

1 AN ACT concerning local government.

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

4 Section 5. The Counties Code is amended by adding Section
5 5-1188 as follows:

6 (55 ILCS 5/5-1188 new)

7 Sec. 5-1188. Administrative leave of a countywide elected
8 official.

9 (a) If a county board member, county board chairman,
10 State's Attorney, or other countywide elected official is
11 criminally charged with an infamous crime or any felony in
12 violation of his or her official oath, the county board may
13 vote to determine if the countywide elected official should be
14 placed on administrative leave, with a three-fifths vote of
15 all members, if the county board believes the official has
16 been criminally charged with an infamous crime or any felony
17 in violation of his or her official oath. If approved by the
18 county board, the determination to place the elected official
19 on administrative leave shall be sent to the State's Attorney
20 of the county or, if the determination is regarding the
21 State's Attorney or if the State's Attorney has a conflict of
22 interest, the county board shall petition the court for the
23 appointment of a special State's Attorney to review the

1 board's determination.

2 (b) Upon receipt of a determination from the county board
3 under subsection (a), the State's Attorney shall review the
4 alleged crimes to determine if the countywide elected official
5 should be placed on administrative leave. If the State's
6 Attorney believes the crime or crimes to be germane to the
7 official's duties, the State's Attorney shall file a petition
8 with the circuit court of the county for a rule to show cause
9 why the elected official should not be placed on
10 administrative leave.

11 Upon receipt of a determination from the county board
12 under subsection (a) concerning the State's Attorney or,
13 if the State's Attorney has a conflict of interest, the
14 special State's Attorney shall review the alleged crimes
15 to determine if the State's Attorney or official should be
16 placed on administrative leave. If the special State's
17 Attorney believes the crime or crimes to be germane to the
18 State's Attorney's or official's duties, the special
19 State's Attorney shall file a petition with the circuit
20 court of the county for a rule to show cause why the
21 elected official should not be placed on administrative
22 leave.

23 (c) As soon as the petition is filed with the court, the
24 court shall issue a rule requiring the officer to show cause
25 why he or she should not be put on administrative leave, the
26 rule alleging in general terms the cause or causes for such

1 leave. The rule shall be returnable in not less than 10 nor
2 more than 30 days and shall be served upon the officer with a
3 copy of the petition. Upon return of the rule duly executed,
4 unless good cause is shown for a continuance or postponement
5 to a later day in the term, the case shall be tried on the day
6 named in the rule and take precedence over all other cases on
7 the docket. If, after trial, the court determined that the
8 officer should be placed on administrative leave, the officer
9 shall be removed from office and shall be barred from county
10 property and performing the official's duties until the case
11 is closed and the county board determines the conflict is
12 resolved.

13 (d) If it is determined that the officer should be placed
14 on administrative leave as provided in subsection (c), the
15 county board shall appoint a replacement for the official
16 while the official is on administrative leave.

17 (e) If it is determined that the officer should be placed
18 on administrative leave as provided in subsection (c), the
19 official shall continue to receive all compensation and
20 benefits during the official's administrative leave.

21 (f) If a judicial proceeding under this Section is
22 dismissed in favor of the respondent, the court, in its
23 discretion, may require the county in which the respondent
24 serves to pay court costs or reasonable attorney fees, or
25 both, for the respondent.

26 (g) This Section applies to counties with a population of

1 less than 500,000 people.

2 Section 10. The Township Code is amended by adding Section
3 85-70 as follows:

4 (60 ILCS 1/85-70 new)

5 Sec. 85-70. Administrative leave of a township officer.

6 (a) If a township officer is criminally charged with an
7 infamous crime or any felony in violation of his or her
8 official oath, the township board may vote to determine if the
9 township officer should be placed on administrative leave,
10 with a three-fifths vote of all members, if the township board
11 believes the official has been criminally charged with an
12 infamous crime or any felony in violation of his or her
13 official oath. If approved by the township board, the
14 determination to place the elected official on administrative
15 leave shall be sent to the township attorney of the county.

16 (b) Upon receipt of a determination from the township
17 board under subsection (a), the township attorney shall review
18 the alleged crimes to determine if the township officer should
19 be placed on administrative leave. If the township attorney
20 believes the crime or crimes to be germane to the officer's
21 duties, the township attorney shall file a petition with the
22 circuit court of the county where the township is located in
23 for a rule to show cause why the elected official should not be
24 placed on administrative leave.

1 (c) As soon as the petition is filed with the court, the
2 court shall issue a rule requiring the township officer to
3 show cause why he or she should not be put on administrative
4 leave, the rule alleging in general terms the cause or causes
5 for such leave. The rule shall be returnable in not less than
6 10 nor more than 30 days and shall be served upon the officer
7 with a copy of the petition. Upon return of the rule duly
8 executed, unless good cause is shown for a continuance or
9 postponement to a later day in the term, the case shall be
10 tried on the day named in the rule and take precedence over all
11 other cases on the docket. If, after trial, the court
12 determined that the township officer should be placed on
13 administrative leave, the township officer shall be removed
14 from office and shall be barred from township property and
15 performing the official's duties until the case is closed and
16 the township board determines the conflict is resolved.

17 (d) If it is determined that the township officer should
18 be placed on administrative leave as provided in subsection
19 (c), the township board shall appoint a replacement for the
20 officer while the officer is on administrative leave.

21 (e) If it is determined that the township officer should
22 be placed on administrative leave as provided in subsection
23 (c), the official shall continue to receive all compensation
24 and benefits during the official's administrative leave.

25 (f) If a judicial proceeding under this Section is
26 dismissed in favor of the respondent, the court, in its

1 discretion, may require the township in which the respondent
2 serves to pay court costs or reasonable attorney fees, or
3 both, for the respondent.

4 (g) This Section applies to townships within counties with
5 a population of less than 500,000 people.

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