



Sen. Bill Cunningham

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1 AMENDMENT TO SENATE BILL 695

2 AMENDMENT NO. _____. Amend Senate Bill 695 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing
5 Sections 3-7002, 3-7003, 3-7005, 3-7008, 3-7011, and 3-7012 and
6 adding Sections 3-7000.5 and 3-7018 as follows:

7 (55 ILCS 5/3-7000.5 new)

8 Sec. 3-7000.5. Definitions. As used in this Division:

9 "Board" means the Cook County Sheriff's Merit Board created
10 under subsection (b) of Section 3-7002.

11 "Sheriff" means the Sheriff of Cook County.

12 "Sworn officer" means a deputy sheriff, deputy sergeant,
13 deputy lieutenant, corrections officer, corrections sergeant,
14 corrections lieutenant, police officer, police sergeant,
15 police lieutenant, or any other person hired or promoted by the
16 Sheriff and earning the relevant sworn merit rank.

1 (55 ILCS 5/3-7002) (from Ch. 34, par. 3-7002)

2 Sec. 3-7002. Cook County Sheriff's Merit Board.

3 (a) On the effective date of this amendatory Act of 100th
4 General Assembly, the terms of all members of the Board created
5 under this subsection (a) are ended and the Board created under
6 this subsection (a) is abolished. There is created the Cook
7 County Sheriff's Merit Board, hereinafter called the Board,
8 consisting of 7 members appointed by the Sheriff with the
9 advice and consent of the county board, except that on and
10 after the effective date of this amendatory Act of 1997, the
11 Sheriff may appoint 2 additional members, with the advice and
12 consent of the county board, at his or her discretion. Of the
13 members first appointed, one shall serve until the third Monday
14 in March, 1965 one until the third Monday in March, 1967, and
15 one until the third Monday in March, 1969. Of the 2 additional
16 members first appointed under authority of this amendatory Act
17 of 1991, one shall serve until the third Monday in March, 1995,
18 and one until the third Monday in March, 1997. Of the 2
19 additional members first appointed under the authority of this
20 amendatory Act of the 91st General Assembly, one shall serve
21 until the third Monday in March, 2005 and one shall serve until
22 the third Monday in March, 2006.

23 Upon the expiration of the terms of office of those first
24 appointed (including the 2 additional members first appointed
25 under authority of this amendatory Act of 1991 and under the

1 authority of this amendatory Act of the 91st General Assembly),
2 their respective successors shall be appointed to hold office
3 from the third Monday in March of the year of their respective
4 appointments for a term of 6 years and until their successors
5 are appointed and qualified for a like term. As additional
6 members are appointed under authority of this amendatory Act of
7 1997, their terms shall be set to be staggered consistently
8 with the terms of the existing Board members. No more than 3
9 members of the Board shall be affiliated with the same
10 political party, except that as additional members are
11 appointed by the Sheriff under authority of this amendatory Act
12 of 1997 and under the authority of this amendatory Act of the
13 91st General Assembly, the political affiliation of the Board
14 shall be such that no more than one-half of the members plus
15 one additional member may be affiliated with the same political
16 party. No member shall have held or have been a candidate for
17 an elective public office within one year preceding his or her
18 appointment.

19 The Sheriff may deputize members of the Board.

20 (b) On the effective date of this amendatory Act of the
21 100th General Assembly, there is created the Cook County
22 Sheriff's Merit Board, consisting of 5 full-time members
23 appointed by the Sheriff with the advice and consent of the
24 county board who should have the following qualifications: one
25 member who is an employee or agent representing the interests
26 of labor unions; one member who is or was employed by a law

1 enforcement agency and was responsible for investigating
2 disciplinary cases; one member who is or was engaged in
3 academic research relating to criminal justice at an
4 institution of higher learning; one member who is or was
5 affiliated with a not-for-profit prison reform entity; and one
6 member who is or was involved with a not-for-profit community
7 or civic organization. Of the members initially appointed to
8 the Board, 2 shall serve until the first Monday in March of
9 2019, one shall serve until the first Monday in March of 2020,
10 one shall serve until the first Monday in March of 2021, and
11 one shall serve until the first Monday in March of 2022,
12 thereafter all members shall be appointed for terms of 4 years.
13 Members shall serve until their successors are appointed and
14 qualified. Whenever a vacancy in the office of member shall
15 occur, the Sheriff shall, with the advice and consent of the
16 county board, appoint a person to serve for the remainder of
17 the unexpired term. No more than 3 members of the Board shall
18 be affiliated with the same political party.

19 It is the intent of the General Assembly that the Cook
20 County Sheriff's Merit Board created under this subsection (b)
21 shall act as the successor agency to the former Merit Board
22 created under subsection (a) of this Section for purposes of
23 the former Merit Board's responsibilities.

24 The Cook County Sheriff's Merit Board shall inherit and
25 subsume all written charges filed before the former Merit Board
26 created under subsection (a) of this Section and all decisions

1 and actions of the former Merit Board made pursuant to Sections
2 3-7006, 3-7007, 3-7008, 3-7009, 3-7010, or 3-7012 and prior to
3 the effective date of this amendatory Act of the 100th General
4 Assembly and may preside over, amend, correct, or defend these
5 decisions and actions as required or permitted by law.

6 The Cook County Sheriff's Merit Board shall ensure that all
7 applicable federal and State laws are followed and enforced.
8 The Cook County Sheriff's Merit Board shall ensure that the
9 hiring and promotional practices of sworn officers by the
10 Sheriff's Office reflect the diverse demographics of Cook
11 County and that those priorities give preference to honorably
12 discharged veterans of the Armed Forces of the United States of
13 America.

14 (Source: P.A. 90-447, eff. 8-16-97; 90-511, eff. 8-22-97;
15 90-655, eff. 7-30-98; 91-722, eff. 6-2-00.)

16 (55 ILCS 5/3-7003) (from Ch. 34, par. 3-7003)

17 Sec. 3-7003. Compensation and expenses of board members.
18 Each member of the Board shall receive an annual salary as
19 determined by the county board; the county board may provide
20 additional compensation for service as chairman or secretary.
21 Each member shall be reimbursed for expenses necessarily
22 incurred in discharging the duties of his or her office. Such
23 compensation and reimbursement shall be paid by the county.
24 Members shall not accept or engage in outside employment
25 without first having obtained the permission of the Sheriff.

1 ~~Each member of the Board shall receive compensation for each~~
2 ~~day during which he is engaged in transacting the business of~~
3 ~~the Board and, in addition thereto, his actual traveling and~~
4 ~~other expenses necessarily incurred in discharging the duties~~
5 ~~of his office. No member of the Board shall receive~~
6 ~~compensation of more than \$25,000 in any fiscal year, except~~
7 ~~that the Chairman shall receive compensation of no more than~~
8 ~~\$30,000 in any fiscal year. Such compensation expenses shall be~~
9 ~~paid by the county.~~

10 (Source: P.A. 91-722, eff. 6-2-00.)

11 (55 ILCS 5/3-7005) (from Ch. 34, par. 3-7005)

12 Sec. 3-7005. Meetings.

13 As soon as practicable after the members of the Board have
14 been appointed, they shall meet, upon the call of the Sheriff,
15 and shall organize by selecting a chairman and a secretary. The
16 initial chairman and secretary, and their successors, shall be
17 selected by the Board from among its members for a term of 2
18 years or for the remainder of their term of office as a member
19 of the Board, whichever is the shorter. Three ~~Two~~ members of
20 the Board shall constitute a quorum for the transaction of
21 business, ~~except that as additional members are appointed under~~
22 ~~authority of this amendatory Act of 1997, the number of members~~
23 ~~that must be present to constitute a quorum shall be the number~~
24 ~~of members that constitute at least 40% of the Board.~~ The Board
25 shall hold regular quarterly meetings and such other meetings

1 as may be called by the chairman. The Board shall meet at the
2 call of the Sheriff for the purpose of naming a successor
3 chairman or secretary whenever there is a vacancy in either of
4 those offices, or to transact any other business before the
5 Board.

6 (Source: P.A. 90-447, eff. 8-16-97; 90-511, eff. 8-22-97;
7 90-655, eff. 7-30-98.)

8 (55 ILCS 5/3-7008) (from Ch. 34, par. 3-7008)

9 Sec. 3-7008. Appointments. The appointment of deputy
10 sheriffs in the Police Department, full-time deputy sheriffs
11 not employed as county police officers or county corrections
12 officers and of employees in the Department of Corrections
13 shall be made from those applicants who have been certified by
14 the Board as being qualified for appointment. Certification for
15 appointment in one department shall not constitute
16 certification for appointment in another department. All
17 persons so appointed shall, at the time of their appointment,
18 be not less than 21 years of age, or 20 years of age and have
19 successfully completed 2 years of law enforcement studies at an
20 accredited college or university. Any person appointed
21 subsequent to successful completion of 2 years of such law
22 enforcement studies shall not have power of arrest, nor shall
23 he or she be permitted to carry firearms, until he or she
24 reaches 21 years of age. In addition, all persons so appointed
25 shall be not more than the maximum age limit fixed by the Board

1 from time to time, be of sound mind and body, be of good moral
2 character, be citizens of the United States, have not been
3 convicted of a crime which the Board considers to be
4 detrimental to the applicant's ability to carry out his or her
5 duties, possess such prerequisites of training, education and
6 experience as the Board may from time to time prescribe, and
7 shall be required to pass successfully mental, physical,
8 psychiatric and other tests and examinations as may be
9 prescribed by the Board. Preference shall be given in such
10 appointments to persons who have honorably served in the
11 military or naval services of the United States. Before
12 entering upon his or her duties, each deputy sheriff in the
13 County Police Department shall execute a good and sufficient
14 bond, payable to the People of the State of Illinois, in the
15 penal sum of \$1,000 and to the Sheriff of the County where he
16 or she is employed in the sum of \$10,000, conditioned on the
17 faithful performance of his or her duties. All appointees shall
18 serve a probationary period of 12 months and during that period
19 may be discharged at the will of the Sheriff. ~~However, civil~~
20 ~~service employees of the house of correction who have certified~~
21 ~~status at the time of the transfer of the house of correction~~
22 ~~to the County Department of Corrections are not subject to this~~
23 ~~probationary period, and they shall retain their job titles,~~
24 ~~such tenure privileges as are now enjoyed and any subsequent~~
25 ~~title changes shall not cause reduction in rank or elimination~~
26 ~~of positions.~~

1 (Source: P.A. 86-962.)

2 (55 ILCS 5/3-7011) (from Ch. 34, par. 3-7011)

3 Sec. 3-7011. Disciplinary measures. In Cook County, the
4 Sheriff, or his or her designee, is solely responsible for the
5 adjudication of all disciplinary measures against a sworn
6 officer when the maximum punishment for the violation alleged
7 is the suspension of the sworn officer for a period not
8 exceeding 90 days, subject to review under the provisions of
9 the applicable collective bargaining agreement. Any allegation
10 against a sworn officer which would result in suspension for a
11 period of greater than 90 days shall be adjudicated as provided
12 under Section 3-7012.

13 ~~Disciplinary measures prescribed by the Board may be taken by~~
14 ~~the sheriff for the punishment of infractions of the rules and~~
15 ~~regulations promulgated by the Board. Such disciplinary~~
16 ~~measures may include suspension of any deputy sheriff in the~~
17 ~~County Police Department, any full time deputy sheriff not~~
18 ~~employed as a county police officer or county corrections~~
19 ~~officer and any employee in the County Department of~~
20 ~~Corrections for a reasonable period, not exceeding 30 days,~~
21 ~~without complying with the provisions of Section 3-7012 hereof.~~

22 (Source: P.A. 86-962.)

23 (55 ILCS 5/3-7012) (from Ch. 34, par. 3-7012)

24 Sec. 3-7012. Removal, demotion or suspension. Except as is

1 otherwise provided in Section 3-7011 ~~this Division~~, no deputy
2 sheriff in the County Police Department, no full-time deputy
3 sheriff not employed as a county police officer or county
4 corrections officer and no employee in the County Department of
5 Corrections shall be removed, demoted or suspended except for
6 cause, upon written charges filed with the Board by the Sheriff
7 and a hearing before the Board thereon upon not less than 10
8 days' notice at a place to be designated by the chairman
9 thereof. At such hearing, the accused deputy sheriff shall be
10 afforded full opportunity to be heard in his or her own defense
11 and to produce proof in his or her defense. The Board shall
12 have the power to secure by its subpoena both the attendance
13 and testimony of witnesses and the production of books and
14 papers in support of the charges and for the defense. The fees
15 of witnesses for attendance and travel shall be the same as the
16 fees of witnesses before the circuit courts of this State, and
17 shall be paid in the same manner as other expenses of the
18 Board. Each member of the Board shall have the power to
19 administer oaths or affirmations. If the charges against an
20 accused deputy sheriff are established by a preponderance of
21 evidence, the Board shall make a finding of guilty and order
22 either removal, demotion, suspension for a period of not more
23 than 180 days, or such other disciplinary punishment as may be
24 prescribed by the rules and regulations of the Board which, in
25 the opinion of the members thereof, the offense merits.
26 Thereupon the sheriff shall direct such removal or other

1 punishment as ordered by the Board and if the accused deputy
2 sheriff refuses to abide by any such disciplinary order, the
3 sheriff shall remove him or her forthwith.

4 In case of the neglect or refusal of any person to obey a
5 subpoena issued by the Board, any circuit court or a judge
6 thereof, upon application of any member of the Board, may order
7 such person to appear before the Board and give testimony or
8 produce evidence, and any failure to obey such order is
9 punishable by the court as a contempt thereof.

10 The Board shall, except for good cause shown and set forth
11 on the record, render its decision within 90 days following the
12 conclusion of any hearing conducted under the provisions of
13 this Section.

14 The provisions of the Administrative Review Law, and all
15 amendments and modifications thereof, and the rules adopted
16 pursuant thereto, shall apply to and govern all proceedings for
17 the judicial review of any order of the Board rendered pursuant
18 to the provisions of this Section.

19 (Source: P.A. 86-962.)

20 (55 ILCS 5/3-7018 new)

21 Sec. 3-7018. Annual reports. On January 31, 2019, and on
22 January 31 of each year thereafter, the Board shall publish an
23 annual report, which shall be available on the website of the
24 Cook County Sheriff. The annual report of the Board shall
25 contain a summary of hiring and promotions of the preceding

1 year, together with a summary of the Board's disciplinary
2 proceedings of the preceding year.

3 (55 ILCS 5/3-7007 rep.)

4 Section 10. The Counties Code is amended by repealing
5 Section 3-7007.

6 Section 99. Effective date. This Act takes effect January
7 1, 2018."