



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2795

Introduced 2/6/2025, by Rep. Suzanne M. Ness

SYNOPSIS AS INTRODUCED:

5 ILCS 420/3-202 from Ch. 127, par. 603-202
5 ILCS 430/25-15
5 ILCS 430/25-20

Amends the Illinois Governmental Ethics Act. In a provision involving ethical principles for legislators in the event of a conflict situation, defines conflict situation as any circumstance that (i) involves a legislator, the legislator's immediate family, or a business in which the legislator or the legislator's immediate family holds a direct or indirect economic interest, (ii) is related to a specific matter pending before the legislator, and (iii) may result in a private pecuniary benefit to the legislator, the legislator's immediate family, or one or more businesses in which the legislator is involved. Provides that, upon discovery of a conflict situation, the legislator shall disclose the conflict by notifying the Office of the Legislative Inspector General. Amends the State Officials and Employees Ethics Act. Directs the Legislative Inspector General to examine any conflict situation notice filed by a member, as well as each bill that is related to the conflict situation and that has been filed and approved for consideration, and to either (i) provide the member with an informal advisory opinion or (ii) refer the notice to the Commission for a formal advisory opinion and an opportunity to respond. Requires the Legislative Ethics Commission to examine any conflict situation notice filed by a member and referred to the Commission by the Office of the Legislative Inspector General, as well as each bill that is related to the conflict situation and that has been filed and approved for consideration, and to provide such a member with a formal advisory opinion and an opportunity to respond to the Office of the Legislative Inspector General.

LRB104 09744 BDA 19810 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 Illinois Governmental Ethics Act is amended
5 by changing Section 3-202 as follows:

6 (5 ILCS 420/3-202) (from Ch. 127, par. 603-202)

7 Sec. 3-202. When a legislator must take official action on
8 a legislative matter as to which the legislator ~~he~~ has a
9 conflict situation created by a personal, family, or client
10 legislative interest, the legislator ~~he~~ should consider the
11 possibility of eliminating the interest creating the conflict
12 situation. If that is not feasible, the legislator ~~he~~ should
13 consider the possibility of abstaining from such official
14 action. In making a ~~his~~ decision as to abstention, the
15 legislator should consider the following factors ~~should be~~
16 ~~considered:~~

17 a. whether a substantial threat to the legislator's
18 ~~his~~ independence of judgment has been created by the
19 conflict situation;

20 b. the effect of the legislator's ~~his~~ participation on
21 public confidence in the integrity of the legislature;

22 c. whether the legislator's ~~his~~ participation is
23 likely to have any significant effect on the disposition

1 of the matter;

2 d. the need for the legislator's ~~his~~ particular
3 contribution, such as special knowledge of the subject
4 matter, to the effective functioning of the legislature.

5 Upon discovery of a conflict situation, the legislator
6 shall disclose the conflict by notifying the Office of the
7 Legislative Inspector General.

8 Regardless of any advisory opinion, the legislator ~~He~~ need
9 not abstain if the legislator ~~he~~ decides to participate in a
10 manner contrary to the economic interest which creates the
11 conflict situation.

12 If the legislator ~~he~~ does abstain, the legislator ~~he~~
13 should disclose that fact to the legislator's ~~his~~ respective
14 legislative body.

15 As used in this Section, "conflict situation" means any
16 circumstance that (i) involves a legislator, the legislator's
17 immediate family, or a business in which the legislator or the
18 legislator's immediate family holds a direct or indirect
19 economic interest, (ii) is related to a specific matter
20 pending before the legislator, and (iii) may result in a
21 private pecuniary benefit to the legislator, the legislator's
22 immediate family, or one or more businesses in which the
23 legislator is involved.

24 (Source: P.A. 100-201, eff. 8-18-17.)

25 Section 10. The State Officials and Employees Ethics Act

1 is amended by changing Sections 25-15 and 25-20 as follows:

2 (5 ILCS 430/25-15)

3 Sec. 25-15. Duties of the Legislative Ethics Commission.

4 In addition to duties otherwise assigned by law, the
5 Legislative Ethics Commission shall have the following duties:

6 (1) To promulgate rules governing the performance of
7 its duties and the exercise of its powers and governing
8 the investigations of the Legislative Inspector General;
9 except that, the Legislative Ethics Commission shall adopt
10 no rule requiring the Legislative Inspector General to
11 seek the Commission's advance approval before commencing
12 any investigation authorized under this Article. Any
13 existing rule, as of the effective date of this amendatory
14 Act of the 102nd General Assembly, requiring the
15 Legislative Inspector General to seek the Commission's
16 advance approval before commencing any investigation is
17 void. The rules shall be available on the Commission's
18 website and any proposed changes to the rules must be made
19 available to the public on the Commission's website no
20 less than 7 days before the adoption of the changes. Any
21 person shall be given an opportunity to provide written or
22 oral testimony before the Commission in support of or
23 opposition to proposed rules.

24 (2) To conduct administrative hearings and rule on
25 matters brought before the Commission only upon the

1 receipt of pleadings filed by the Legislative Inspector
2 General and not upon its own prerogative, but may appoint
3 special Legislative Inspectors General as provided in
4 Section 25-21. Any other allegations of misconduct
5 received by the Commission from a person other than the
6 Legislative Inspector General shall be referred to the
7 Office of the Legislative Inspector General.

8 (3) To prepare and publish manuals and guides and,
9 working with the Office of the Attorney General, oversee
10 training of employees under its jurisdiction that explains
11 their duties.

12 (4) To prepare public information materials to
13 facilitate compliance, implementation, and enforcement of
14 this Act.

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

16 (6) To the extent authorized by this Act, to make
17 rulings, issue recommendations, and impose administrative
18 fines, if appropriate, in connection with the
19 implementation and interpretation of this Act. The powers
20 and duties of the Commission are limited to matters
21 clearly within the purview of this Act.

22 (7) To issue subpoenas with respect to matters pending
23 before the Commission, subject to the provisions of this
24 Article and in the discretion of the Commission, to compel
25 the attendance of witnesses for purposes of testimony and
26 the production of documents and other items for inspection

1 and copying.

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

4 (9) To conspicuously display on the Commission's
5 website the procedures for reporting a violation of this
6 Act, including how to report violations via email or
7 online.

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

11 (11) To appoint an Acting Legislative Inspector
12 General in the event of a vacancy in the Office of the
13 Legislative Inspector General.

14 (12) To examine any conflict situation notice filed by
15 a member and referred to the Commission by the Office of
16 the Legislative Inspector General, as well as each bill
17 that is related to the conflict situation and that has
18 been filed and approved for consideration, and to provide
19 such a member with a formal advisory opinion and an
20 opportunity to respond to the Office of the Legislative
21 Inspector General.

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

23 (5 ILCS 430/25-20)

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

25 In addition to duties otherwise assigned by law, the

1 Legislative Inspector General shall have the following duties:

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

19 (1.5) Notwithstanding any provision of law to the
20 contrary, the Legislative Inspector General, whether
21 appointed by the Legislative Ethics Commission or the
22 General Assembly, may initiate an investigation based on
23 information provided to the Office of the Legislative
24 Inspector General or the Legislative Ethics Commission
25 during the period from December 1, 2014 through November
26 3, 2017. Any investigation initiated under this paragraph

1 (1.5) must be initiated within one year after the
2 effective date of this amendatory Act of the 100th General
3 Assembly.

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

16 (2) To request information relating to an
17 investigation from any person when the Legislative
18 Inspector General deems that information necessary in
19 conducting an investigation.

20 (3) To issue subpoenas, with the advance approval of
21 the Commission, to compel the attendance of witnesses for
22 the purposes of testimony and production of documents and
23 other items for inspection and copying and to make service
24 of those subpoenas and subpoenas issued under item (7) of
25 Section 25-15.

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

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

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

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

11 (8) To request, as the Legislative Inspector General
12 deems appropriate, from ethics officers of State agencies
13 under his or her jurisdiction, reports or information on
14 (i) the content of a State agency's ethics training
15 program and (ii) the percentage of new officers and
16 employees who have completed ethics training.

17 (9) To establish a policy that ensures the appropriate
18 handling and correct recording of all investigations of
19 allegations and to ensure that the policy is accessible
20 via the Internet in order that those seeking to report
21 those allegations are familiar with the process and that
22 the subjects of those allegations are treated fairly.

23 (10) To post information to the Legislative Inspector
24 General's website explaining to complainants and subjects
25 of an investigation the legal limitations on the
26 Legislative Inspector General's ability to provide

1 information to them and a general overview of the
2 investigation process.

3 (11) To examine any conflict situation notice filed by
4 a member, as well as each bill that is related to the
5 conflict situation and that has been filed and approved
6 for consideration, and to either (i) provide the member
7 with an informal advisory opinion or (ii) refer the notice
8 to the Commission for a formal advisory opinion and an
9 opportunity to respond as described in item (12) of
10 Section 25-15. Any notice provided to a member under this
11 item (11) and any response of a member to such a notice
12 shall be posted on the bill status page for the affected
13 bill and shall, in the case of a Representative, be filed
14 with the Clerk of the House of Representatives and shall,
15 in the case of a Senator, be filed with the Secretary of
16 the Senate.

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