



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4288

Introduced 1/16/2024, by Rep. Ryan Spain

SYNOPSIS AS INTRODUCED:

- 5 ILCS 430/20-52
- 5 ILCS 430/25-15
- 5 ILCS 430/25-20
- 5 ILCS 430/25-52

Amends the State Officials and Employees Ethics Act. Provides that the Legislate Ethics Commission shall adopt no rule requiring the Legislative Inspector General to seek the Commission's advance approval before issuing a subpoena. Provides that any existing rule, as of the effective date of the amendatory Act, requiring the Legislative Inspectors General to seek the Commission's advanced approval before issuing a subpoena is void. Provides that within 60 days after receipt of a summary report and response from the ultimate jurisdictional authority or agency head, the Executive and Legislative Ethics Commissions shall make available to the public the report and response or a redacted version of the report and response (currently, report required to be made public only if it resulted in a suspension of at least 3 days or termination of employment). Removes language providing that the Legislative Inspector General needs the advanced approval of the Commission to issue subpoenas. Makes conforming changes. Effective immediately.

LRB103 35378 AWJ 65443 b

1 AN ACT concerning 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 Sections 20-52, 25-15, 25-20, and 25-52 as
6 follows:

7 (5 ILCS 430/20-52)

8 Sec. 20-52. Release of summary reports.

9 (a) Within 60 days after receipt of a summary report and
10 response from the ultimate jurisdictional authority or agency
11 head ~~that resulted in a suspension of at least 3 days or~~
12 ~~termination of employment,~~ the Executive Ethics Commission
13 shall make available to the public the report and response or a
14 redacted version of the report and response. ~~The Executive~~
15 ~~Ethics Commission may make available to the public any other~~
16 ~~summary report and response of the ultimate jurisdictional~~
17 ~~authority or agency head or a redacted version of the report~~
18 ~~and response.~~

19 (b) The Commission shall redact information in the summary
20 report that may reveal the identity of witnesses,
21 complainants, or informants or if the Commission determines it
22 is appropriate to protect the identity of a person before the
23 report is made public. The Commission may also redact any

1 information it believes should not be made public. Prior to
2 publication, the Commission shall permit the respondents,
3 Inspector General, and Attorney General to review documents to
4 be made public and offer suggestions for redaction or provide
5 a response that shall be made public with the summary report.

6 (c) The Commission may withhold publication of the report
7 or response if the Executive Inspector General or Attorney
8 General certifies that releasing the report to the public will
9 interfere with an ongoing investigation.

10 (Source: P.A. 96-555, eff. 8-18-09.)

11 (5 ILCS 430/25-15)

12 Sec. 25-15. Duties of the Legislative Ethics Commission.
13 In addition to duties otherwise assigned by law, the
14 Legislative Ethics Commission shall have the following duties:

15 (1) To promulgate rules governing the performance of
16 its duties and the exercise of its powers and governing
17 the investigations of the Legislative Inspector General;
18 except that, the Legislative Ethics Commission shall adopt
19 no rule requiring the Legislative Inspector General to
20 seek the Commission's advance approval before commencing
21 any investigation authorized under this Article or issuing
22 a subpoena under this Article. Any existing rule, as of
23 the effective date of this amendatory Act of the 102nd
24 General Assembly, requiring the Legislative Inspector
25 General to seek the Commission's advanced ~~advance~~ approval

1 before commencing any investigation is void. Any existing
2 rule, as of the effective date of this amendatory Act of
3 the 103rd General Assembly, requiring the Legislative
4 Inspector General to seek the Commission's advanced
5 approval before issuing a subpoena is void. The rules
6 shall be available on the Commission's website and any
7 proposed changes to the rules must be made available to
8 the public on the Commission's website no less than 7 days
9 before the adoption of the changes. Any person shall be
10 given an opportunity to provide written or oral testimony
11 before the Commission in support of or opposition to
12 proposed rules.

13 (2) To conduct administrative hearings and rule on
14 matters brought before the Commission only upon the
15 receipt of pleadings filed by the Legislative Inspector
16 General and not upon its own prerogative, but may appoint
17 special Legislative Inspectors General as provided in
18 Section 25-21. Any other allegations of misconduct
19 received by the Commission from a person other than the
20 Legislative Inspector General shall be referred to the
21 Office of the Legislative Inspector General.

22 (3) To prepare and publish manuals and guides and,
23 working with the Office of the Attorney General, oversee
24 training of employees under its jurisdiction that explains
25 their duties.

26 (4) To prepare public information materials to

1 facilitate compliance, implementation, and enforcement of
2 this Act.

3 (5) To submit reports as required by this Act.

4 (6) To the extent authorized by this Act, to make
5 rulings, issue recommendations, and impose administrative
6 fines, if appropriate, in connection with the
7 implementation and interpretation of this Act. The powers
8 and duties of the Commission are limited to matters
9 clearly within the purview of this Act.

10 (7) To issue subpoenas with respect to matters pending
11 before the Commission, ~~subject to the provisions of this~~
12 ~~Article and in the discretion of the Commission,~~ to compel
13 the attendance of witnesses for purposes of testimony and
14 the production of documents and other items for inspection
15 and copying.

16 (8) To appoint special Legislative Inspectors General
17 as provided in Section 25-21.

18 (9) To conspicuously display on the Commission's
19 website the procedures for reporting a violation of this
20 Act, including how to report violations via email or
21 online.

22 (10) To conspicuously display on the Commission's
23 website any vacancies within the Office of the Legislative
24 Inspector General.

25 (11) To appoint an Acting Legislative Inspector
26 General in the event of a vacancy in the Office of the

1 Legislative Inspector General.

2 (Source: P.A. 102-664, eff. 1-1-22.)

3 (5 ILCS 430/25-20)

4 Sec. 25-20. Duties of the Legislative Inspector General.

5 In addition to duties otherwise assigned by law, the
6 Legislative Inspector General shall have the following duties:

7 (1) To receive and investigate, without advance
8 approval of the Legislative Ethics Commission, allegations
9 of violations of this Act and other wrongful acts within
10 his or her jurisdiction based on a complaint. Except as
11 otherwise provided in paragraph (1.5), an investigation
12 may not be initiated more than one year after the alleged
13 wrongful act or the most recent act of a series of alleged
14 wrongful acts based on the same wrongful conduct except if
15 there is reasonable cause to believe that fraudulent
16 concealment has occurred. To constitute fraudulent
17 concealment sufficient to toll this limitations period,
18 there must be an affirmative act or representation
19 calculated to prevent discovery of the fact that a
20 violation or other wrongful act has occurred. The
21 Legislative Inspector General shall have the discretion to
22 determine the appropriate means of investigation as
23 permitted by law.

24 (1.5) Notwithstanding any provision of law to the
25 contrary, the Legislative Inspector General, whether

1 appointed by the Legislative Ethics Commission or the
2 General Assembly, may initiate an investigation based on
3 information provided to the Office of the Legislative
4 Inspector General or the Legislative Ethics Commission
5 during the period from December 1, 2014 through November
6 3, 2017. Any investigation initiated under this paragraph
7 (1.5) must be initiated within one year after the
8 effective date of this amendatory Act of the 100th General
9 Assembly.

10 Notwithstanding any provision of law to the contrary,
11 the Legislative Inspector General, through the Attorney
12 General, shall have the authority to file a complaint
13 related to any founded violations that occurred during the
14 period December 1, 2014 through November 3, 2017 to the
15 Legislative Ethics Commission, and the Commission shall
16 have jurisdiction to conduct administrative hearings
17 related to any pleadings filed by the Legislative
18 Inspector General, provided the complaint is filed with
19 the Commission no later than 6 months after the summary
20 report is provided to the Attorney General in accordance
21 with subsection (c) of Section 25-50.

22 (2) To request information relating to an
23 investigation from any person when the Legislative
24 Inspector General deems that information necessary in
25 conducting an investigation.

26 (3) To issue subpoenas, ~~with the advance approval of~~

1 ~~the Commission,~~ to compel the attendance of witnesses for
2 the purposes of testimony and production of documents and
3 other items for inspection and copying and to make service
4 of those subpoenas and subpoenas issued under item (7) of
5 Section 25-15.

6 (4) To submit reports as required by this Act.

7 (5) To file pleadings in the name of the Legislative
8 Inspector General with the Legislative Ethics Commission,
9 through the Attorney General, as provided in this Article
10 if the Attorney General finds that reasonable cause exists
11 to believe that a violation has occurred.

12 (6) To assist and coordinate the ethics officers for
13 State agencies under the jurisdiction of the Legislative
14 Inspector General and to work with those ethics officers.

15 (7) To participate in or conduct, when appropriate,
16 multi-jurisdictional investigations.

17 (8) To request, as the Legislative Inspector General
18 deems appropriate, from ethics officers of State agencies
19 under his or her jurisdiction, reports or information on
20 (i) the content of a State agency's ethics training
21 program and (ii) the percentage of new officers and
22 employees who have completed ethics training.

23 (9) To establish a policy that ensures the appropriate
24 handling and correct recording of all investigations of
25 allegations and to ensure that the policy is accessible
26 via the Internet in order that those seeking to report

1 those allegations are familiar with the process and that
2 the subjects of those allegations are treated fairly.

3 (10) To post information to the Legislative Inspector
4 General's website explaining to complainants and subjects
5 of an investigation the legal limitations on the
6 Legislative Inspector General's ability to provide
7 information to them and a general overview of the
8 investigation process.

9 (Source: P.A. 102-664, eff. 1-1-22.)

10 (5 ILCS 430/25-52)

11 Sec. 25-52. Release of summary reports.

12 (a) Within 60 days after receipt of a summary report and
13 response from the ultimate jurisdictional authority or agency
14 head ~~that resulted in a suspension of at least 3 days or~~
15 ~~termination of employment,~~ the Legislative Ethics Commission
16 shall make available to the public the report and response or a
17 redacted version of the report and response. ~~The Legislative~~
18 ~~Ethics Commission may make available to the public any other~~
19 ~~summary report and response of the ultimate jurisdictional~~
20 ~~authority or agency head or a redacted version of the report~~
21 ~~and response.~~

22 (b) The Legislative Ethics Commission shall redact
23 information in the summary report that may reveal the identity
24 of witnesses, complainants, or informants or if the Commission
25 determines it is appropriate to protect the identity of a

1 person before publication. The Commission may also redact any
2 information it believes should not be made public. Prior to
3 publication, the Commission shall permit the respondents,
4 Legislative Inspector General, and Attorney General to review
5 documents to be made public and offer suggestions for
6 redaction or provide a response that shall be made public with
7 the summary report.

8 (c) The Legislative Ethics Commission may withhold
9 publication of the report or response if the Legislative
10 Inspector General or Attorney General certifies that
11 publication will interfere with an ongoing investigation.

12 (Source: P.A. 96-555, eff. 8-18-09.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.