



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2613

Introduced 10/30/2013, by Sen. Bill Cunningham

SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-7002	from Ch. 34, par. 3-7002
55 ILCS 5/3-7003	from Ch. 34, par. 3-7003
55 ILCS 5/3-7005	from Ch. 34, par. 3-7005
55 ILCS 5/3-7006	from Ch. 34, par. 3-7006
55 ILCS 5/3-7011	from Ch. 34, par. 3-7011
55 ILCS 5/3-7012	from Ch. 34, par. 3-7012
55 ILCS 5/3-7013	from Ch. 34, par. 3-7013
55 ILCS 5/3-7007 rep.	
55 ILCS 5/3-7008 rep.	
55 ILCS 5/3-7009 rep.	
55 ILCS 5/3-7010 rep.	
55 ILCS 5/3-7016 rep.	

Amends the Counties Code. Provides that members appointed to the Cook County Sheriff's Merit Board on or after the effective date of this amendatory Act must be licensed attorneys. Requires that members of the Board may not receive a pension for service on the Board. Provides that members of the Board may not receive health care benefits for service on the Board unless they contribute to the health care premium associated with Cook County. Provides that each member of the Board shall receive no more than \$15,000 in annual compensation (now \$20,000), and that the Chairman shall receive no more than \$20,000 in annual compensation (now \$30,000). Limits the powers of the Board to only those functions related to discipline of non-exempt sworn officers. Provides that the Sheriff may not prescribe disciplinary measures that exceed 30 days without a hearing. Provides that no disciplinary action or decision shall be taken against a sworn officer on the basis of political reasons.

LRB098 14550 JLK 49323 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 changing
5 Sections 3-7002, 3-7003, 3-7005, 3-7006, 3-7011, 3-7012, and
6 3-7013 as follows:

7 (55 ILCS 5/3-7002) (from Ch. 34, par. 3-7002)

8 Sec. 3-7002. Cook County Sheriff's Merit Board. There is
9 created the Cook County Sheriff's Merit Board, hereinafter
10 called the Board, consisting of 7 members appointed by the
11 Sheriff with the advice and consent of the county board;
12 members who are serving on the effective date of this
13 amendatory Act of the 98th General Assembly shall continue to
14 serve for the remainder of their 6-year terms. Members
15 appointed on or after the effective date of this amendatory Act
16 of the 98th General Assembly shall serve at the pleasure of the
17 Sheriff. Each member appointed on or after the effective date
18 of this amendatory Act of the 98th General Assembly shall be an
19 attorney licensed to practice law in Illinois. No , except that
20 ~~on and after the effective date of this amendatory Act of 1997,~~
21 ~~the Sheriff may appoint 2 additional members, with the advice~~
22 ~~and consent of the county board, at his or her discretion. Of~~
23 ~~the members first appointed, one shall serve until the third~~

1 ~~Monday in March, 1965 one until the third Monday in March,~~
2 ~~1967, and one until the third Monday in March, 1969. Of the 2~~
3 ~~additional members first appointed under authority of this~~
4 ~~amendatory Act of 1991, one shall serve until the third Monday~~
5 ~~in March, 1995, and one until the third Monday in March, 1997.~~
6 ~~Of the 2 additional members first appointed under the authority~~
7 ~~of this amendatory Act of the 91st General Assembly, one shall~~
8 ~~serve until the third Monday in March, 2005 and one shall serve~~
9 ~~until the third Monday in March, 2006.~~

10 ~~Upon the expiration of the terms of office of those first~~
11 ~~appointed (including the 2 additional members first appointed~~
12 ~~under authority of this amendatory Act of 1991 and under the~~
13 ~~authority of this amendatory Act of the 91st General Assembly),~~
14 ~~their respective successors shall be appointed to hold office~~
15 ~~from the third Monday in March of the year of their respective~~
16 ~~appointments for a term of 6 years and until their successors~~
17 ~~are appointed and qualified for a like term. As additional~~
18 ~~members are appointed under authority of this amendatory Act of~~
19 ~~1997, their terms shall be set to be staggered consistently~~
20 ~~with the terms of the existing Board members. No more than 3~~
21 ~~members of the Board shall be affiliated with the same~~
22 ~~political party, except that as additional members are~~
23 ~~appointed by the Sheriff under authority of this amendatory Act~~
24 ~~of 1997 and under the authority of this amendatory Act of the~~
25 ~~91st General Assembly, the political affiliation of the Board~~
26 ~~shall be such that no more than one-half of the members plus~~

1 one additional member may be affiliated with the same political
2 party. No member shall have held or have been a candidate for
3 an elective public office within one year preceding his or her
4 appointment.

5 The Sheriff may deputize members of the Board.

6 (Source: P.A. 90-447, eff. 8-16-97; 90-511, eff. 8-22-97;
7 90-655, eff. 7-30-98; 91-722, eff. 6-2-00.)

8 (55 ILCS 5/3-7003) (from Ch. 34, par. 3-7003)

9 Sec. 3-7003. Compensation and expenses of board members.

10 Each member of the Board shall receive compensation for each
11 day during which he is engaged in transacting the business of
12 the Board and, in addition thereto, his actual traveling and
13 other expenses necessarily incurred in discharging the duties
14 of his office. No member of the Board appointed on or after the
15 effective date of this amendatory Act of the 98th General
16 Assembly shall receive pension benefits for his or her service
17 on the Board. No member of the Board shall receive health care
18 benefits for his or her service on the Board unless he or she
19 contributes to the health care premium associated with Cook
20 County health care benefits. No member of the Board shall
21 receive compensation of more than \$15,000 ~~\$25,000~~ in any fiscal
22 year, except that the Chairman shall receive compensation of no
23 more than \$20,000 ~~\$30,000~~ in any fiscal year. Such compensation
24 expenses shall be paid by the county.

25 (Source: P.A. 91-722, eff. 6-2-00.)

1 (55 ILCS 5/3-7005) (from Ch. 34, par. 3-7005)

2 Sec. 3-7005. Meetings. The Board shall name a chairman and
3 a secretary ~~As soon as practicable after the members of the~~
4 ~~Board have been appointed, they shall meet, upon the call of~~
5 ~~the Sheriff, and shall organize by selecting a chairman and a~~
6 ~~secretary. The initial chairman and secretary, and their~~
7 ~~successors, shall be selected by the Board~~ from among its
8 members. The chairman and the secretary shall each serve for a
9 term of 2 years or for the remainder of his or her ~~their~~ term of
10 office as a member of the Board, whichever is the shorter. The
11 ~~Two members of the Board shall constitute a quorum for the~~
12 ~~transaction of business, except that as additional members are~~
13 ~~appointed under authority of this amendatory Act of 1997, the~~
14 number of members that must be present to constitute a quorum
15 shall be the number of members that constitute at least 40% of
16 the Board. The Board shall hold regular quarterly meetings and
17 such other meetings as may be called by the chairman and shall
18 meet at the call of the Sheriff for the purpose of naming a
19 successor chairman or secretary whenever there is a vacancy in
20 either of those offices.

21 (Source: P.A. 90-447, eff. 8-16-97; 90-511, eff. 8-22-97;
22 90-655, eff. 7-30-98.)

23 (55 ILCS 5/3-7006) (from Ch. 34, par. 3-7006)

24 Sec. 3-7006. Rules, regulations and procedures; ranks.

1 Pursuant to recognized merit principles of public employment,
2 the Board shall formulate, adopt, and put into effect rules,
3 regulations and procedures for its operation and the
4 transaction of its business. ~~The Board shall establish a~~
5 ~~classification of ranks including those positions which shall~~
6 ~~be exempt from merit classification. The Board shall establish~~
7 ~~a classification of ranks of the deputy sheriffs in the County~~
8 ~~Police Department, a classification of all correctional~~
9 ~~officer employees in the County Department of Corrections, and~~
10 ~~a classification of all full time deputy sheriffs not employed~~
11 ~~as county police officers or county corrections officers and~~
12 ~~shall set standards and qualifications for each such rank and~~
13 ~~employee.~~

14 ~~For the purposes of this Division, "full time" means an~~
15 ~~average work week of 40 hours throughout the calendar year.~~

16 (Source: P.A. 86-962.)

17 (55 ILCS 5/3-7011) (from Ch. 34, par. 3-7011)

18 Sec. 3-7011. Disciplinary measures. The Board has only the
19 following functions: (i) to prescribe disciplinary measures
20 for non-exempt sworn officers; and (ii) to conduct hearings
21 under Section 3-7012. Disciplinary measures prescribed by the
22 Board may be taken by the sheriff for the punishment of
23 infractions of the rules and regulations promulgated by the
24 Board. Such disciplinary measures may include suspension,
25 termination of employment, or other reasonable discipline of

1 any non-exempt sworn officers. For purposes of this Section,
2 Section 3-7012, and Section 3-7013, "sworn officer" means
3 deputy sheriff, deputy sergeant, deputy lieutenant,
4 corrections officer, corrections sergeant, corrections
5 lieutenant, police officer, police sergeant, police
6 lieutenant, or anyone else hired and promoted by the Sheriff
7 and earning the relevant sworn merit rank.

8 No disciplinary measures shall be prescribed by the Sheriff
9 for a period of more than ~~in the County Police Department, any~~
10 ~~full time deputy sheriff not employed as a county police~~
11 ~~officer or county corrections officer and any employee in the~~
12 ~~County Department of Corrections for a reasonable period, not~~
13 ~~exceeding~~ 30 days, without first complying with the provisions
14 of Section 3-7012 hereof.

15 (Source: P.A. 86-962.)

16 (55 ILCS 5/3-7012) (from Ch. 34, par. 3-7012)

17 Sec. 3-7012. Removal, demotion or suspension. Except as is
18 otherwise provided in this Division, no sworn officer ~~deputy~~
19 ~~sheriff in the County Police Department, no full time deputy~~
20 ~~sheriff not employed as a county police officer or county~~
21 ~~corrections officer and no employee in the County Department of~~
22 ~~Corrections~~ shall be removed, demoted or suspended for more
23 than 30 days except for cause, upon written charges filed with
24 the Board by the Sheriff and a hearing before the Board thereon
25 upon not less than 10 days' notice at a place to be designated

1 by the chairman thereof. At such hearing, the sworn officer
2 ~~accused deputy sheriff~~ shall be afforded full opportunity to be
3 heard in his or her own defense and to produce proof in his or
4 her defense. The Board shall have the power to secure by its
5 subpoena both the attendance and testimony of witnesses and the
6 production of books and papers in support of the charges and
7 for the defense. The fees of witnesses for attendance and
8 travel shall be the same as the fees of witnesses before the
9 circuit courts of this State, and shall be paid in the same
10 manner as other expenses of the Board. Each member of the Board
11 shall have the power to administer oaths or affirmations. If
12 the charges against a sworn officer ~~an accused deputy sheriff~~
13 are established by a preponderance of evidence, the Board shall
14 make a finding of guilty and order either removal, demotion,
15 suspension for a period of not more than 180 days, or such
16 other disciplinary punishment as may be prescribed by the rules
17 and regulations of the Board which, in the opinion of the
18 members thereof, the offense merits. Thereupon the sheriff
19 shall direct such removal or other punishment as ordered by the
20 Board and if the sworn officer ~~accused deputy sheriff~~ refuses
21 to abide by any such disciplinary order, the sheriff shall
22 remove him or her forthwith.

23 In case of the neglect or refusal of any person to obey a
24 subpoena issued by the Board, any circuit court or a judge
25 thereof, upon application of any member of the Board, may order
26 such person to appear before the Board and give testimony or

1 produce evidence, and any failure to obey such order is
2 punishable by the court as a contempt thereof.

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

8 (Source: P.A. 86-962.)

9 (55 ILCS 5/3-7013) (from Ch. 34, par. 3-7013)

10 Sec. 3-7013. Political activities. No disciplinary action
11 or decision shall be taken against a sworn officer by the
12 Sheriff or the Board on the basis of political reasons or
13 factors. ~~No deputy sheriff in the County Police Department and~~
14 ~~no employee in the County Department of Corrections shall~~
15 ~~participate in any manner in the activities or interests of any~~
16 ~~political party or of any candidate for public office or for~~
17 ~~the nomination therefor, nor participate in any manner in any~~
18 ~~political campaign for the nomination or election of candidates~~
19 ~~for public office. Violation of any provision hereof shall be~~
20 ~~cause for removal of any deputy sheriff or employee so~~
21 ~~offending.~~ Nothing contained herein shall be deemed to
22 interfere with the right of any person to vote for any
23 candidate and upon any issue as his reason and conscience may
24 dictate.

25 (Source: P.A. 86-962.)

1 (55 ILCS 5/3-7007 rep.)

2 (55 ILCS 5/3-7008 rep.)

3 (55 ILCS 5/3-7009 rep.)

4 (55 ILCS 5/3-7010 rep.)

5 (55 ILCS 5/3-7016 rep.)

6 Section 10. The Counties Code is amended by repealing
7 Sections 3-7007, 3-7008, 3-7009, 3-7010, and 3-7016.