



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5840

Introduced 5/9/2024, by Rep. Patrick Windhorst

SYNOPSIS AS INTRODUCED:

5 ILCS 420/3-202

from Ch. 127, par. 603-202

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.

LRB103 40611 BDA 73281 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 he has a conflict situation
9 created by a personal, family, or client legislative interest,
10 he should consider the possibility of eliminating the interest
11 creating the conflict situation. If that is not feasible, he
12 should consider the possibility of abstaining from such
13 official action. In making his decision as to abstention, the
14 following factors should be considered:

15 a. whether a substantial threat to his independence of
16 judgment has been created by the conflict situation;

17 b. the effect of his participation on public
18 confidence in the integrity of the legislature;

19 c. whether his participation is likely to have any
20 significant effect on the disposition of the matter;

21 d. the need for his particular contribution, such as
22 special knowledge of the subject matter, to the effective
23 functioning of the legislature.

1 He need not abstain if he decides to participate in a
2 manner contrary to the economic interest which creates the
3 conflict situation.

4 If he does abstain, he should disclose that fact to his
5 respective legislative body.

6 As used in this Section, "conflict situation" means any
7 circumstance that (i) involves a legislator, the legislator's
8 immediate family, or a business in which the legislator or the
9 legislator's immediate family holds a direct or indirect
10 economic interest, (ii) is related to a specific matter
11 pending before the legislator, and (iii) may result in a
12 private pecuniary benefit to the legislator, the legislator's
13 immediate family, or one or more businesses in which the
14 legislator is involved.

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