

1 AN ACT relating to political solicitations and
2 contributions, amending certain Acts.

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

5 Section 5. The Election Code is amended by adding
6 Section 9-25.2 as follows:

7 (10 ILCS 5/9-25.2 new)

8 Sec. 9-25.2. Contributions; candidate or treasurer of
9 political committee.

10 (a) No candidate may knowingly receive any contribution
11 solicited or received in violation of Section 33-3.1 of the
12 Criminal Code of 1961.

13 (b) The receipt of political contributions in violation
14 of this Section shall constitute a Class A misdemeanor.

15 The appropriate State's Attorney or the Attorney General
16 shall bring actions in the name of the people of the State of
17 Illinois.

18 (c) Any contribution solicited in violation of Section
19 33-3.1 of the Criminal Code of 1961 shall escheat to the
20 State of Illinois. Any candidate or political committee that
21 receives a contribution prohibited by this Section shall
22 forward it immediately to the State Treasurer.

23 Section 10. The Criminal Code of 1961 is amended by
24 adding Section 33-3.1 as follows:

25 (720 ILCS 5/33-3.1 new)

26 Sec. 33-3.1. Solicitation misconduct.

27 (a) A public employee commits solicitation misconduct
28 when he or she solicits or receives contributions, as that
29 term is defined in Section 9-1.4 of the Election Code, from a

1 person engaged in a business or activity over which the
2 public employee has the responsibility to investigate or
3 inspect, and enforce, regulatory measures necessary to the
4 requirements of any State or federal statute or regulation
5 relating to the business or activity.

6 (b) A public employee convicted of committing
7 solicitation misconduct forfeits his or her employment. In
8 addition, he or she commits a Class A misdemeanor.

9 (c) All State agencies, as that term is defined in the
10 Illinois State Auditing Act, shall designate by filing a list
11 with the Secretary of State indicating the names and titles
12 of the public employees whose duties include investigating or
13 inspecting, and enforcing, regulatory measures necessary to
14 the requirements of any State or federal statute or
15 regulation. A public employee, including those not
16 designated under this Section, may be found in violation of
17 this Section upon a showing that he or she acted in concert
18 with a public employee whose duty includes investigating or
19 inspecting, and enforcing, regulatory measures necessary to
20 the requirements of a State or federal statute or regulation
21 to solicit or receive contributions in violation of this
22 Section. Designation under this Section does not constitute
23 a presumption that an employee not so designated is outside
24 the scope of this Section.

25 (d) An employee of a State agency who is discharged,
26 demoted, suspended, threatened, harassed, or in any other
27 manner discriminated against in the terms and conditions of
28 employment by a State agency because of lawful acts done by
29 the employee or on behalf of the employee or others in
30 furtherance of the enforcement of this Section shall be
31 entitled to all relief necessary to make the employee whole.
32 The employee's relief shall include reinstatement with the
33 seniority status the employee would have had but for the
34 discrimination, 2 times the amount of the employee's back

1 pay, interest on the back pay, and compensation for any
2 special damages sustained as a result of the discrimination,
3 including litigation costs and reasonable attorney's fees.
4 An employee may bring an action for relief under this
5 subsection (d) in the appropriate circuit court.

6 (e) The Department of State Police shall establish a
7 toll-free number to allow employees of State agencies and
8 other individuals and businesses to register complaints
9 regarding possible violations of this Section. All
10 information provided to the State Police regarding possible
11 violations of this Section shall remain confidential.

12 (f) Any person who knowingly makes a false report of
13 solicitation misconduct to the State Police, the Attorney
14 General, a State's Attorney, or any law enforcement official
15 shall be guilty of a Class C misdemeanor.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.