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09400HB2242ham001

LRB094 03279 RSP 42740 a

1 AMENDMENT TO HOUSE BILL 2242

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2242 by replacing  
3 everything after the enacting clause with the following:

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

1 shall be advised in writing that his or her admissions made in  
2 the course of the hearing, interrogation or examination may be  
3 used as the basis for charges seeking his or her suspension,  
4 removal or discharge; and he or she shall be advised in writing  
5 that he or she has a right to counsel of his or her choosing,  
6 who may be present to advise him or her at any hearing,  
7 interrogation or examination. A complete record of any hearing,  
8 interrogation or examination shall be made, and a complete  
9 transcript or electronic recording thereof shall be made  
10 available to such officer without charge and without delay.

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

26 If the accused is found not guilty or has served a period  
27 of suspension greater than prescribed by the Board, the Board  
28 shall order that the officer receive compensation for the  
29 period involved. The award of compensation shall include  
30 interest at the rate of 7% per annum.

31 The Board may include in its order appropriate sanctions  
32 based upon the Board's rules and regulations. If the Board  
33 finds that a party has made allegations or denials without  
34 reasonable cause or has engaged in frivolous litigation for the

1 purpose of delay or needless increase in the cost of  
2 litigation, it may order that party to pay the other party's  
3 reasonable expenses, including costs and reasonable attorney's  
4 fees. The State of Illinois and the Department shall be subject  
5 to these sanctions in the same manner as other parties.

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

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

17 Notwithstanding the provisions of this Section, a policy  
18 making officer, as defined in the Employee Rights Violation  
19 Act, of the Department of State Police shall be discharged from  
20 the Department of State Police as provided in the Employee  
21 Rights Violation Act, enacted by the 85th General Assembly.  
22 (Source: P.A. 89-306, eff. 1-1-96.)".