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LRB094 15951 JAM 56691 a

1 AMENDMENT TO HOUSE BILL 4572

2 AMENDMENT NO. _____. Amend House Bill 4572 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Officials and Employees Ethics Act is
5 amended by changing Sections 20-90, 20-95, 25-90, 25-95, and
6 50-5 as follows:

7 (5 ILCS 430/20-90)

8 Sec. 20-90. Confidentiality.

9 (a) The identity of any individual providing information or
10 reporting any possible or alleged misconduct to an Executive
11 Inspector General or the Executive Ethics Commission shall be
12 kept confidential and may not be disclosed without the consent
13 of that individual, unless the individual consents to
14 disclosure of his or her name or disclosure of the individual's
15 identity is otherwise required by law. The confidentiality
16 granted by this subsection does not preclude the disclosure of
17 the person's identity to employees of the Executive Inspector
18 General or Executive Ethics Commission who need the information
19 for the proper performance of their employment functions. The
20 confidentiality granted by this subsection does not preclude
21 the disclosure of the identity of a person in any capacity
22 other than as the source of an allegation.

23 (b) Subject to the provisions of Section 20-50(c),
24 commissioners, employees, and agents of the Executive Ethics

1 Commission, the Executive Inspectors General, and employees
2 and agents of each Office of an Executive Inspector General
3 shall keep confidential and shall not disclose information
4 exempted from disclosure under the Freedom of Information Act
5 or by this Act.

6 (Source: P.A. 93-617, eff. 12-9-03.)

7 (5 ILCS 430/20-95)

8 Sec. 20-95. Exemptions.

9 (a) Documents generated by an ethics officer under this
10 Act, except Section 5-50, are exempt from the provisions of the
11 Freedom of Information Act.

12 (b) Any allegations and related documents submitted to an
13 Executive Inspector General and any pleadings and related
14 documents brought before the Executive Ethics Commission are
15 exempt from the provisions of the Freedom of Information Act so
16 long as the Executive Ethics Commission does not make a finding
17 of a violation of this Act. If the Executive Ethics Commission
18 finds that a violation has occurred, the entire record of
19 proceedings before the Commission, the decision and
20 recommendation, and the mandatory report from the agency head
21 or ultimate jurisdictional authority to the Executive Ethics
22 Commission are not exempt from the provisions of the Freedom of
23 Information Act but information contained therein that is
24 otherwise exempt from the Freedom of Information Act must be
25 redacted before disclosure as provided in Section 8 of the
26 Freedom of Information Act.

27 (c) Meetings of the Commission under Sections 20-5 and
28 20-15 of this Act are exempt from the provisions of the Open
29 Meetings Act.

30 (d) Unless otherwise provided in this Act, all
31 investigatory files and reports of the Office of an Executive
32 Inspector General, other than quarterly reports, are
33 confidential, are exempt from disclosure under the Freedom of

1 Information Act, and shall not be divulged to any person or
2 agency, except as necessary (i) to the appropriate law
3 enforcement authority if the matter is referred pursuant to
4 this Act, (ii) to the ultimate jurisdictional authority, (iii)
5 to the Executive Ethics Commission, ~~or~~ (iv) to another
6 Inspector General appointed pursuant to this Act, or (v) by a
7 person or entity described in item (i), (ii), (iii), or (iv) to
8 that person's or entity's employees for the proper performance
9 of their employment functions.

10 At the written request of a person whose alleged misconduct
11 or violation is a subject of an otherwise confidential report
12 of an Executive Inspector General, that person's ultimate
13 jurisdictional authority may, in the ultimate jurisdictional
14 authority's discretion, provide a redacted copy of that report
15 to that person if the Inspector General approves the redaction.
16 All personally identifying and confidential information
17 concerning any other person must be redacted from the copy of
18 the report. The person receiving the redacted copy of the
19 report shall not further disclose information in the redacted
20 copy of the report, other than to the person's personal
21 attorney or union representative as applicable, without the
22 prior approval of the ultimate jurisdictional authority.

23 (Source: P.A. 93-617, eff. 12-9-03.)

24 (5 ILCS 430/25-90)

25 Sec. 25-90. Confidentiality.

26 (a) The identity of any individual providing information or
27 reporting any possible or alleged misconduct to the Legislative
28 Inspector General or the Legislative Ethics Commission shall be
29 kept confidential and may not be disclosed without the consent
30 of that individual, unless the individual consents to
31 disclosure of his or her name or disclosure of the individual's
32 identity is otherwise required by law. The confidentiality
33 granted by this subsection does not preclude the disclosure of

1 the person's identity to employees of the Legislative Inspector
2 General or Legislative Ethics Commission who need the
3 information for the proper performance of their employment
4 functions. The confidentiality granted by this subsection does
5 not preclude the disclosure of the identity of a person in any
6 capacity other than as the source of an allegation.

7 (b) Subject to the provisions of Section 25-50(c),
8 commissioners, employees, and agents of the Legislative Ethics
9 Commission, the Legislative Inspector General, and employees
10 and agents of the Office of the Legislative Inspector General
11 shall keep confidential and shall not disclose information
12 exempted from disclosure under the Freedom of Information Act
13 or by this Act.

14 (Source: P.A. 93-617, eff. 12-9-03.)

15 (5 ILCS 430/25-95)

16 Sec. 25-95. Exemptions.

17 (a) Documents generated by an ethics officer under this
18 Act, except Section 5-50, are exempt from the provisions of the
19 Freedom of Information Act.

20 (a-5) Requests from ethics officers, members, and State
21 employees to the Office of the Legislative Inspector General, a
22 Special Legislative Inspector General, the Legislative Ethics
23 Commission, an ethics officer, or a person designated by a
24 legislative leader for guidance on matters involving the
25 interpretation or application of this Act or rules promulgated
26 under this Act are exempt from the provisions of the Freedom of
27 Information Act. Guidance provided to an ethics officer,
28 member, or State employee at the request of an ethics officer,
29 member, or State employee by the Office of the Legislative
30 Inspector General, a Special Legislative Inspector General,
31 the Legislative Ethics Commission, an ethics officer, or a
32 person designated by a legislative leader on matters involving
33 the interpretation or application of this Act or rules

1 promulgated under this Act is exempt from the provisions of the
2 Freedom of Information Act.

3 (b) Any allegations and related documents submitted to the
4 Legislative Inspector General and any pleadings and related
5 documents brought before the Legislative Ethics Commission are
6 exempt from the provisions of the Freedom of Information Act so
7 long as the Legislative Ethics Commission does not make a
8 finding of a violation of this Act. If the Legislative Ethics
9 Commission finds that a violation has occurred, the entire
10 record of proceedings before the Commission, the decision and
11 recommendation, and the mandatory report from the agency head
12 or ultimate jurisdictional authority to the Legislative Ethics
13 Commission are not exempt from the provisions of the Freedom of
14 Information Act but information contained therein that is
15 exempt from the Freedom of Information Act must be redacted
16 before disclosure as provided in Section 8 of the Freedom of
17 Information Act.

18 (c) Meetings of the Commission under Sections 25-5 and
19 25-15 of this Act are exempt from the provisions of the Open
20 Meetings Act.

21 (d) Unless otherwise provided in this Act, all
22 investigatory files and reports of the Office of the
23 Legislative Inspector General, other than quarterly reports,
24 are confidential, are exempt from disclosure under the Freedom
25 of Information Act, and shall not be divulged to any person or
26 agency, except as necessary (i) to the appropriate law
27 enforcement authority if the matter is referred pursuant to
28 this Act, (ii) to the ultimate jurisdictional authority, ~~or~~
29 (iii) to the Legislative Ethics Commission, or (iv) by a person
30 or entity described in item (i), (ii), or (iii) to that
31 person's or entity's employees for the proper performance of
32 their employment functions.

33 At the written request of a person whose alleged misconduct
34 or violation is a subject of an otherwise confidential report

1 of the Legislative Inspector General, that person's ultimate
2 jurisdictional authority may, in the ultimate jurisdictional
3 authority's discretion, provide a redacted copy of that report
4 to that person if the Inspector General approves the redaction.
5 All personally identifying and confidential information
6 concerning any other person must be redacted from the copy of
7 the report. The person receiving the redacted copy of the
8 report shall not further disclose the information in the
9 redacted copy of the report without the prior approval of the
10 ultimate jurisdictional authority.

11 (Source: P.A. 93-617, eff. 12-9-03; 93-685, eff. 7-8-04.)

12 (5 ILCS 430/50-5)

13 Sec. 50-5. Penalties.

14 (a) A person is guilty of a Class A misdemeanor if that
15 person intentionally violates any provision of Section 5-15,
16 5-30, 5-40, or 5-45 or Article 15.

17 (b) A person who intentionally violates any provision of
18 Section 5-20, 5-35, 5-50, or 5-55 is guilty of a business
19 offense subject to a fine of at least \$1,001 and up to \$5,000.

20 (c) A person who intentionally violates any provision of
21 Article 10 is guilty of a business offense and subject to a
22 fine of at least \$1,001 and up to \$5,000.

23 (d) Any person who intentionally makes a false report
24 alleging a violation of any provision of this Act to an ethics
25 commission, an inspector general, the State Police, a State's
26 Attorney, the Attorney General, or any other law enforcement
27 official is guilty of a Class A misdemeanor.

28 (e) An ethics commission may levy an administrative fine of
29 up to \$5,000 against any person who violates this Act, who
30 intentionally obstructs or interferes with an investigation
31 conducted under this Act by an inspector general, or who
32 intentionally makes a false, frivolous, or bad faith
33 allegation.

1 (e-5) A person who intentionally violates subsection (a) of
2 Section 20-90, subsection (d) of Section 20-95, subsection (a)
3 of Section 25-90, or subsection (d) of Section 25-95 is guilty
4 of a Class A misdemeanor.

5 (f) In addition to any other penalty that may apply,
6 whether criminal or civil, a State employee who intentionally
7 violates any provision of Section 5-15, 5-20, 5-30, 5-35, 5-40,
8 or 5-50, Article 10, Article 15, or Section 20-90 or 25-90 is
9 subject to discipline or discharge by the appropriate ultimate
10 jurisdictional authority.

11 (Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03.)

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