

1 AN ACT concerning State government.

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

4 Section 5. The State Police Act is amended by changing
5 Section 14 as follows:

6 (20 ILCS 2610/14) (from Ch. 121, par. 307.14)

7 Sec. 14. Except as is otherwise provided in this Act, no
8 Department of State Police officer shall be removed, demoted or
9 suspended except for cause, upon written charges filed with the
10 Board by the Director and a hearing before the Board thereon
11 upon not less than 10 days' notice at a place to be designated
12 by the chairman thereof. At such hearing, the accused shall be
13 afforded full opportunity to be heard in his or her own defense
14 and to produce proof in his or her defense. Anyone filing a
15 complaint against a State Police Officer must have the
16 complaint supported by a sworn affidavit.

17 Before any such officer may be interrogated or examined by
18 or before the Board, or by a departmental agent or investigator
19 specifically assigned to conduct an internal investigation,
20 the results of which hearing, interrogation or examination may
21 be the basis for filing charges seeking his or her suspension
22 for more than 15 days or his or her removal or discharge, he or
23 she shall be advised in writing as to what specific improper or
24 illegal act he or she is alleged to have committed; he or she
25 shall be advised in writing that his or her admissions made in
26 the course of the hearing, interrogation or examination may be
27 used as the basis for charges seeking his or her suspension,
28 removal or discharge; and he or she shall be advised in writing
29 that he or she has a right to counsel of his or her choosing,
30 who may be present to advise him or her at any hearing,
31 interrogation or examination. A complete record of any hearing,
32 interrogation or examination shall be made, and a complete

1 transcript or electronic recording thereof shall be made
2 available to such officer without charge and without delay.

3 The Board shall have the power to secure by its subpoena
4 both the attendance and testimony of witnesses and the
5 production of books and papers in support of the charges and
6 for the defense. Each member of the Board or a designated
7 hearing officer shall have the power to administer oaths or
8 affirmations. If the charges against an accused are established
9 by a preponderance of evidence, the Board shall make a finding
10 of guilty and order either removal, demotion, suspension for a
11 period of not more than 180 days, or such other disciplinary
12 punishment as may be prescribed by the rules and regulations of
13 the Board which, in the opinion of the members thereof, the
14 offense merits. Thereupon the Director shall direct such
15 removal or other punishment as ordered by the Board and if the
16 accused refuses to abide by any such disciplinary order, the
17 Director shall remove him or her forthwith.

18 If the accused is found not guilty or has served a period
19 of suspension greater than prescribed by the Board, the Board
20 shall order that the officer receive compensation for the
21 period involved. The award of compensation shall include
22 interest at the rate of 7% per annum.

23 The Board may include in its order appropriate sanctions
24 based upon the Board's rules and regulations. If the Board
25 finds that a party has made allegations or denials without
26 reasonable cause or has engaged in frivolous litigation for the
27 purpose of delay or needless increase in the cost of
28 litigation, it may order that party to pay the other party's
29 reasonable expenses, including costs and reasonable attorney's
30 fees. The State of Illinois and the Department shall be subject
31 to these sanctions in the same manner as other parties.

32 In case of the neglect or refusal of any person to obey a
33 subpoena issued by the Board, any circuit court, upon
34 application of any member of the Board, may order such person
35 to appear before the Board and give testimony or produce
36 evidence, and any failure to obey such order is punishable by

1 the court as a contempt thereof.

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

7 Notwithstanding the provisions of this Section, a policy
8 making officer, as defined in the Employee Rights Violation
9 Act, of the Department of State Police shall be discharged from
10 the Department of State Police as provided in the Employee
11 Rights Violation Act, enacted by the 85th General Assembly.

12 (Source: P.A. 89-306, eff. 1-1-96.)