



Sen. Dave Syverson

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10200SB3460sam002

LRB102 25497 AWJ 36279 a

1 AMENDMENT TO SENATE BILL 3460

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3460, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Counties Code is amended by adding Section  
6 5-1188 as follows:

7 (55 ILCS 5/5-1188 new)

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

10 (a) If a county board member, county board chairman,  
11 State's Attorney, or other countywide elected official is  
12 criminally charged with an infamous crime or of any offense  
13 involving a violation of his or her official oath, the county  
14 board may vote to determine if the countywide elected official  
15 should be placed on administrative leave, with a three-fifths  
16 vote of all members, if the county board believes the official

1 has been criminally charged with an infamous crime or of any  
2 offense involving a violation of his or her official oath. If  
3 approved by the county board, the determination to place the  
4 elected official on administrative leave shall be sent to the  
5 State's Attorney of the county or, if the determination is  
6 regarding the State's Attorney or if the State's Attorney has  
7 a conflict of interest, the county board shall petition the  
8 court for the appointment of a special State's Attorney to  
9 review the board's determination.

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

18 Upon receipt of a determination from the county board  
19 under subsection (a) concerning the State's Attorney or if the  
20 State's Attorney has a conflict of interest, the special  
21 State's Attorney shall review the alleged crimes to determine  
22 if the State's Attorney or official should be placed on  
23 administrative leave. If the special State's Attorney believes  
24 the crime or crimes to be germane to the State's Attorney's or  
25 official's duties, the special State's Attorney shall file a  
26 petition with the circuit court of the county for a rule to

1 show cause why not to place the elected official on  
2 administrative leave.

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

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

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

24 (f) If a judicial proceeding under this Section is  
25 dismissed in favor of the respondent, the court, in its  
26 discretion, may require the county in which the respondent

1 serves to pay court costs or reasonable attorney fees, or  
2 both, for the respondent.

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

5 Section 10. The Township Code is amended by adding Section  
6 85-70 as follows:

7 (60 ILCS 1/85-70 new)

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

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

20 (b) Upon receipt of a determination from the township  
21 board under subsection (a), the township attorney shall review  
22 the alleged crimes to determine if the township officer should  
23 be placed on administrative leave. If the township attorney  
24 believes the crime or crimes to be germane to the officer's

1 duties, the township attorney shall file a petition with the  
2 circuit court of the county where the township is located in  
3 for a rule to show cause why not to place the elected official  
4 on administrative leave.

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

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

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

1       (f) If a judicial proceeding under this Section is  
2 dismissed in favor of the respondent, the court, in its  
3 discretion, may require the township in which the respondent  
4 serves to pay court costs or reasonable attorney fees, or  
5 both, for the respondent.

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

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