

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, on

1 behalf of a candidate or political committee from a person
2 engaged in a business or activity the public employee has
3 responsibility as part of his or her official duties to
4 investigate or inspect, and enforce, regulatory measures
5 necessary to the requirements of a State or federal statute
6 or regulation.

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

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

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

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

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

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

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