



Sen. Melinda Bush

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LRB100 20682 RJF 37884 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 natural person or lobbying entity who intentionally
4 violates Section 4.7, ~~or~~ paragraph (d) of Section 5, or
5 subsection (a-5) of Section 11 of the Lobbyist Registration Act
6 is guilty of a business offense and shall be subject to a fine
7 of up to \$5,000. The Executive Ethics Commission, after the
8 adjudication of a violation of Section 4.7 of the Lobbyist
9 Registration Act for which an investigation was initiated by
10 the Inspector General appointed by the Secretary of State under
11 Section 14 of the Secretary of State Act, is authorized to
12 strike or suspend the registration under the Lobbyist
13 Registration Act of any person or lobbying entity for which
14 that person is employed for a period of 3 years. In addition to
15 any other fine or penalty which may be imposed, the Executive
16 Ethics Commission may also levy an administrative fine of up to
17 \$5,000 for a violation specified under this subsection (h). Any
18 penalty imposed by an ethics commission shall be separate and
19 distinct from any fines or penalties imposed by a court of law
20 or by the Secretary of State under the Lobbyist Registration
21 Act.

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

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

1 (15 ILCS 305/14)

2 Sec. 14. Inspector General.

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

19 (b) The Inspector General shall have the following
20 qualifications:

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

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

25 (3) has either (A) 5 or more years of service with a
26 federal, State, or local law enforcement agency, at least 2

1 years of which have been in a progressive investigatory
2 capacity; (B) 5 or more years of service as a federal,
3 State, or local prosecutor; or (C) 5 or more years of
4 service as a senior manager or executive of a federal,
5 State, or local agency.

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

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

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

25 (2) To make any investigations and reports relating to
26 the administration of the programs and operations of the

1 Office of the Secretary of State that are, in the judgment
2 of the Inspector General, necessary or desirable.

3 (3) To request any information or assistance that may
4 be necessary for carrying out the duties and
5 responsibilities provided by this Section from any local,
6 State, or federal governmental agency or unit thereof.

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

1 any other privilege or right recognized by law or (ii) the
2 testimony, documents, or other items concern the
3 representation of employees and the negotiation of
4 collective bargaining agreements by a labor organization
5 authorized and recognized under the Illinois Public Labor
6 Relations Act to be the exclusive bargaining
7 representative of employees of the Secretary of State.
8 Nothing in this Section limits a person's right to
9 protection against self-incrimination under the Fifth
10 Amendment of the United States Constitution or Article I,
11 Section 10, of the Constitution of the State of Illinois.

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

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

21 (1) To have access to all records, reports, audits,
22 reviews, documents, papers, recommendations, or other
23 materials available that relate to programs and operations
24 with respect to which the Inspector General has
25 responsibilities under this Section.

26 (2) To request any information or assistance that may

1 be necessary for carrying out the duties and
2 responsibilities provided by this Section from any local,
3 State, or federal governmental agency or unit thereof.

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

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

26 (5) As provided in subsection (d) of Section 5 of the

1 Lobbyist Registration Act, to review allegations that an
2 individual required to be registered under the Lobbyist
3 Registration Act has engaged in one or more acts of sexual
4 harassment. Upon completion of that review, the Inspector
5 General shall submit a summary of the review to the
6 Executive Ethics Commission. The Inspector General is
7 authorized to file pleadings with the Executive Ethics
8 Commission, through the Attorney General, if the Attorney
9 General finds that reasonable cause exists to believe that
10 a violation regarding acts of sexual harassment has
11 occurred. The Secretary shall adopt rules setting forth the
12 procedures for the review of such allegations.

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

24 The Inspector General may not, after receipt of a complaint
25 or information, disclose the identity of the source without the
26 consent of the source, unless the Inspector General determines

1 that disclosure of the identity is reasonable and necessary for
2 the furtherance of the investigation.

3 Any employee who has the authority to recommend or approve
4 any personnel action or to direct others to recommend or
5 approve any personnel action may not, with respect to that
6 authority, take or threaten to take any action against any
7 employee as a reprisal for making a complaint or disclosing
8 information to the Inspector General, unless the complaint was
9 made or the information disclosed with the knowledge that it
10 was false or with willful disregard for its truth or falsity.

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

22 Any employee of the Secretary of State subject to
23 investigation or inquiry by the Inspector General or any agent
24 or representative of the Inspector General concerning
25 misconduct that is criminal in nature shall have the right to
26 be notified of the right to remain silent during the

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

16 (g) On or before January 1 of each year, the Inspector
17 General shall report to the President of the Senate, the
18 Minority Leader of the Senate, the Speaker of the House of
19 Representatives, and the Minority Leader of the House of
20 Representatives on the types of investigations and the
21 activities undertaken by the Office of the Inspector General
22 during the previous calendar year.

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

24 Section 15. The Lobbyist Registration Act is amended by
25 changing Section 11 as follows:

1 (25 ILCS 170/11) (from Ch. 63, par. 181)

2 Sec. 11. Enforcement.

3 (a) The Secretary of State Inspector General appointed
4 under Section 14 of the Secretary of State Act shall initiate
5 investigations of violations of this Act upon receipt of
6 credible evidence of a violation. If, upon conclusion of an
7 investigation, the Inspector General reasonably believes a
8 violation of this Act has occurred, the Inspector General shall
9 provide the alleged violator with written notification of the
10 alleged violation. Within 30 calendar days after receipt of the
11 notification, the alleged violator shall submit a written
12 response to the Inspector General. The response shall indicate
13 whether the alleged violator (i) disputes the alleged
14 violation, including any facts that reasonably prove the
15 alleged violation did not violate the Act, or (ii) agrees to
16 take action to correct the alleged violation within 30 calendar
17 days, including a description of the action the alleged
18 violator has taken or will take to correct the alleged
19 violation. If the alleged violator disputes the alleged
20 violation or fails to respond to the notification of the
21 alleged violation, the Inspector General shall transmit the
22 evidence to the appropriate State's Attorney or Attorney
23 General. If the alleged violator agrees to take action to
24 correct the alleged violation, the Inspector General shall make
25 available to the public the notification from the Inspector

1 General and the response from the alleged violator and shall
2 not transmit the evidence to the appropriate State's Attorney
3 or Attorney General. Nothing in this Act requires the Inspector
4 General to notify an alleged violator of an ongoing
5 investigation or to notify the alleged violator of a referral
6 of any evidence to a law enforcement agency, a State's
7 Attorney, or the Attorney General pursuant to subsection (c).

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

17 (b) Any violation of this Act may be prosecuted in the
18 county where the offense is committed or in Sangamon County. In
19 addition to the State's Attorney of the appropriate county, the
20 Attorney General of Illinois also is authorized to prosecute
21 any violation of this Act.

22 (c) Notwithstanding any other provision of this Act, the
23 Inspector General may at any time refer evidence of a violation
24 of State or federal law, in addition to a violation of this
25 Act, to the appropriate law enforcement agency, State's
26 Attorney, or Attorney General.

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

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.".