



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

**HB2112**

by Rep. Carol Ammons

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/33-3

from Ch. 38, par. 33-3

Amends the Criminal Code of 2012. Provides that an employee of a law enforcement agency commits misconduct when he or she knowingly misrepresents facts describing an incident in a police report or during investigations regarding the law enforcement employee's conduct. Provides that law enforcement employees and prosecutors have an affirmative obligation to report any knowledge of the misrepresentations to the law enforcement employee's supervisor or to whomever necessary for the law enforcement employee to be held accountable. Provides that a violation is a Class 3 felony and forfeiture of employment.

LRB101 09633 SLF 54731 b

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-1) An employee of a law enforcement agency commits  
9 misconduct when he or she knowingly misrepresents facts  
10 describing an incident in a police report or during  
11 investigations regarding the law enforcement employee's  
12 conduct. Law enforcement employees and prosecutors have an  
13 affirmative obligation to report any knowledge of the  
14 misrepresentations to the law enforcement employee's  
15 supervisor or to whomever necessary for the law enforcement  
16 employee to be held accountable.

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 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.)