

1 AN ACT concerning ethics.

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 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  
25 Commission, the Executive Inspectors General, and employees  
26 and agents of each Office of an Executive Inspector General  
27 shall keep confidential and shall not disclose information  
28 exempted from disclosure under the Freedom of Information Act  
29 or by this Act.

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

31 (5 ILCS 430/20-95)

1           Sec. 20-95. Exemptions.

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

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

20           (c) Meetings of the Commission under Sections 20-5 and  
21 20-15 of this Act are exempt from the provisions of the Open  
22 Meetings Act.

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

36           At the written request of a person whose alleged misconduct

1 or violation is a subject of an otherwise confidential report  
2 of an Executive Inspector General, that person's ultimate  
3 jurisdictional authority may, in the ultimate jurisdictional  
4 authority's discretion, provide a redacted copy of that report  
5 to that person if the Inspector General approves the redaction.  
6 All personally identifying and confidential information  
7 concerning any other person must be redacted from the copy of  
8 the report. The person receiving the redacted copy of the  
9 report shall not further disclose information in the redacted  
10 copy of the report, other than to the person's personal  
11 attorney or union representative as applicable, without the  
12 prior approval of the ultimate jurisdictional authority.

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

14 (5 ILCS 430/25-90)

15 Sec. 25-90. Confidentiality.

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

30 (b) Subject to the provisions of Section 25-50(c),  
31 commissioners, employees, and agents of the Legislative Ethics  
32 Commission, the Legislative Inspector General, and employees  
33 and agents of the Office of the Legislative Inspector General  
34 shall keep confidential and shall not disclose information  
35 exempted from disclosure under the Freedom of Information Act

1 or by this Act.

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

3 (5 ILCS 430/25-95)

4 Sec. 25-95. Exemptions.

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

8 (a-5) Requests from ethics officers, members, and State  
9 employees to the Office of the Legislative Inspector General, a  
10 Special Legislative Inspector General, the Legislative Ethics  
11 Commission, an ethics officer, or a person designated by a  
12 legislative leader for guidance on matters involving the  
13 interpretation or application of this Act or rules promulgated  
14 under this Act are exempt from the provisions of the Freedom of  
15 Information Act. Guidance provided to an ethics officer,  
16 member, or State employee at the request of an ethics officer,  
17 member, or State employee by the Office of the Legislative  
18 Inspector General, a Special Legislative Inspector General,  
19 the Legislative Ethics Commission, an ethics officer, or a  
20 person designated by a legislative leader on matters involving  
21 the interpretation or application of this Act or rules  
22 promulgated under this Act is exempt from the provisions of the  
23 Freedom of Information Act.

24 (b) Any allegations and related documents submitted to the  
25 Legislative Inspector General and any pleadings and related  
26 documents brought before the Legislative Ethics Commission are  
27 exempt from the provisions of the Freedom of Information Act so  
28 long as the Legislative Ethics Commission does not make a  
29 finding of a violation of this Act. If the Legislative Ethics  
30 Commission finds that a violation has occurred, the entire  
31 record of proceedings before the Commission, the decision and  
32 recommendation, and the mandatory report from the agency head  
33 or ultimate jurisdictional authority to the Legislative Ethics  
34 Commission are not exempt from the provisions of the Freedom of  
35 Information Act but information contained therein that is

1 exempt from the Freedom of Information Act must be redacted  
2 before disclosure as provided in Section 8 of the Freedom of  
3 Information Act.

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

7 (d) Unless otherwise provided in this Act, all  
8 investigatory files and reports of the Office of the  
9 Legislative Inspector General, other than quarterly reports,  
10 are confidential, are exempt from disclosure under the Freedom  
11 of Information Act, and shall not be divulged to any person or  
12 agency, except as necessary (i) to the appropriate law  
13 enforcement authority if the matter is referred pursuant to  
14 this Act, (ii) to the ultimate jurisdictional authority, ~~or~~  
15 (iii) to the Legislative Ethics Commission, or (iv) by a person  
16 or entity described in item (i), (ii), or (iii) to that  
17 person's or entity's employees for the proper performance of  
18 their employment functions.

19 At the written request of a person whose alleged misconduct  
20 or violation is a subject of an otherwise confidential report  
21 of the Legislative Inspector General, that person's ultimate  
22 jurisdictional authority may, in the ultimate jurisdictional  
23 authority's discretion, provide a redacted copy of that report  
24 to that person if the Inspector General approves the redaction.  
25 All personally identifying and confidential information  
26 concerning any other person must be redacted from the copy of  
27 the report. The person receiving the redacted copy of the  
28 report shall not further disclose the information in the  
29 redacted copy of the report without the prior approval of the  
30 ultimate jurisdictional authority.

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

32 (5 ILCS 430/50-5)

33 Sec. 50-5. Penalties.

34 (a) A person is guilty of a Class A misdemeanor if that  
35 person intentionally violates any provision of Section 5-15,

1 5-30, 5-40, or 5-45 or Article 15.

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

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

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

13 (e) An ethics commission may levy an administrative fine of  
14 up to \$5,000 against any person who violates this Act, who  
15 intentionally obstructs or interferes with an investigation  
16 conducted under this Act by an inspector general, or who  
17 intentionally makes a false, frivolous, or bad faith  
18 allegation.

19 (e-5) A person who intentionally violates subsection (a) of  
20 Section 20-90, subsection (d) of Section 20-95, subsection (a)  
21 of Section 25-90, or subsection (d) of Section 25-95 is guilty  
22 of a Class A misdemeanor.

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

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

30 Section 99. Effective date. This Act takes effect upon  
31 becoming law.