



Legislative News

by: Keith George

September 21, 2010

We will comment as to whether a bill is law enforcement friendly and suggest that you call your local representatives and encourage him or her to assist passage or to kill a bill in whatever house it may appear (House or Senate). **It is important that you become involved in these matters. Your approval or rejection of any bill should be made known to your representative.**

Senate Bill 2551

The Public Corruption Profit Forfeiture Act was introduced on January 13, 2010, in the Senate by State Senator Dan Kotowski. The bill is designed to forfeit all proceeds from politicians who are convicted on certain corruption charges. These include bribery involving a public officer or public employee; and providing, soliciting or accepting kickbacks in connection with public contracting.

A short synopsis as it was introduced: Creates the Public Corruption Profit Forfeiture Act and amends the Election Code. Provides for the forfeiture to the State of Illinois of proceeds and profits derived through violations of the statutes concerning intimidation by public officials, bribery, or providing, attempting, offering to provide or soliciting, accepting, or attempting to accept a kickback, or including, directly or indirectly, the amount of any kickback prohibited in the contract price charged by a subcontractor to a prime contractor or a higher tier subcontractor or in the contract price charged by a prime contractor to any unit of State or local government for a public contract a kickback. Provides for distribution of the proceeds from forfeited property. Includes a continuing appropriation to the Department of State Police. Effective immediately.

Senate Floor Amendment No. 1

Provides that all political contributions held by a political committee and controlled by a person convicted of the federal offenses of extortion, receiving the proceeds of extortion, bribery, and kickbacks shall be paid to the State of Illinois within 30 days from the date of entry of the guilty plea or conviction. Provides that if the prosecution or appeal was conducted by the Attorney General, then the amount provided for distribution of the forfeited assets shall be paid into the State Asset Forfeiture Fund in the State treasury to be used by the Attorney General in accordance with law. Makes changes in the bill to conform to Public Act 96-832. Effective January 1, 2011.

House Floor Amendment No. 1

Further amends the Public Corruption Forfeiture Act. Provides that if the investigation, arrest or arrests and prosecution leading to the forfeiture or if the appeal were undertaken by the Attorney General, the portion provided hereunder shall be paid into the Attorney General's Whistleblower Reward and Protection Fund in the State treasury to be used by the Attorney General in accordance with law. Provides that all moneys deposited pursuant to the Act in the Attorney General's Whistleblower Reward and Protec-

tion Fund shall, subject to appropriation, be used by the Attorney General for State law enforcement purposes and for the performance of the duties of that office.

This bill passed both houses on May 4, 2010 and was signed by the Governor on July 12, 2010 and became Public Act 96-1019 and will be effective on January 1, 2011.

This is a good bill and MAP applauds all involved in its drafting support and passage. With former Governor Blagojevich about to be retried and former Governor Ryan serving time, this is a bill that is long overdue.