



Sen. Bill Cunningham

Filed: 5/17/2018

10000HB5303sam001

LRB100 18947 AWJ 40302 a

1 AMENDMENT TO HOUSE BILL 5303

2 AMENDMENT NO. _____. Amend House Bill 5303 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, 3-7004, 3-7008, 3-7011, and 3-7012 as follows:

6 (55 ILCS 5/3-7002) (from Ch. 34, par. 3-7002)

7 Sec. 3-7002. Cook County Sheriff's Merit Board. There is
8 created the Cook County Sheriff's Merit Board, hereinafter
9 called the Board, consisting of not less than 3 and not more
10 than 7 members appointed by the Sheriff with the advice and
11 consent of three-fifths of the county board, except that the
12 Sheriff may appoint 2 additional members, with the advice and
13 consent of three-fifths of the county board, at his or her
14 discretion. Of the members first appointed, one shall serve
15 until the third Monday in March, 1965 one until the third
16 Monday in March, 1967, and one until the third Monday in March,

1 1969. Of the 2 additional members first appointed under
2 authority of this amendatory Act of 1991, one shall serve until
3 the third Monday in March, 1995, and one until the third Monday
4 in March, 1997. Of the 2 additional members first appointed
5 under the authority of this amendatory Act of the 91st General
6 Assembly, one shall serve until the third Monday in March, 2005
7 and one shall serve until the third Monday in March, 2006.

8 Upon the expiration of the terms of office of those first
9 appointed (including the 2 additional members first appointed
10 under authority of this amendatory Act of 1991 and under the
11 authority of this amendatory Act of the 91st General Assembly),
12 their respective successors shall be appointed to hold office
13 from the third Monday in March of the year of their respective
14 appointments for a term of 6 years and until their successors
15 are appointed and qualified for a like term. As additional
16 members are appointed under authority of this amendatory Act of
17 1997, their terms shall be set to be staggered consistently
18 with the terms of the existing Board members.

19 Notwithstanding any provision in this Section to the
20 contrary, the term of office of each member of the Board is
21 abolished on the effective date of this amendatory Act of the
22 100th General Assembly. Of the 7 members first appointed after
23 the effective date of this Act of the 100th General Assembly, 2
24 shall serve until the third Monday in March 2019, 2 shall serve
25 until the third Monday in March 2021, and 3 members shall serve
26 until the third Monday in March 2023. The terms of the 2

1 additional members first appointed after the effective date of
2 this Act of the 100th General Assembly shall be staggered
3 consistently with the terms of the other Board members.
4 Successors or reappointments shall be appointed to hold office
5 ~~from the third Monday in March of the year of their respective~~
6 ~~appointments~~ for a term ending on the third Monday in March ~~of~~
7 6 years following the preceding term expiration. Each member of
8 the Board shall hold office until his or her successor is
9 appointed and qualified or the member is reappointed. In all
10 appointments, the county board has the power to approve terms
11 to ensure the Board fulfills its mandate.

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

17 No more than one-half plus one of the 3 members of the
18 Board shall be affiliated with the same political party.
19 Political affiliation is determined, for purposes of this
20 Section, as the political affiliation an appointed member has
21 or does not have at the time the appointment is approved by the
22 county board and shall continue to be so determined until the
23 member discontinues serving on the Board, except that as
24 ~~additional members are appointed by the Sheriff, the political~~
25 ~~affiliation of the Board shall be such that no more than~~
26 ~~one half of the members plus one additional member may be~~

1 ~~affiliated with the same political party.~~ No member shall have
2 held or have been a candidate for an elective public office
3 within one year preceding his or her appointment.

4 The Sheriff may deputize members of the Board.

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

6 (55 ILCS 5/3-7004) (from Ch. 34, par. 3-7004)

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

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

17 (55 ILCS 5/3-7008) (from Ch. 34, par. 3-7008)

18 Sec. 3-7008. Appointments. The appointment of deputy
19 sheriffs in the Police Department, full-time deputy sheriffs
20 not employed as county police officers or county corrections
21 officers and of employees in the Department of Corrections
22 shall be made from those applicants who have been certified by
23 the Board as being qualified for appointment. Certification for
24 appointment in one department shall not constitute

1 certification for appointment in another department.
2 Certification may be made at any point prior to appointment and
3 may be made in conjunction with the Sheriff's application
4 process. All persons so appointed shall, at the time of their
5 appointment, be not less than 21 years of age, or 20 years of
6 age and have successfully completed 2 years of law enforcement
7 studies at an accredited college or university. Any person
8 appointed subsequent to successful completion of 2 years of
9 such law enforcement studies shall not have power of arrest,
10 nor shall he or she be permitted to carry firearms, until he or
11 she reaches 21 years of age. In addition, all persons so
12 appointed shall be not more than the maximum age limit fixed by
13 the Board from time to time, be of sound mind and body, be of
14 good moral character, be citizens of the United States, have
15 not been convicted of a crime which the Board considers to be
16 detrimental to the applicant's ability to carry out his or her
17 duties, possess such prerequisites of training, education and
18 experience as the Board may from time to time prescribe, and
19 shall be required to pass successfully mental, physical,
20 psychiatric and other tests and examinations as may be
21 prescribed by the Board. Preference shall be given in such
22 appointments to persons who have honorably served in the
23 military or naval services of the United States. ~~Before~~
24 ~~entering upon his or her duties, each deputy sheriff in the~~
25 ~~County Police Department shall execute a good and sufficient~~
26 ~~bond, payable to the People of the State of Illinois, in the~~

1 ~~penal sum of \$1,000 and to the Sheriff of the County where he~~
2 ~~or she is employed in the sum of \$10,000, conditioned on the~~
3 ~~faithful performance of his or her duties.~~ All appointees shall
4 serve a probationary period of 12 months and during that period
5 may be discharged at the will of the Sheriff. However, civil
6 service employees of the house of correction who have certified
7 status at the time of the transfer of the house of correction
8 to the County Department of Corrections are not subject to this
9 probationary period, and they shall retain their job titles,
10 such tenure privileges as are now enjoyed and any subsequent
11 title changes shall not cause reduction in rank or elimination
12 of positions.

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

14 (55 ILCS 5/3-7011) (from Ch. 34, par. 3-7011)

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

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

2 (55 ILCS 5/3-7012) (from Ch. 34, par. 3-7012)

3 Sec. 3-7012. Removal, demotion or suspension. Except as is
4 otherwise provided in this Division, no deputy sheriff in the
5 County Police Department, no full-time deputy sheriff not
6 employed as a county police officer or county corrections
7 officer and no employee in the County Department of Corrections
8 shall be removed, demoted or suspended except for cause, upon
9 written charges filed with the Board by the Sheriff and a
10 hearing before the Board thereon upon not less than 10 days'
11 notice at a place to be designated by the chairman thereof. At
12 such hearing, the accused deputy sheriff shall be afforded full
13 opportunity to be heard in his or her own defense and to
14 produce proof in his or her defense. The Board shall have the
15 power to secure by its subpoena both the attendance and
16 testimony of witnesses and the production of books and papers
17 in support of the charges and for the defense. The fees of
18 witnesses for attendance and travel shall be the same as the
19 fees of witnesses before the circuit courts of this State, and
20 shall be paid in the same manner as other expenses of the
21 Board. Each member of the Board shall have the power to
22 administer oaths or affirmations. If the charges against an
23 accused deputy sheriff are established by a preponderance of
24 evidence, the Board shall make a finding of guilty and order
25 either removal, demotion, suspension for a period of not more

1 than 180 days, or such other disciplinary punishment as may be
2 prescribed by the rules and regulations of the Board which, in
3 the opinion of the members thereof, the offense merits. The
4 Board shall render its decision no later than 120 days
5 following the conclusion of any hearings conducted under this
6 Section. Thereupon the sheriff shall direct such removal or
7 other punishment as ordered by the Board and if the accused
8 deputy sheriff refuses to abide by any such disciplinary order,
9 the sheriff shall remove him or her forthwith. On and after
10 June 1, 2018, for an appointed officer rank subject to hearing
11 under this Section that is covered by a collective bargaining
12 agreement, disciplinary measures and the method of review of
13 those measures are subject to mandatory bargaining, including,
14 but not limited to, the use of impartial arbitration as an
15 alternative or supplemental form of due process and any of the
16 procedures laid out in this Section.

17 Within 21 days after the conclusion of a hearing overseen
18 by a hearing officer appointed under Section 3-7004, the
19 hearing officer shall issue a recommended order in writing,
20 which shall include findings of fact and a determination of
21 whether cause for discipline has been established by the
22 Sheriff. The hearing officer shall also recommend whether
23 discipline should be imposed and the level of the discipline.
24 Any hearing officer may issue the recommended order. Within 21
25 days after receipt of service of the recommended order, the
26 Sheriff and the respondent may file with the board written

1 exceptions to any part of the order. Exceptions shall be
2 supported by argument and served on all parties at the time
3 they are filed. If no exceptions are filed, the recommended
4 order shall become the order of the board without further
5 review. The board may set any further rules in accordance with
6 this Section.

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

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

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

19 (55 ILCS 5/3-7007 rep.)

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

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