

HB0314



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0314

by Rep. David McSweeney

SYNOPSIS AS INTRODUCED:

5 ILCS 430/20-20

Amends the State Officials and Employees Ethics Act. Requires the Executive Inspectors General appointed under the Act to establish and maintain an Internet website to which all residents of Illinois shall have free access, including a prominent statement of notification to the public. Requires the Executive Inspectors General appointed under the Act to immediately disclose all detailed findings resulting from investigations entered into under Act, and to post those findings on their respective Internet websites. Effective immediately.

LRB101 03988 RJF 48996 b

A BILL FOR

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 Section 20-20 as follows:

6 (5 ILCS 430/20-20)

7 Sec. 20-20. Duties of the Executive Inspectors General. In
8 addition to duties otherwise assigned by law, each Executive
9 Inspector General shall have the following duties:

10 (1) To receive and investigate allegations of
11 violations of this Act. An investigation may not be
12 initiated more than one year after the most recent act of
13 the alleged violation or of a series of alleged violations
14 except where there is reasonable cause to believe that
15 fraudulent concealment has occurred. To constitute
16 fraudulent concealment sufficient to toll this limitations
17 period, there must be an affirmative act or representation
18 calculated to prevent discovery of the fact that a
19 violation has occurred. The Executive Inspector General
20 shall have the discretion to determine the appropriate
21 means of investigation as permitted by law.

22 (2) To request information relating to an
23 investigation from any person when the Executive Inspector

1 General deems that information necessary in conducting an
2 investigation.

3 (3) To issue subpoenas to compel the attendance of
4 witnesses for the purposes of testimony and production of
5 documents and other items for inspection and copying and to
6 make service of those subpoenas and subpoenas issued under
7 item (7) of Section 20-15.

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

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

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

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

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

25 (9) To review hiring and employment files of each State
26 agency within the Executive Inspector General's

1 jurisdiction to ensure compliance with *Rutan v. Republican*
2 *Party of Illinois*, 497 U.S. 62 (1990), and with all
3 applicable employment laws.

4 (10) To establish a policy that ensures the appropriate
5 handling and correct recording of all investigations
6 conducted by the Office, and to ensure that the policy is
7 accessible via the Internet in order that those seeking to
8 report those allegations are familiar with the process and
9 that the subjects of those allegations are treated fairly.

10 (11) To post information to the Executive Inspector
11 General's website explaining to complainants and subjects
12 of an investigation the legal limitations on the Executive
13 Inspector General's ability to provide information to them
14 and a general overview of the investigation process.

15 (12) To establish and maintain an Internet website to
16 which all residents of Illinois shall have free access. In
17 addition to any other information required by law or
18 information the Executive Inspector General deems
19 necessary and appropriate, the website shall also contain a
20 prominent statement of notification to the public that
21 shall read as follows:

22 "NOTICE TO THE PUBLIC

23 The Office of the Executive Inspector General
24 appointed by [name of elected/appointed official] is an
25 independent office. The Office receives a separate
26 appropriation from the General Assembly and operates this

1 independent website. Findings published on this website
2 are independent findings based upon facts analyzed by this
3 Office.".

4 (13) To immediately disclose all detailed findings
5 resulting from investigations under this Act, except that
6 details need not be disclosed if confidentiality is
7 requested by law enforcement. The disclosure of findings
8 required under this paragraph (12) shall be posted on the
9 Internet website of the disclosing Executive Inspector
10 General, and may be posted in any other medium at the
11 discretion of that Executive Inspector General.

12 (Source: P.A. 100-588, eff. 6-8-18.)

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