



Sen. Bill Cunningham

Filed: 4/3/2017

10000SB0695sam002

LRB100 06346 JWD 24768 a

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 members appointed by the
23 Sheriff with the advice and consent of the county board who
24 should have the following qualifications: one member who is an
25 employee or agent representing the interests of labor unions;
26 one member who is or was employed by a law enforcement agency

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

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

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

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

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

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

15 (55 ILCS 5/3-7003) (from Ch. 34, par. 3-7003)

16 Sec. 3-7003. Compensation and expenses of board members.
17 Each member of the Board shall receive compensation or a
18 stipend as determined by the county board; the county board may
19 provide additional compensation for service as chairman or
20 secretary. Each member shall be reimbursed for expenses
21 necessarily incurred in discharging the duties of his or her
22 office. Such compensation and reimbursement shall be paid by
23 the county; no other fringe or pension benefits shall be
24 provided. ~~Each member of the Board shall receive compensation~~
25 ~~for each day during which he is engaged in transacting the~~

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

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

9 (55 ILCS 5/3-7005) (from Ch. 34, par. 3-7005)

10 Sec. 3-7005. Meetings.

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

1 chairman or secretary whenever there is a vacancy in either of
2 those offices, or to transact any other business before the
3 Board.

4 (Source: P.A. 90-447, eff. 8-16-97; 90-511, eff. 8-22-97;
5 90-655, eff. 7-30-98.)

6 (55 ILCS 5/3-7008) (from Ch. 34, par. 3-7008)

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

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

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

1 (55 ILCS 5/3-7011) (from Ch. 34, par. 3-7011)

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

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

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

22 (55 ILCS 5/3-7012) (from Ch. 34, par. 3-7012)

23 Sec. 3-7012. Removal, demotion or suspension. Except as is
24 otherwise provided in this Division, no deputy sheriff in the
25 County Police Department, no full-time deputy sheriff not

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

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

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

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

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

18 (55 ILCS 5/3-7018 new)

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

1 (55 ILCS 5/3-7007 rep.)

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

4 Section 99. Effective date. This Act takes effect January
5 1, 2018.".