



Sen. Antonio Munoz

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LRB095 09964 HLH 31929 a

1 AMENDMENT TO SENATE BILL 450

2 AMENDMENT NO. _____. Amend Senate Bill 450 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 changing Sections 3.1-15-25, 3.1-30-5, and 3.1-30-20 as
6 follows:

7 (65 ILCS 5/3.1-15-25) (from Ch. 24, par. 3.1-15-25)

8 Sec. 3.1-15-25. Conservators of the peace; service of
9 warrants.

10 (a) After receiving a certificate attesting to the
11 successful completion of a training course administered by the
12 Illinois Law Enforcement Training Standards Board, ~~the mayor,~~
13 ~~aldermen, president, trustees, marshal, deputy marshals, and~~
14 policemen in municipalities shall be conservators of the peace.
15 Conservators of the peace ~~Those persons and others authorized~~
16 ~~by ordinance~~ shall have power (i) to arrest or cause to be

1 arrested, with or without process, all persons who break the
2 peace or are found violating any municipal ordinance or any
3 criminal law of the State, (ii) to commit arrested persons for
4 examination, (iii) if necessary, to detain arrested persons in
5 custody over night or Sunday in any safe place or until they
6 can be brought before the proper court, and (iv) to exercise
7 all other powers as conservators of the peace prescribed by the
8 corporate authorities.

9 (b) All warrants for the violation of municipal ordinances
10 or the State criminal law, directed to any person, may be
11 served and executed within the limits of a municipality by any
12 policeman ~~or marshal~~ of the municipality. For that purpose,
13 policemen ~~and marshals~~ have all the common law and statutory
14 powers of sheriffs.

15 (Source: P.A. 90-540, eff. 12-1-97.)

16 (65 ILCS 5/3.1-30-5) (from Ch. 24, par. 3.1-30-5)

17 Sec. 3.1-30-5. Appointed officers in all municipalities.

18 (a) The mayor or president, as the case may be, by and with
19 the advice and consent of the city council or the board of
20 trustees, may appoint (1) a treasurer (if the treasurer is not
21 an elected position in the municipality), (2) a collector, (3)
22 a comptroller, (4) ~~a marshal,~~ (5) an attorney or a corporation
23 counsel, (5) ~~(6)~~ one or more purchasing agents and deputies,
24 (6) ~~(7)~~ the number of auxiliary police officers determined
25 necessary by the corporate authorities, (7) ~~(8)~~ police matrons,

1 (8) ~~(9)~~ a commissioner of public works, (9) ~~(10)~~ a budget
2 director or a budget officer, and (10) ~~(11)~~ other officers
3 necessary to carry into effect the powers conferred upon
4 municipalities.

5 (b) By ordinance or resolution to take effect at the end of
6 the current fiscal year, the corporate authorities, by a
7 two-thirds vote, may discontinue any appointed office and
8 devolve the duties of that office on any other municipal
9 officer. After discontinuance, no officer filling the office
10 before its discontinuance shall have any claim against the
11 municipality for salary alleged to accrue after the date of
12 discontinuance.

13 (c) Vacancies in all appointed municipal offices may be
14 filled in the same manner as appointments are made under
15 subsection (a). The city council or board of trustees of a
16 municipality, by ordinance not inconsistent with this Code, may
17 prescribe the duties, define the powers, and fix the term of
18 office of all appointed officers of the municipality; but the
19 term of office, except as otherwise expressly provided in this
20 Code, shall not exceed that of the mayor or president of the
21 municipality.

22 (d) An appointed officer of a municipality may resign from
23 his or her office. If an appointed officer resigns, he or she
24 shall continue in office until a successor has been chosen and
25 has qualified. If there is a failure to appoint a municipal
26 officer, or the person appointed fails to qualify, the person

1 filling the office shall continue in office until a successor
2 has been chosen and has qualified. If an appointed municipal
3 officer ceases to perform the duties of or to hold the office
4 by reason of death, permanent physical or mental disability,
5 conviction of a disqualifying crime, or dismissal from or
6 abandonment of office, the mayor or president of the
7 municipality may appoint a temporary successor to the officer.

8 (Source: P.A. 94-984, eff. 6-30-06.)

9 (65 ILCS 5/3.1-30-20) (from Ch. 24, par. 3.1-30-20)

10 Sec. 3.1-30-20. Auxiliary police officers.

11 (a) Auxiliary police officers shall not be members of the
12 regular police department of the municipality. Auxiliary
13 police officers shall not supplement members of the regular
14 police department of any municipality in the performance of
15 their assigned and normal duties, except as otherwise provided
16 in this Code. Auxiliary police officers shall only be assigned
17 to perform the following duties in a municipality: (i) to aid
18 or direct traffic within the municipality, (ii) to aid in
19 control of natural or man made disasters, and (iii) to aid in
20 case of civil disorder as directed by the chief of police. When
21 it is impractical for members of the regular police department
22 to perform those normal and regular police duties, however, the
23 chief of police of the regular police department may assign
24 auxiliary police officers to perform those normal and regular
25 police duties. Identification symbols worn by auxiliary police

1 officers shall be different and distinct from those used by
2 members of the regular police department. Auxiliary police
3 officers shall at all times during the performance of their
4 duties be subject to the direction and control of the chief of
5 police of the municipality. Auxiliary police officers shall not
6 carry firearms, except with the permission of the chief of
7 police and while in uniform and in the performance of their
8 duties. Auxiliary police officers, when on duty, shall not ~~also~~
9 be conservators of the peace and shall not have the powers
10 specified in Section 3.1-15-25.

11 (b) Auxiliary police officers, before entering upon any of
12 their duties, shall receive a course of training in the use of
13 weapons and other police procedures appropriate for the
14 exercise of the powers conferred upon them under this Code. The
15 training and course of study shall be determined and provided
16 by the corporate authorities of each municipality employing
17 auxiliary police officers. Before being permitted to carry a
18 firearm, however, an auxiliary police officer must have the
19 same course of training as required of peace officers under
20 Section 2 of the Peace Officer Firearm Training Act. The
21 municipal authorities may require that all auxiliary police
22 officers be residents of the municipality served by them.
23 Before the appointment of an auxiliary police officer, the
24 person's fingerprints shall be taken, and no person shall be
25 appointed as an auxiliary police officer if that person has
26 been convicted of a felony or other crime involving moral

1 turpitude.

2 (c) The Line of Duty Compensation Act shall be applicable
3 to auxiliary police officers upon their death in the line of
4 duty described in this Code.

5 (Source: P.A. 94-984, eff. 6-30-06.)".