

1 AN ACT concerning peace officers.

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

4 Section 5. The Uniform Peace Officers' Disciplinary Act
5 is amended by changing Section 2 as follows:

6 (50 ILCS 725/2) (from Ch. 85, par. 2552)

7 Sec. 2. For the purposes of this Act, unless clearly
8 required otherwise, the terms defined in this Section have
9 the meaning ascribed herein:

10 (a) "Officer" means any peace officer, as defined by
11 Section 2-13 of the Criminal Code of 1961, as now or
12 hereafter amended, who is employed by any unit of local
13 government or a State college or university, including
14 supervisory and command personnel, and any pay-grade
15 investigator for the Secretary of State as defined in Section
16 14-110 of the Illinois Pension Code, not including Secretary
17 of State sergeants, lieutenants, commanders or investigator
18 trainees. The term does not include crossing guards, parking
19 enforcement personnel, traffic wardens or employees of any
20 State's Attorney's office.

21 (b) "Informal inquiry" means a meeting by supervisory or
22 command personnel with an officer upon whom an allegation of
23 misconduct has come to the attention of such supervisory or
24 command personnel, the purpose of which meeting is to mediate
25 a citizen complaint or discuss the facts to determine whether
26 a formal investigation should be commenced.

27 (c) "Formal investigation" means the process of
28 investigation ordered by a commanding officer during which
29 the questioning of an officer is intended to gather evidence
30 of misconduct which may be the basis for filing charges
31 seeking his or her removal, discharge or suspension in excess

1 of 3 days.

2 (d) "Interrogation" means the questioning of an officer
3 during an informal inquiry or pursuant to the formal
4 investigation procedures of the respective State agency or
5 local governmental unit in connection with an alleged
6 violation of such agency's or unit's rules which may be the
7 basis for filing charges seeking his or her suspension,
8 removal, or discharge. The term does not include questioning
9 ~~{1}--as--part--of--an--informal--inquiry--or--{2}~~ relating to minor
10 infractions of agency rules which may be noted on the
11 officer's record but which may not in themselves result in
12 removal, discharge or suspension in excess of 3 days.

13 (e) "Administrative proceeding" means any non-judicial
14 hearing which is authorized to recommend, approve or order
15 the suspension, removal, or discharge of an officer.

16 (Source: P.A. 90-577, eff. 1-1-99.)

17 Section 10. The Illinois Municipal Code is amended by
18 changing Section 10-2.1-17 as follows:

19 (65 ILCS 5/10-2.1-17) (from Ch. 24, par. 10-2.1-17)

20 Sec. 10-2.1-17. Removal or discharge; investigation of
21 charges; retirement. Except as hereinafter provided, no
22 officer or member of the fire or police department of any
23 municipality subject to this Division 2.1 shall be removed or
24 discharged except for cause, upon written charges, and after
25 an opportunity to be heard in his own defense. The hearing
26 shall be as hereinafter provided, unless the employer and the
27 labor organization representing the person have negotiated an
28 alternative or supplemental form of due process based upon
29 impartial arbitration as a term of a collective bargaining
30 agreement. In non-home rule units of government, such
31 bargaining shall be permissive rather than mandatory unless
32 such contract term was negotiated by the employer and the

1 labor organization prior to or at the time of the effective
2 date of this amendatory Act, in which case such bargaining
3 shall be considered mandatory.

4 If the chief of the fire department or the chief of the
5 police department or both of them are appointed in the manner
6 provided by ordinance, they may be removed or discharged by
7 the appointing authority. In such case the appointing
8 authority shall file with the corporate authorities the
9 reasons for such removal or discharge, which removal or
10 discharge shall not become effective unless confirmed by a
11 majority vote of the corporate authorities. The board of
12 fire and police commissioners shall conduct a fair and
13 impartial hearing of the charges, to be commenced within 30
14 days of the filing thereof, which hearing may be continued
15 from time to time. In case an officer or member is found
16 guilty, the board may discharge him, or may suspend him not
17 exceeding 30 days without pay. The board may suspend any
18 officer or member pending the hearing with or without pay,
19 but not to exceed 30 days. If the Board of Fire and Police
20 Commissioners determines that the charges are not sustained,
21 the officer or member shall be reimbursed for all wages
22 withheld, if any. In the conduct of this hearing, each
23 member of the board shall have power to administer oaths and
24 affirmations, and the board shall have power to secure by its
25 subpoena both the attendance and testimony of witnesses and
26 the production of books and papers relevant to the hearing.

27 The age for retirement of policemen or firemen in the
28 service of any municipality which adopts this Division 2.1 is
29 65 years, unless the Council or Board of Trustees shall by
30 ordinance provide for an earlier retirement age of not less
31 than 60 years.

32 The provisions of the Administrative Review Law, and all
33 amendments and modifications thereof, and the rules adopted
34 pursuant thereto, shall apply to and govern all proceedings

1 for the judicial review of final administrative decisions of
2 the board of fire and police commissioners hereunder. The
3 term "administrative decision" is defined as in Section 3-101
4 of the Code of Civil Procedure.

5 Nothing in this Section shall be construed to limit or
6 prohibit any municipality, subject to its compliance with the
7 Illinois Public Labor Relations Act, from bargaining
8 collectively discipline and discharge procedures that are not
9 consistent with this Act, including arbitration procedures
10 for the appeal of decisions of the Board of Fire and Police
11 Commissioners.

12 Nothing in this Section shall be construed to prevent the
13 chief of the fire department or the chief of the police
14 department from suspending without pay a member of his
15 department for a period of not more than 5 calendar days, but
16 he shall notify the board in writing of such suspension.
17 The hearing shall be as hereinafter provided, unless the
18 employer and the labor organization representing the person
19 have negotiated an alternative or supplemental form of due
20 process based upon impartial arbitration as a term of a
21 collective bargaining agreement. In non-home rule units of
22 government, such bargaining shall be permissive rather than
23 mandatory unless such contract term was negotiated by the
24 employer and the labor organization prior to or at the time
25 of the effective date of this amendatory Act, in which case
26 such bargaining shall be considered mandatory.

27 Any policeman or fireman so suspended may appeal to the
28 board of fire and police commissioners for a review of the
29 suspension within 5 calendar days after such suspension, and
30 upon such appeal, the board may sustain the action of the
31 chief of the department, may reverse it with instructions
32 that the man receive his pay for the period involved, or may
33 suspend the officer for an additional period of not more than
34 30 days or discharge him, depending upon the facts presented.

1 (Source: P.A. 91-650, eff. 11-30-99.)

2 Section 15. The Counties Code is amended by changing
3 Section 3-8014 as follows:

4 (55 ILCS 5/3-8014) (from Ch. 34, par. 3-8014)

5 Sec. 3-8014. Removal, demotion or suspension. Except as
6 is otherwise provided in this Division, no certified person
7 shall be removed, demoted or suspended except for cause, upon
8 written charges filed with the Merit Commission by the
9 sheriff. Upon the filing of such a petition, the sheriff may
10 suspend the certified person pending the decision of the
11 Commission on the charges. After the charges have been
12 heard, the Commission may direct that the person receive his
13 pay for any part or all of this suspension period, if any.

14 The charges shall be heard by the Commission upon not
15 less than 14 days' certified notice. At such hearing, the
16 accused certified person shall be afforded full opportunity
17 to be represented by counsel, to be heard in his own defense
18 and to produce proof in his defense. Both the Commission
19 and the sheriff may be represented by counsel. The State's
20 Attorney of the applicable county may advise either the
21 Commission or the sheriff. The other party may engage
22 private counsel to advise it.

23 The Commission shall have the power to secure by its
24 subpoena both the attendance and testimony of witnesses and
25 the production of books and papers in support of the charges
26 and for the defense. Each member of the Commission shall
27 have the power to administer oaths.

28 If the charges against an accused person are established
29 by the preponderance of evidence, the Commission shall make a
30 finding of guilty and order either removal, demotion, loss of
31 seniority, suspension for a period of not more than 180 days,
32 or such other disciplinary punishment as may be prescribed by

1 the rules and regulations of the Commission which, in the
2 opinion of the members thereof, the offense justifies. If
3 the charges against an accused person are not established by
4 the preponderance of evidence, the Commission shall make a
5 finding of not guilty and shall order that the person be
6 reinstated and be paid his compensation for the suspension
7 period, if any, while awaiting the hearing. The sheriff
8 shall take such action as may be ordered by the Commission.

9 The provisions of the Administrative Review Law, and all
10 amendments and modifications thereof, and the rules adopted
11 pursuant thereto, shall apply to and govern all proceedings
12 for the judicial review of any order of the Commission
13 rendered pursuant to this Section. The plaintiff shall pay
14 the reasonable cost of preparing and certifying the record
15 for judicial review. However, if the plaintiff prevails in
16 the judicial review proceeding, the court shall award to the
17 plaintiff a sum equal to the costs paid by the plaintiff to
18 have the record for judicial review prepared and certified.

19 Nothing in this Section shall be construed to limit or
20 prohibit any municipality, subject to its compliance with the
21 Illinois Public Labor Relations Act, from bargaining
22 collectively discipline and discharge procedures that are not
23 consistent with this Act, including arbitration procedures
24 for the appeal of Commission orders rendered under this
25 Section.

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