

AN ACT concerning local government.

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

Section 5. The Counties Code is amended by changing Sections 3-7002, 3-7004, 3-7008, 3-7011, and 3-7012 as follows:

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

Sec. 3-7002. Cook County Sheriff's Merit Board. There is created the Cook County Sheriff's Merit Board, hereinafter called the Board, consisting of not less than 3 and not more than 7 members appointed by the Sheriff with the advice and consent of three-fifths of the county board, except that the Sheriff may appoint 2 additional members, with the advice and consent of three-fifths of the county board, at his or her discretion. Of the members first appointed, one shall serve until the third Monday in March, 1965 one until the third Monday in March, 1967, and one until the third Monday in March, 1969. Of the 2 additional members first appointed under authority of this amendatory Act of 1991, one shall serve until the third Monday in March, 1995, and one until the third Monday in March, 1997. Of the 2 additional members first appointed under the authority of this amendatory Act of the 91st General Assembly, one shall serve until the third Monday in March, 2005 and one shall serve until the third Monday in March, 2006.

Upon the expiration of the terms of office of those first appointed (including the 2 additional members first appointed under authority of this amendatory Act of 1991 and under the authority of this amendatory Act of the 91st General Assembly), their respective successors shall be appointed to hold office from the third Monday in March of the year of their respective appointments for a term of 6 years and until their successors are appointed and qualified for a like term. As additional members are appointed under authority of this amendatory Act of 1997, their terms shall be set to be staggered consistently with the terms of the existing Board members.

Notwithstanding any provision in this Section to the contrary, the term of office of each member of the Board is abolished on the effective date of this amendatory Act of the 100th General Assembly. Of the 7 members first appointed after the effective date of this Act of the 100th General Assembly, 2 shall serve until the third Monday in March 2019, 2 shall serve until the third Monday in March 2021, and 3 members shall serve until the third Monday in March 2023. The terms of the 2 additional members first appointed after the effective date of this Act of the 100th General Assembly shall be staggered consistently with the terms of the other Board members. Successors or reappointments shall be appointed to hold office ~~from the third Monday in March of the year of their respective appointments~~ for a term ending on the third Monday in March ~~of~~ 6 years following the preceding term expiration. Each member of

the Board shall hold office until his or her successor is appointed and qualified or the member is reappointed. In all appointments, the county board has the power to approve terms to ensure the Board fulfills its mandate.

In the case of a vacancy in the office of a member prior to the conclusion of the member's term, the Sheriff shall, with the advice and consent of three-fifths of the county board, appoint a person to serve for the remainder of the unexpired term.

No more than one-half plus one of the 3 members of the Board shall be affiliated with the same political party. Political affiliation is determined, for purposes of this Section, as the political affiliation an appointed member has or does not have at the time the appointment is approved by the county board and shall continue to be so determined until the member discontinues serving on the Board, ~~except that as additional members are appointed by the Sheriff, the political affiliation of the Board shall be such that no more than one half of the members plus one additional member may be affiliated with the same political party.~~ No member shall have held or have been a candidate for an elective public office within one year preceding his or her appointment.

The Sheriff may deputize members of the Board.

(Source: P.A. 100-562, eff. 12-8-17.)

(55 ILCS 5/3-7004) (from Ch. 34, par. 3-7004)

Sec. 3-7004. Clerical and technical staff assistants and hearing officers. The Board is authorized to employ such clerical and technical staff assistants as may be necessary to enable the Board to transact its business and to fix their compensation. The Board is authorized to employ hearing officers to conduct hearings under Section 3-7012. Hearing officers employed by the Board shall be qualified to hold the position as determined by the Board. Hearing officers shall be attorneys licensed to practice law in this State.

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

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

Sec. 3-7008. Appointments. The appointment of deputy sheriffs in the Police Department, full-time deputy sheriffs not employed as county police officers or county corrections officers and of employees in the Department of Corrections shall be made from those applicants who have been certified by the Board as being qualified for appointment. Certification for appointment in one department shall not constitute certification for appointment in another department. Certification may be made at any point prior to appointment and may be made in conjunction with the Sheriff's application process. All persons so appointed shall, at the time of their appointment, be not less than 21 years of age, or 20 years of age and have successfully completed 2 years of law enforcement studies at an accredited college or university. Any person

appointed subsequent to successful completion of 2 years of such law enforcement studies shall not have power of arrest, nor shall he or she be permitted to carry firearms, until he or she reaches 21 years of age. In addition, all persons so appointed shall be not more than the maximum age limit fixed by the Board from time to time, be of sound mind and body, be of good moral character, be citizens of the United States, have not been convicted of a crime which the Board considers to be detrimental to the applicant's ability to carry out his or her duties, possess such prerequisites of training, education and experience as the Board may from time to time prescribe, and shall be required to pass successfully mental, physical, psychiatric and other tests and examinations as may be prescribed by the Board. Preference shall be given in such appointments to persons who have honorably served in the military or naval services of the United States. ~~Before entering upon his or her duties, each deputy sheriff in the County Police Department shall execute a good and sufficient bond, payable to the People of the State of Illinois, in the penal sum of \$1,000 and to the Sheriff of the County where he or she is employed in the sum of \$10,000, conditioned on the faithful performance of his or her duties.~~ All appointees shall serve a probationary period of 12 months and during that period may be discharged at the will of the Sheriff. However, civil service employees of the house of correction who have certified status at the time of the transfer of the house of correction

to the County Department of Corrections are not subject to this probationary period, and they shall retain their job titles, such tenure privileges as are now enjoyed and any subsequent title changes shall not cause reduction in rank or elimination of positions.

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

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

Sec. 3-7011. Disciplinary measures. Disciplinary measures prescribed by the Board may be taken by the sheriff for the punishment of infractions of the rules and regulations promulgated by the Board. Such disciplinary measures may include suspension of any deputy sheriff in the County Police Department, any full-time deputy sheriff not employed as a county police officer or county corrections officer and any employee in the County Department of Corrections and any other discipline that does not constitute termination or demotion for a reasonable period, not exceeding 30 days, without complying with the provisions of Section 3-7012 hereof.

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

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

Sec. 3-7012. Removal, demotion or suspension. Except as is otherwise provided in this Division, no deputy sheriff in the County Police Department, no full-time deputy sheriff not employed as a county police officer or county corrections

officer and no employee in the County Department of Corrections shall be removed, demoted or suspended except for cause, upon written charges filed with the Board by the Sheriff and a hearing before the Board thereon upon not less than 10 days' notice at a place to be designated by the chairman thereof. At such hearing, the accused deputy sheriff shall be afforded full opportunity to be heard in his or her own defense and to produce proof in his or her defense. The Board shall have the power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers in support of the charges and for the defense. The fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit courts of this State, and shall be paid in the same manner as other expenses of the Board. Each member of the Board shall have the power to administer oaths or affirmations. If the charges against an accused deputy sheriff are established by a preponderance of evidence, the Board shall make a finding of guilty and order either removal, demotion, suspension for a period of not more than 180 days, or such other disciplinary punishment as may be prescribed by the rules and regulations of the Board which, in the opinion of the members thereof, the offense merits. The Board shall render its decision no later than 120 days following the conclusion of any hearings conducted under this Section. Thereupon the sheriff shall direct such removal or other punishment as ordered by the Board and if the accused

deputy sheriff refuses to abide by any such disciplinary order, the sheriff shall remove him or her forthwith. On and after June 1, 2018, for an appointed officer rank subject to hearing under this Section that is covered by a collective bargaining agreement, disciplinary measures and the method of review of those measures are subject to mandatory bargaining, including, but not limited to, the use of impartial arbitration as an alternative or supplemental form of due process and any of the procedures laid out in this Section.

Within 21 days after the conclusion of a hearing overseen by a hearing officer appointed under Section 3-7004, the hearing officer shall issue a recommended order in writing, which shall include findings of fact and a determination of whether cause for discipline has been established by the Sheriff. The hearing officer shall also recommend whether discipline should be imposed and the level of the discipline. Any hearing officer may issue the recommended order. Within 21 days after receipt of service of the recommended order, the Sheriff and the respondent may file with the board written exceptions to any part of the order. Exceptions shall be supported by argument and served on all parties at the time they are filed. If no exceptions are filed, the recommended order shall become the order of the board without further review. The board may set any further rules in accordance with this Section.

In case of the neglect or refusal of any person to obey a

subpoena issued by the Board, any circuit court or a judge thereof, upon application of any member of the Board, may order such person to appear before the Board and give testimony or produce evidence, and any failure to obey such order is punishable by the court as a contempt thereof.

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

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

(55 ILCS 5/3-7007 rep.)

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

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