



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB1870

Introduced 2/26/2021, by Sen. Jason A. Barickman

#### SYNOPSIS AS INTRODUCED:

5 ILCS 430/25-15

5 ILCS 430/25-20

Amends the State Officials and Employees Ethics Act. Provides that the Commission shall adopt no rule requiring the Legislative Inspector General to seek the Commission's advance approval before commencing any investigation or issuing a subpoena. Provides that any existing rule, as of the effective date of the amendatory Act, requiring the Legislative Inspector General to seek the Commission's advance approval before commencing any investigation or issuing a subpoena is void. Removes language providing that the Legislative Inspector General needs the advance approval of the Commission to issue subpoenas. Effective immediately.

LRB102 15835 RJF 21204 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 25-15 and 25-20 as follows:

6 (5 ILCS 430/25-15)

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

10 (1) To promulgate rules governing the performance of  
11 its duties and the exercise of its powers and governing  
12 the investigations of the Legislative Inspector General;  
13 except that, the Legislative Ethics Commission shall adopt  
14 no rule requiring the Legislative Inspector General to  
15 seek the Commission's advance approval before commencing  
16 any investigation authorized under this Article or issuing  
17 a subpoena under this Article. Any existing rule, as of  
18 the effective date of this amendatory Act of the 102nd  
19 General Assembly, requiring the Legislative Inspector  
20 General to seek the Commission's advance approval before  
21 commencing any investigation or issuing a subpoena is  
22 void. The rules shall be available on the Commission's  
23 website and any proposed changes to the rules must be made

1 available to the public on the Commission's website no  
2 less than 7 days before the adoption of the changes. Any  
3 person shall be given an opportunity to provide written or  
4 oral testimony before the Commission in support of or  
5 opposition to proposed rules.

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

15 (3) To prepare and publish manuals and guides and,  
16 working with the Office of the Attorney General, oversee  
17 training of employees under its jurisdiction that explains  
18 their duties.

19 (4) To prepare public information materials to  
20 facilitate compliance, implementation, and enforcement of  
21 this Act.

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

23 (6) To the extent authorized by this Act, to make  
24 rulings, issue recommendations, and impose administrative  
25 fines, if appropriate, in connection with the  
26 implementation and interpretation of this Act. The powers

1 and duties of the Commission are limited to matters  
2 clearly within the purview of this Act.

3 (7) To issue subpoenas with respect to matters pending  
4 before the Commission, ~~subject to the provisions of this~~  
5 ~~Article and in the discretion of the Commission,~~ to compel  
6 the attendance of witnesses for purposes of testimony and  
7 the production of documents and other items for inspection  
8 and copying.

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

11 (9) To conspicuously display on the Commission's  
12 website the procedures for reporting a violation of this  
13 Act, including how to report violations via email or  
14 online.

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

18 (11) To appoint an Acting Legislative Inspector  
19 General in the event of a vacancy in the Office of the  
20 Legislative Inspector General.

21 (Source: P.A. 100-554, eff. 11-16-17; 100-588, eff. 6-8-18.)

22 (5 ILCS 430/25-20)

23 Sec. 25-20. Duties of the Legislative Inspector General.  
24 In addition to duties otherwise assigned by law, the  
25 Legislative Inspector General shall have the following duties:

1           (1) To receive and investigate allegations of  
2 violations of this Act. Except as otherwise provided in  
3 paragraph (1.5), an investigation may not be initiated  
4 more than one year after the most recent act of the alleged  
5 violation or of a series of alleged violations except  
6 where there is reasonable cause to believe that fraudulent  
7 concealment has occurred. To constitute fraudulent  
8 concealment sufficient to toll this limitations period,  
9 there must be an affirmative act or representation  
10 calculated to prevent discovery of the fact that a  
11 violation has occurred. The Legislative Inspector General  
12 shall have the discretion to determine the appropriate  
13 means of investigation as permitted by law.

14           (1.5) Notwithstanding any provision of law to the  
15 contrary, the Legislative Inspector General, whether  
16 appointed by the Legislative Ethics Commission or the  
17 General Assembly, may initiate an investigation based on  
18 information provided to the Office of the Legislative  
19 Inspector General or the Legislative Ethics Commission  
20 during the period from December 1, 2014 through November  
21 3, 2017. Any investigation initiated under this paragraph  
22 (1.5) must be initiated within one year after the  
23 effective date of this amendatory Act of the 100th General  
24 Assembly.

25           Notwithstanding any provision of law to the contrary,  
26 the Legislative Inspector General, through the Attorney

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

11 (2) To request information relating to an  
12 investigation from any person when the Legislative  
13 Inspector General deems that information necessary in  
14 conducting an investigation.

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

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

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

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

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

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

12           (9) To establish a policy that ensures the appropriate  
13 handling and correct recording of all investigations of  
14 allegations and to ensure that the policy is accessible  
15 via the Internet in order that those seeking to report  
16 those allegations are familiar with the process and that  
17 the subjects of those allegations are treated fairly.

18           (10) To post information to the Legislative Inspector  
19 General's website explaining to complainants and subjects  
20 of an investigation the legal limitations on the  
21 Legislative Inspector General's ability to provide  
22 information to them and a general overview of the  
23 investigation process.

24 (Source: P.A. 100-553, eff. 11-16-17; 100-588, eff. 6-8-18.)

25           Section 99. Effective date. This Act takes effect upon  
26 becoming law.