



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB3874

Introduced 2/25/2005, by Rep. James D. Brosnahan

SYNOPSIS AS INTRODUCED:

720 ILCS 5/33-3
720 ILCS 5/33-7 new

from Ch. 38, par. 33-3

Amends the Criminal Code of 1961. Increases the penalty for official misconduct committed by a public officer or employee from a Class 3 felony to a Class 2 felony. Creates the offense of public contractor misconduct. Defines the offense. Provides that a violation is a Class 2 felony.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing
5 Section 33-3 and by adding Section 33-7 as follows:

6 (720 ILCS 5/33-3) (from Ch. 38, par. 33-3)

7 Sec. 33-3. Official Misconduct.) A public officer or
8 employee commits misconduct when, in his official capacity, he
9 commits any of the following acts:

10 (a) Intentionally or recklessly fails to perform any
11 mandatory duty as required by law; or

12 (b) Knowingly performs an act which he knows he is
13 forbidden by law to perform; or

14 (c) With intent to obtain a personal advantage for himself
15 or another, he performs an act in excess of his lawful
16 authority; or

17 (d) Solicits or knowingly accepts for the performance of
18 any act a fee or reward which he knows is not authorized by
19 law.

20 A public officer or employee convicted of violating any
21 provision of this Section forfeits his office or employment. In
22 addition, he commits a Class 2 ~~3~~ felony.

23 (Source: P.A. 82-790.)

24 (720 ILCS 5/33-7 new)

25 Sec. 33-7. Public contractor misconduct.

26 (a) A public contractor; a person seeking a public contract
27 on behalf of himself, herself, or another; an employee of a
28 public contractor; or a person seeking a public contract on
29 behalf of himself, herself, or another commits public
30 contractor misconduct when, in the performance of, or in
31 connection with, a contract with the State, a unit of local

1 government, or a school district or in obtaining or seeking to
2 obtain such a contract he or she commits any of the following
3 acts:

4 (1) intentionally or recklessly fails to perform any
5 mandatory duty as required by statute or ordinance;

6 (2) knowingly performs an act that he or she knows he
7 or she is forbidden by law to perform;

8 (3) with intent to obtain a personal advantage for
9 himself, herself, or another, he or she performs an act in
10 excess of his or her lawful authority; or

11 (4) solicits or knowingly accepts for the performance
12 of any act a fee or reward that he or she knows is not
13 authorized by law.

14 (b) Sentence. Any person who violates this Section commits
15 a Class 2 felony.