreements. A subpoena may be issued under this paragraph
14 (4) only by the Inspector General and not by members of the
15 Inspector General's staff. A person duly subpoenaed for
16 testimony, documents, or other items who neglects or
17 refuses to testify or produce documents or other items
18 under the requirements of the subpoena shall be subject to
19 punishment as may be determined by a court of competent
20 jurisdiction, unless (i) the testimony, documents, or
21 other items are covered by the attorney-client privilege or
22 any other privilege or right recognized by law or (ii) the
23 testimony, documents, or other items concern the
24 representation of employees and the negotiation of
25 collective bargaining agreements by a labor organization
26 authorized and recognized under the Illinois Public Labor

1 Relations Act to be the exclusive bargaining
2 representative of employees of the Secretary of State.
3 Nothing in this Section limits a person's right to
4 protection against self-incrimination under the Fifth
5 Amendment of the United States Constitution or Article I,
6 Section 10, of the Constitution of the State of Illinois.

7 (5) To have direct and prompt access to the Secretary
8 of State for any purpose pertaining to the performance of
9 functions and responsibilities under this Section.

10 (d-5) In addition to the authority otherwise provided by
11 this Section, the Secretary of State Inspector General shall
12 have jurisdiction to investigate complaints and allegations of
13 wrongdoing by any person or entity related to the Lobbyist
14 Registration Act. When investigating those complaints and
15 allegations, the Inspector General is authorized:

16 (1) To have access to all records, reports, audits,
17 reviews, documents, papers, recommendations, or other
18 materials available that relate to programs and operations
19 with respect to which the Inspector General has
20 responsibilities under this Section.

21 (2) To request any information or assistance that may
22 be necessary for carrying out the duties and
23 responsibilities provided by this Section from any local,
24 State, or federal governmental agency or unit thereof.

25 (3) To require by subpoena the appearance of witnesses
26 and the production of all information, documents, reports,

1 answers, records, accounts, papers, and other data and
2 documentary evidence necessary in the performance of the
3 functions assigned by this Section. A subpoena may be
4 issued under this paragraph (3) only by the Inspector
5 General and not by members of the Inspector General's
6 staff. A person duly subpoenaed for testimony, documents,
7 or other items who neglects or refuses to testify or
8 produce documents or other items under the requirements of
9 the subpoena shall be subject to punishment as may be
10 determined by a court of competent jurisdiction, unless the
11 testimony, documents, or other items are covered by the
12 attorney-client privilege or any other privilege or right
13 recognized by law. Nothing in this Section limits a
14 person's right to protection against self-incrimination
15 under the Fifth Amendment of the United States Constitution
16 or Section 10 of Article I of the Constitution of the State
17 of Illinois.

18 (4) To have direct and prompt access to the Secretary
19 of State for any purpose pertaining to the performance of
20 functions and responsibilities under this Section.

21 (5) As provided in subsection (d) of Section 5 of the
22 Lobbyist Registration Act, to review allegations that an
23 individual required to be registered under the Lobbyist
24 Registration Act has engaged in one or more acts of sexual
25 harassment. Upon completion of that review, the Inspector
26 General shall submit a summary of the review to the

1 Executive Ethics Commission. The Inspector General is
2 authorized to file pleadings with the Executive Ethics
3 Commission, through the Attorney General, if the Attorney
4 General finds that reasonable cause exists to believe that
5 a violation regarding acts of sexual harassment has
6 occurred. The Secretary shall adopt rules setting forth the
7 procedures for the review of such allegations.

8 (e) The Inspector General may receive and investigate
9 complaints or information concerning the possible existence of
10 an activity constituting a violation of law, rules, or
11 regulations; mismanagement; abuse of authority; or substantial
12 and specific danger to the public health and safety. Any person
13 who knowingly files a false complaint or files a complaint with
14 reckless disregard for the truth or the falsity of the facts
15 underlying the complaint may be subject to discipline as set
16 forth in the rules of the Department of Personnel of the
17 Secretary of State or the Inspector General may refer the
18 matter to a State's Attorney or the Attorney General.

19 The Inspector General may not, after receipt of a complaint
20 or information, disclose the identity of the source without the
21 consent of the source, unless the Inspector General determines
22 that disclosure of the identity is reasonable and necessary for
23 the furtherance of the investigation.

24 Any employee who has the authority to recommend or approve
25 any personnel action or to direct others to recommend or
26 approve any personnel action may not, with respect to that

1 authority, take or threaten to take any action against any
2 employee as a reprisal for making a complaint or disclosing
3 information to the Inspector General, unless the complaint was
4 made or the information disclosed with the knowledge that it
5 was false or with willful disregard for its truth or falsity.

6 (f) The Inspector General must adopt rules, in accordance
7 with the provisions of the Illinois Administrative Procedure
8 Act, establishing minimum requirements for initiating,
9 conducting, and completing investigations. The rules must
10 establish criteria for determining, based upon the nature of
11 the allegation, the appropriate method of investigation, which
12 may include, but is not limited to, site visits, telephone
13 contacts, personal interviews, or requests for written
14 responses. The rules must also clarify how the Office of the
15 Inspector General shall interact with other local, State, and
16 federal law enforcement investigations.

17 Any employee of the Secretary of State subject to
18 investigation or inquiry by the Inspector General or any agent
19 or representative of the Inspector General concerning
20 misconduct that is criminal in nature shall have the right to
21 be notified of the right to remain silent during the
22 investigation or inquiry and the right to be represented in the
23 investigation or inquiry by an attorney or a representative of
24 a labor organization that is the exclusive collective
25 bargaining representative of employees of the Secretary of
26 State. Any investigation or inquiry by the Inspector General or

1 any agent or representative of the Inspector General must be
2 conducted with an awareness of the provisions of a collective
3 bargaining agreement that applies to the employees of the
4 Secretary of State and with an awareness of the rights of the
5 employees as set forth in State and federal law and applicable
6 judicial decisions. Any recommendations for discipline or any
7 action taken against any employee by the Inspector General or
8 any representative or agent of the Inspector General must
9 comply with the provisions of the collective bargaining
10 agreement that applies to the employee.

11 (g) On or before January 1 of each year, the Inspector
12 General shall report to the President of the Senate, the
13 Minority Leader of the Senate, the Speaker of the House of
14 Representatives, and the Minority Leader of the House of
15 Representatives on the types of investigations and the
16 activities undertaken by the Office of the Inspector General
17 during the previous calendar year.

18 (Source: P.A. 100-554, eff. 11-16-17.)

19 Section 15. The Lobbyist Registration Act is amended by
20 changing Section 11 as follows:

21 (25 ILCS 170/11) (from Ch. 63, par. 181)

22 Sec. 11. Enforcement.

23 (a) The Secretary of State Inspector General appointed
24 under Section 14 of the Secretary of State Act shall initiate

1 investigations of violations of this Act upon receipt of
2 credible evidence of a violation. If, upon conclusion of an
3 investigation, the Inspector General reasonably believes a
4 violation of this Act has occurred, the Inspector General shall
5 provide the alleged violator with written notification of the
6 alleged violation. Within 30 calendar days after receipt of the
7 notification, the alleged violator shall submit a written
8 response to the Inspector General. The response shall indicate
9 whether the alleged violator (i) disputes the alleged
10 violation, including any facts that reasonably prove the
11 alleged violation did not violate the Act, or (ii) agrees to
12 take action to correct the alleged violation within 30 calendar
13 days, including a description of the action the alleged
14 violator has taken or will take to correct the alleged
15 violation. If the alleged violator disputes the alleged
16 violation or fails to respond to the notification of the
17 alleged violation, the Inspector General shall transmit the
18 evidence to the appropriate State's Attorney or Attorney
19 General. If the alleged violator agrees to take action to
20 correct the alleged violation, the Inspector General shall make
21 available to the public the notification from the Inspector
22 General and the response from the alleged violator and shall
23 not transmit the evidence to the appropriate State's Attorney
24 or Attorney General. Nothing in this Act requires the Inspector
25 General to notify an alleged violator of an ongoing
26 investigation or to notify the alleged violator of a referral

1 of any evidence to a law enforcement agency, a State's
2 Attorney, or the Attorney General pursuant to subsection (c).

3 (a-5) Failure to cooperate in an investigation initiated by
4 the Secretary of State Inspector General appointed under
5 Section 14 of the Secretary of State Act is a separate and
6 punishable offense for which the Secretary of State Inspector
7 General, through the Attorney General, shall file pleadings
8 with the Executive Ethics Commission, which has the discretion
9 to temporarily suspend or terminate any person, or lobbying
10 entity for which that person is employed, registered under this
11 Act.

12 (b) Any violation of this Act may be prosecuted in the
13 county where the offense is committed or in Sangamon County. In
14 addition to the State's Attorney of the appropriate county, the
15 Attorney General of Illinois also is authorized to prosecute
16 any violation of this Act.

17 (c) Notwithstanding any other provision of this Act, the
18 Inspector General may at any time refer evidence of a violation
19 of State or federal law, in addition to a violation of this
20 Act, to the appropriate law enforcement agency, State's
21 Attorney, or Attorney General.

22 (Source: P.A. 96-555, eff. 1-1-10; 96-1358, eff. 7-28-10.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law."