



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB1501

Introduced 2/9/2017, by Sen. Michael E. Hastings

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Administrative Procedure Act. Exempts the Illinois State Guard from the definition of "agency". Amends the State Employee Indemnification Act. Expands the definition of "State" and "employee" to include the Illinois State Guard and its members. Amends the Military Code of Illinois. Provides that, in the event of the death or disability of the Adjutant General or any other occurrence that creates a vacancy in the office, the Commander-in-Chief shall designate either the Assistant Adjutant General for Army or the Assistant Adjutant General for Air as the acting Adjutant General until an Adjutant General is appointed. Amends the Illinois Code of Military Justice. Provides that no person may be brought to trial by court-martial if that person is presently suffering from a mental disease or defect rendering that person mentally incompetent. Provides that a determination on the accused person's capacity to stand trial shall be made in accordance with specified rules described in the Manual for Courts-Martial, United States (2012 Edition). Contains provisions concerning inquiries into a person's mental responsibility and mental health. Amends the State Guard Act. Changes the short title of the Act to the Illinois State Guard Act. Repeals the substantive provisions of the Act. Establishes the Illinois State Guard as the State's non-federally recognized military force composed of members of the Unorganized Militia who are 18 through 45 years of age and other persons as determined necessary by the Governor. Contains provision concerning: the activation and organization of the State Guard; personnel, pay, and allowances; equipping and uniforms; and other matters. Effective immediately.

LRB100 05955 KTG 20887 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning military affairs.

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

4 Section 1. The Illinois Administrative Procedure Act is  
5 amended by changing Section 1-20 as follows:

6 (5 ILCS 100/1-20) (from Ch. 127, par. 1001-20)

7 Sec. 1-20. "Agency" means each officer, board, commission,  
8 and agency created by the Constitution, whether in the  
9 executive, legislative, or judicial branch of State  
10 government, but other than the circuit court; each officer,  
11 department, board, commission, agency, institution, authority,  
12 university, and body politic and corporate of the State; each  
13 administrative unit or corporate outgrowth of the State  
14 government that is created by or pursuant to statute, other  
15 than units of local government and their officers, school  
16 districts, and boards of election commissioners; and each  
17 administrative unit or corporate outgrowth of the above and as  
18 may be created by executive order of the Governor. "Agency",  
19 however, does not include the following:

20 (1) The House of Representatives and Senate and their  
21 respective standing and service committees, including  
22 without limitation the Board of the Office of the Architect  
23 of the Capitol and the Architect of the Capitol established

1 under the Legislative Commission Reorganization Act of  
2 1984.

3 (2) The Governor.

4 (3) The justices and judges of the Supreme and  
5 Appellate Courts.

6 (4) The Legislative Ethics Commission.

7 (5) The Illinois State Guard with respect to  
8 regulations adopted under the Illinois State Guard Act.

9 (Source: P.A. 95-331, eff. 8-21-07.)

10 Section 3. The State Employee Indemnification Act is  
11 amended by changing Section 1 as follows:

12 (5 ILCS 350/1) (from Ch. 127, par. 1301)

13 Sec. 1. Definitions. For the purpose of this Act:

14 (a) The term "State" means the State of Illinois, the  
15 General Assembly, the court, or any State office, department,  
16 division, bureau, board, commission, or committee, the  
17 governing boards of the public institutions of higher education  
18 created by the State, the Illinois National Guard, the Illinois  
19 State Guard, the Comprehensive Health Insurance Board, any  
20 poison control center designated under the Poison Control  
21 System Act that receives State funding, or any other agency or  
22 instrumentality of the State. It does not mean any local public  
23 entity as that term is defined in Section 1-206 of the Local  
24 Governmental and Governmental Employees Tort Immunity Act or a

1 pension fund.

2 (b) The term "employee" means: any present or former  
3 elected or appointed officer, trustee or employee of the State,  
4 or of a pension fund; any present or former commissioner or  
5 employee of the Executive Ethics Commission or of the  
6 Legislative Ethics Commission; any present or former  
7 Executive, Legislative, or Auditor General's Inspector  
8 General; any present or former employee of an Office of an  
9 Executive, Legislative, or Auditor General's Inspector  
10 General; any present or former member of the Illinois National  
11 Guard while on active duty; any present or former member of the  
12 Illinois State Guard while on State active duty; individuals or  
13 organizations who contract with the Department of Corrections,  
14 the Department of Juvenile Justice, the Comprehensive Health  
15 Insurance Board, or the Department of Veterans' Affairs to  
16 provide services; individuals or organizations who contract  
17 with the Department of Human Services (as successor to the  
18 Department of Mental Health and Developmental Disabilities) to  
19 provide services including but not limited to treatment and  
20 other services for sexually violent persons; individuals or  
21 organizations who contract with the Department of Military  
22 Affairs for youth programs; individuals or organizations who  
23 contract to perform carnival and amusement ride safety  
24 inspections for the Department of Labor; individuals who  
25 contract with the Office of the State's Attorneys Appellate  
26 Prosecutor to provide legal services, but only when performing

1 duties within the scope of the Office's prosecutorial  
2 activities; individual representatives of or designated  
3 organizations authorized to represent the Office of State  
4 Long-Term Ombudsman for the Department on Aging; individual  
5 representatives of or organizations designated by the  
6 Department on Aging in the performance of their duties as adult  
7 protective services agencies or regional administrative  
8 agencies under the Adult Protective Services Act; individuals  
9 or organizations appointed as members of a review team or the  
10 Advisory Council under the Adult Protective Services Act;  
11 individuals or organizations who perform volunteer services  
12 for the State where such volunteer relationship is reduced to  
13 writing; individuals who serve on any public entity (whether  
14 created by law or administrative action) described in paragraph  
15 (a) of this Section; individuals or not for profit  
16 organizations who, either as volunteers, where such volunteer  
17 relationship is reduced to writing, or pursuant to contract,  
18 furnish professional advice or consultation to any agency or  
19 instrumentality of the State; individuals who serve as foster  
20 parents for the Department of Children and Family Services when  
21 caring for a Department ward; individuals who serve as members  
22 of an independent team of experts under Brian's Law; and  
23 individuals who serve as arbitrators pursuant to Part 10A of  
24 Article II of the Code of Civil Procedure and the rules of the  
25 Supreme Court implementing Part 10A, each as now or hereafter  
26 amended; the term "employee" does not mean an independent

1 contractor except as provided in this Section. The term  
2 includes an individual appointed as an inspector by the  
3 Director of State Police when performing duties within the  
4 scope of the activities of a Metropolitan Enforcement Group or  
5 a law enforcement organization established under the  
6 Intergovernmental Cooperation Act. An individual who renders  
7 professional advice and consultation to the State through an  
8 organization which qualifies as an "employee" under the Act is  
9 also an employee. The term includes the estate or personal  
10 representative of an employee.

11 (c) The term "pension fund" means a retirement system or  
12 pension fund created under the Illinois Pension Code.

13 (Source: P.A. 98-49, eff. 7-1-13; 98-83, eff. 7-15-13; 98-732,  
14 eff. 7-16-14; 98-756, eff. 7-16-14.)

15 Section 5. The Military Code of Illinois is amended by  
16 changing Section 21 as follows:

17 (20 ILCS 1805/21) (from Ch. 129, par. 220.21)

18 Sec. 21. The Assistant Adjutant General for Army shall be  
19 the chief administrative assistant to The Adjutant General for  
20 Army matters and the Assistant Adjutant General for Air shall  
21 be the chief administrative assistant to The Adjutant General  
22 for Air matters and both shall perform such duties as may be  
23 directed by The Adjutant General. In the event of the death or  
24 disability of The Adjutant General or any other occurrence that

1 creates a vacancy in the office, his absence from the State,  
2 the Commander-in-Chief shall designate either the Assistant  
3 Adjutant General for Army or the Assistant Adjutant General for  
4 Air as the Acting Adjutant General to perform the duties of the  
5 office until an Adjutant General is appointed ~~of The Adjutant~~  
6 ~~General.~~

7 (Source: P.A. 80-176.)

8 Section 10. The Illinois Code of Military Justice is  
9 amended by adding Section 76b as follows:

10 (20 ILCS 1807/76b new)

11 Sec. 76b. Article 76b. Lack of mental capacity or mental  
12 responsibility; commitment of accused for examination and  
13 treatment.

14 (a) Persons incompetent to stand trial.

15 (1) (A) In general, no person may be brought to trial by  
16 court-martial if that person is presently suffering from a  
17 mental disease or defect rendering that person mentally  
18 incompetent to the extent that he or she is unable to  
19 understand the nature of the proceedings against them or to  
20 conduct or cooperate intelligently in the defense of the  
21 case.

22 (B) A person is presumed to have the capacity to stand  
23 trial unless the contrary is established.

24 (C) Determination of capacity of an accused to stand

1 trial shall be made in accordance with Rule 909 (c), (d),  
2 and (e) of the Rules for Courts-Martial as described in the  
3 Manual for Courts-Martial, United States (2012 Edition),  
4 or as provided in any subsequent rule adopted in accordance  
5 with applicable law and regulation by the President of the  
6 United States, except that references in those rules to  
7 "the Attorney General" mean the Department of Human  
8 Services.

9 (2) An inquiry into the mental capacity or mental  
10 responsibility of the accused shall be conducted as  
11 provided in Rule 706 of the Rules for Courts-Martial as  
12 described in the Manual for Courts-Martial, United States  
13 (2012 Edition), or as provided in any subsequent rule  
14 adopted in accordance with applicable law and regulation by  
15 the President of the United States.

16 If the accused's incapacity is mental, the convening  
17 authority may order him or her to be placed for treatment  
18 in the custody of the Department of Human Services or the  
19 convening authority may order him or her to be placed in  
20 the custody of any other appropriate public or private  
21 mental health facility or treatment program which has  
22 agreed to provide treatment to the accused. If the accused  
23 is placed in the custody of the Department of Human  
24 Services, the accused may be placed in a secure setting.  
25 During the period of time required to determine the  
26 appropriate placement, the accused shall remain confined.



1 If, upon the completion of the placement process, the  
2 Department of Human Services determines that the accused is  
3 currently fit to stand trial, the Department shall  
4 immediately notify the convening authority and shall  
5 submit a written report within 7 days. In that  
6 circumstance, the placement shall be held pending a court  
7 hearing on the Department's report. Otherwise, upon  
8 completion of the placement process, the sheriff shall be  
9 notified and shall transport the accused to the designated  
10 facility. The placement may be ordered on either an  
11 inpatient or an outpatient basis.

12 In addition to other matters, the inquiry shall  
13 determine whether there is a substantial probability that  
14 the accused will attain mental responsibility to stand  
15 trial within one year if he or she is provided with a  
16 course of treatment.

17 (A) In the case of a general court-martial, if the  
18 official responsible for determining capacity to stand  
19 trial finds that there is not a substantial probability  
20 that the accused will attain mental responsibility  
21 within one year if he or she is provided with a course  
22 of treatment, the case shall proceed as provided in  
23 Section 104-23 of the Code of Criminal Procedure of  
24 1963. In a special court-martial, the case shall  
25 proceed after the expiration of the maximum period of  
26 confinement authorized for the offense or offenses

1 charged.

2 (B) If the official responsible for determining  
3 capacity to stand trial finds that there is a  
4 probability that the accused will attain mental  
5 responsibility within one year if he or she is provided  
6 with a course of treatment, or if the official is  
7 unable to determine whether a substantial probability  
8 exists, the accused shall be ordered to undergo  
9 treatment for the purpose of rendering him or her fit  
10 in accordance with subsections (b) or (c) of Section  
11 104-17 of the Code of Criminal Procedure of 1963.

12 (1) Any references to "the court" in Sections  
13 104-23 and 104-17 of the Code of Criminal Procedure  
14 of 1963 mean the general court-martial convening  
15 authority.

16 (2) The general court-martial convening  
17 authority shall, as necessary, transmit the  
18 information as provided in subsection (d) of  
19 Section 104-17 of the Code of Criminal Procedure of  
20 1963.

21 (b) Persons found not guilty by reason of lack of mental  
22 responsibility.

23 (1) The accused is presumed to have been mentally  
24 responsible at the time of the alleged offense. This  
25 presumption continues until the accused establishes, by  
26 clear and convincing evidence, that he or she was not

1 mentally responsible at the time of the alleged offense. A  
2 mental condition not amounting to a lack of mental  
3 responsibility under Article 50a of this Code is not an  
4 affirmative defense.

5 (2) If a question is raised concerning the mental  
6 responsibility of the accused, the military judge shall  
7 rule whether to direct an inquiry under Rule 706 of the  
8 Rules for Court-Martial as described in the Manual for  
9 Courts-Martial, United States (2012 Edition), or under any  
10 subsequent rule adopted in accordance with applicable law  
11 and regulation by the President of the United States. The  
12 issue of mental responsibility shall not be considered an  
13 interlocutory question.

14 (3) If a person is found not guilty only by reason of  
15 lack of mental responsibility, the case shall proceed in  
16 accordance with State law pertaining to persons acquitted  
17 by reason of insanity as provided in Section 5-2-4 of the  
18 Unified Code of Corrections. References within that  
19 Section to "the court" or "clerk of the court" mean the  
20 general court-martial convening authority.

21 (4) After a finding or verdict of not guilty only by  
22 reason of lack of mental responsibility, the accused shall  
23 be ordered to the Department of Human Services for an  
24 evaluation as to whether he or she is in need of mental  
25 health services. The order shall specify whether the  
26 evaluation shall be conducted on an inpatient or outpatient

1 basis. If the evaluation is to be conducted on an inpatient  
2 basis, the accused shall be placed in a secure setting. A  
3 copy of the law enforcement reports, criminal charges,  
4 arrest record, jail record, record of trial, and any victim  
5 impact statement shall be sent with the order for  
6 evaluation. After the evaluation and during the period of  
7 time required to determine the appropriate placement, the  
8 accused shall remain in confinement. Individualized  
9 placement evaluations performed by the Department of Human  
10 Services shall be used to determine the most appropriate  
11 setting for forensic treatment based upon a number of  
12 factors including mental health diagnosis, proximity to  
13 surviving victims, security need, age, gender, and  
14 proximity to family. Upon completion of the placement  
15 process, the sheriff shall be notified and shall transport  
16 the accused to the designated facility.

17 Section 15. The State Guard Act is amended by changing and  
18 renumbering Section 0.01 and by adding Sections 1-1, 1-5, 1-10,  
19 2-5, 3-5, 3-10, 4-5, 4-10, 5-5, 5-10, 5-15, and 6-5 and the  
20 headings of Part I, Part II, Part III, Part IV, Part V, and  
21 Part VI as follows:

22 (20 ILCS 1815/Pt. I heading new)

23 PART I

24 GENERAL PROVISIONS

1 (20 ILCS 1815/0.01) (from Ch. 129, par. 228h)

2 Sec. 1-1 ~~0-01~~. Short title. This Act may be cited as the  
3 Illinois State Guard Act.

4 (Source: P.A. 86-1324.)

5 (20 ILCS 1815/1-5 new)

6 Sec. 1-5. Establishment and purpose.

7 (a) This Act establishes the Illinois State Guard ("the  
8 State Guard"). The State Guard is the State's non-federally  
9 recognized military force which may be composed of members of  
10 the Unorganized Militia who are 18 through 45 years of age, and  
11 those persons who are 45 through 65 years of age as determined  
12 necessary by the Governor.

13 (b) The Governor is the Commander-in-Chief of the State  
14 Guard. The Adjutant General is the Commander of the State  
15 Guard. As directed by the Adjutant General, the Department of  
16 Military Affairs shall administer the State Guard.

17 (c) The purpose of the State Guard is to provide the State  
18 a capable military force when all or part of the Illinois  
19 National Guard is not available for State service due to its  
20 possible or actual mobilization into federal service by the  
21 President of the United States.

22 (20 ILCS 1815/1-10 new)

23 Sec. 1-10. Activation of the State Guard.

1       (a) Whenever the Commander-in-Chief determines it  
2 advisable to maintain the health, safety, and welfare of the  
3 people, or to ensure domestic tranquility and provide for the  
4 common defense, he or she may issue a proclamation calling for  
5 volunteers to serve in the State Guard. Persons who answer the  
6 call and who are appointed or enlisted in the State Guard shall  
7 serve in State Active Duty status.

8       (b) The proclamation shall state the number of volunteers  
9 needed and the period of State Active Duty during which they  
10 are called to serve. The Commander-in-Chief may terminate or  
11 extend any such proclamation at any time he or she determines  
12 appropriate and in the best interests of the State.

13       (c) When mobilized and deployed to support civil  
14 authorities, the State Guard may be directed by civil  
15 authorities as to work to be done or the result to be attained,  
16 but not as to the method to be employed. At all times, State  
17 Guard units and members shall remain under the command and  
18 control of the Commander-in-Chief, the Adjutant General, and  
19 such subordinate commanders as the Adjutant General may  
20 appoint.

21       (20 ILCS 1815/Pt. II heading new)

22                               PART II

23                               ORGANIZATION OF THE STATE GUARD

24       (20 ILCS 1815/2-5 new)

1       Sec. 2-5. Organization.

2       (a) As authorized by the Commander-in-Chief, the Adjutant  
3 General may by order establish units of the State Army and Air  
4 Guard that are similar in nature and in general conformity to  
5 those of the United States Army and Air Force and may assign  
6 State Guard personnel to each unit. Upon expiration or  
7 termination of the proclamation issued in accordance with  
8 Section 1-10 of this Act, the Commander-in-Chief may discharge  
9 such units and personnel assigned thereto.

10       (b) The State Guard shall consist of 2 components: the  
11 State Army Guard and the State Air Guard. The Adjutant General  
12 may appoint the Assistant Adjutant General for Army as the  
13 Commander of the State Army Guard and the Assistant Adjutant  
14 General for Air as the Commander of the State Air Guard,  
15 respectively. The Adjutant General may also appoint such other  
16 subordinate commanders and staff of the State Guard as he or  
17 she determines appropriate.

18           (20 ILCS 1815/Pt. III heading new)

19                           PART III

20                                   PERSONNEL AND PAY

21           (20 ILCS 1815/3-5 new)

22       Sec. 3-5. Personnel.

23       (a) The State Guard shall be comprised of commissioned  
24 officers, warrant officers, and enlisted personnel in grades

1 conforming to those of the United States Army and Air Force.  
2 The Adjutant General shall establish by regulation the  
3 qualifications for appointment, enlistment, service, and  
4 promotion in the State Guard including, but not limited to,  
5 minimum and maximum age, education, physical condition, and  
6 personal conduct.

7 (b) The Governor shall appoint all commissioned and warrant  
8 officers of the State Guard in a manner similar to appointments  
9 made in the Illinois National Guard. Officers shall take the  
10 following oath as a condition of appointment: "I do solemnly  
11 swear (or affirm) that I will bear true allegiance to the  
12 Constitution of the United States and to the Constitution of  
13 the State of Illinois, and to the laws thereof, and that I will  
14 faithfully obey the orders of the Commander-in-Chief and the  
15 officers appointed above me, and the rules and regulations of  
16 the Illinois State Guard. (So help me God.)" Appointments in  
17 the State Guard shall be for an indefinite term and subject to  
18 death, resignation, discharge, retirement, or termination in  
19 accordance with State law and regulation.

20 (c) Persons accepted for enlistment in the State Guard  
21 shall, as a condition of enlistment, take the same oath as  
22 officers. The Adjutant General shall prescribe by regulation  
23 the form of enlistment contracts. Original terms of enlistment  
24 shall be limited to 2 years. Re-enlistment terms shall be  
25 limited to one year.

26 (d) In accordance with regulations prescribed by the



1 Adjutant General, upon an officer's separation from the State  
2 Guard, the Adjutant General shall characterize the officer's  
3 service as honorable, general (under honorable conditions), or  
4 under conditions other than honorable using criteria that are  
5 in general conformity with those regulations or instructions of  
6 the United States Army and Air Force that are applicable to the  
7 National Guard, unless the officer was separated with a  
8 punitive discharge under the Illinois Code of Military Justice.

9 (e) The Adjutant General may mobilize on State Active Duty  
10 members of the Illinois National Guard as he or she determines  
11 necessary to administer, train, or command the State Guard.

12 (20 ILCS 1815/3-10 new)

13 Sec. 3-10. Pay and allowances.

14 (a) The State is responsible for all pay and allowances of  
15 members of the State Guard.

16 (b) Members of the State Guard serving on State Active Duty  
17 shall receive the same pay as provided to members of the  
18 Illinois National Guard of like grade and longevity under  
19 Sections 48 and 49 of the Military Code of Illinois.

20 (c) Members of the State Guard serving on State Active Duty  
21 shall be considered State employees for civil liability and  
22 civil representation purposes to the same degree and extent as  
23 members of the Illinois National Guard under Section 1 of the  
24 State Employee Indemnification Act.

25 (d) Members of the State Guard criminally prosecuted by

1 civil authorities of the United States, any State,  
2 Commonwealth, Territory, or District of the United States,  
3 including the State of Illinois or any political subdivision  
4 thereof, shall be entitled to representation and  
5 indemnification to the same extent as members of the Illinois  
6 National Guard under Section 90 of the Military Code of  
7 Illinois.

8 (20 ILCS 1815/Pt. IV heading new)

9 PART IV

10 EQUIPPING AND UNIFORMS

11 (20 ILCS 1815/4-5 new)

12 Sec. 4-5. Equipping.

13 (a) As permitted by federal law and regulation, the State  
14 Guard may use the federal military property and personnel of  
15 the Illinois National Guard and shall reimburse the appropriate  
16 federal authority for such use from State funds.

17 (b) The State Guard may use federal property of the  
18 Illinois National Guard only to the extent that its members are  
19 trained to use it properly and safely and, if necessary, under  
20 the training and supervision of members of the Illinois  
21 National Guard detailed by the Adjutant General.

22 (c) In accordance with the Illinois Procurement Code, the  
23 State may, at its expense and subject to the availability of  
24 State funds, procure and provide such other materials, as

1 needed, for the State Guard.

2 (d) State Guard commanders shall be held responsible and  
3 accountable for all military property issued to them in a  
4 manner similar to that enforced against commanders of the  
5 Illinois National Guard under property accountability  
6 regulations or instructions of the United States Army and Air  
7 Force.

8 (e) In accordance with regulations prescribed by the  
9 Adjutant General, members of the State Guard shall be held  
10 responsible and may be held financially liable for any damage,  
11 destruction, or loss, including loss of accountability, of  
12 military property under their control in a manner similar to  
13 that enforced against members of the Illinois National Guard  
14 under applicable regulations or instructions of the United  
15 States Army and Air Force.

16 (20 ILCS 1815/4-10 new)

17 Sec. 4-10. Uniforms.

18 (a) Uniforms for the State Guard shall be in general  
19 conformity with those of the Illinois National Guard, except  
20 that members of the State Guard shall wear the designation "IL"  
21 on their class A/service dress and the designation "Illinois  
22 State Army Guard", "Illinois State Air Guard", or "Illinois" on  
23 their class C/utility uniforms.

24 (b) Officers shall pay for their uniforms. Enlisted members  
25 shall be issued uniforms in accordance with regulations

1 prescribed by the Adjutant General and subject to the  
2 availability of State funds.

3 (c) Officer and enlisted rank insignia shall be in  
4 conformity with those of the Illinois National Guard.

5 (20 ILCS 1815/Pt. V heading new)

6 PART V

7 DISCIPLINE

8 (20 ILCS 1815/5-5 new)

9 Sec. 5-5. Military justice. While serving on State Active  
10 Duty, members of the State Guard shall be subject to the  
11 provisions of the Illinois Code of Military Justice.

12 (20 ILCS 1815/5-10 new)

13 Sec. 5-10. Terminating appointments. The Adjutant General  
14 may prescribe, by regulation, administrative procedures for  
15 terminating the appointment of any commissioned or warrant  
16 officer for cause that are similar to those procedures which  
17 apply to members of the Illinois National Guard, except that  
18 any administrative procedures prescribed by the Adjutant  
19 General under this Section shall provide that no officer is  
20 entitled to present his or her case to a board of officers  
21 unless the officer has at least 6 years of total military  
22 service in the State Guard at the time the termination action  
23 was initiated. Such administrative procedures shall require

1 the Adjutant General to characterize the officer's service as  
2 honorable, general (under honorable conditions), or under  
3 other than honorable conditions; however, in no case may the  
4 Adjutant General characterize an officer's service as other  
5 than honorable unless the officer is afforded the right to  
6 present his or her case to a board of officers.

7 (20 ILCS 1815/5-15 new)

8 Sec. 5-15. Involuntary separation. The Adjutant General  
9 may prescribe, by regulation, administrative procedures to  
10 involuntarily separate any enlisted member from the State Guard  
11 for cause that are similar to those procedures which apply to  
12 members of the Illinois National Guard, except that any  
13 administrative procedures prescribed by the Adjutant General  
14 under this Section shall provide that no enlisted person is  
15 entitled to present his or her case to a board of officers  
16 unless the enlisted person has at least 6 years of total  
17 military service in the State Guard at the time the separation  
18 action was initiated. Such administrative procedures shall  
19 require the Adjutant General to characterize the enlisted  
20 member's service as honorable, general (under honorable  
21 conditions), or under other than honorable conditions;  
22 however, in no case may the Adjutant General characterize an  
23 enlisted member's service as other than honorable unless the  
24 enlisted member is afforded the right to present his or her  
25 case to a board of officers.

1 (20 ILCS 1815/Pt. VI heading new)

2 PART VI

3 REGULATIONS

4 (20 ILCS 1815/6-5 new)

5 Sec. 6-5. Regulations. Regulations authorized under this  
6 Act shall not be subject to the Illinois Administrative  
7 Procedure Act and shall become effective upon approval by the  
8 Adjutant General.

9 (20 ILCS 1815/1 rep.)

10 (20 ILCS 1815/2 rep.)

11 (20 ILCS 1815/3 rep.)

12 (20 ILCS 1815/4 rep.)

13 (20 ILCS 1815/5 rep.)

14 (20 ILCS 1815/6 rep.)

15 (20 ILCS 1815/7 rep.)

16 (20 ILCS 1815/8 rep.)

17 (20 ILCS 1815/9 rep.)

18 (20 ILCS 1815/10 rep.)

19 (20 ILCS 1815/11 rep.)

20 (20 ILCS 1815/12 rep.)

21 (20 ILCS 1815/13 rep.)

22 (20 ILCS 1815/14 rep.)

23 (20 ILCS 1815/15 rep.)

- 1 (20 ILCS 1815/16 rep.)
- 2 (20 ILCS 1815/17 rep.)
- 3 (20 ILCS 1815/18 rep.)
- 4 (20 ILCS 1815/19 rep.)
- 5 (20 ILCS 1815/20 rep.)
- 6 (20 ILCS 1815/21 rep.)
- 7 (20 ILCS 1815/22 rep.)
- 8 (20 ILCS 1815/23 rep.)
- 9 (20 ILCS 1815/24 rep.)
- 10 (20 ILCS 1815/25 rep.)
- 11 (20 ILCS 1815/26 rep.)
- 12 (20 ILCS 1815/27 rep.)
- 13 (20 ILCS 1815/28 rep.)
- 14 (20 ILCS 1815/29 rep.)
- 15 (20 ILCS 1815/30 rep.)
- 16 (20 ILCS 1815/31 rep.)
- 17 (20 ILCS 1815/32 rep.)
- 18 (20 ILCS 1815/33 rep.)
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- 15 (20 ILCS 1815/82 rep.)

16 Section 20. The State Guard Act is amended by repealing  
17 Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16,  
18 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32,  
19 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48,  
20 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64,  
21 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80,  
22 81, and 82.

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.

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2		Statutes amended in order of appearance
3	5 ILCS 100/1-20	from Ch. 127, par. 1001-20
4	5 ILCS 350/1	from Ch. 127, par. 1301
5	20 ILCS 1805/21	from Ch. 129, par. 220.21
6	20 ILCS 1807/76b new	
7	20 ILCS 1815/Pt. I heading	
8	new	
9	20 ILCS 1815/0.01	from Ch. 129, par. 228h
10	20 ILCS 1815/1-5 new	
11	20 ILCS 1815/1-10 new	
12	20 ILCS 1815/Pt. II	
13	heading new	
14	20 ILCS 1815/2-5 new	
15	20 ILCS 1815/Pt. III	
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17	20 ILCS 1815/3-5 new	
18	20 ILCS 1815/3-10 new	
19	20 ILCS 1815/Pt. IV	
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21	20 ILCS 1815/4-5 new	
22	20 ILCS 1815/4-10 new	
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1 20 ILCS 1815/5-10 new  
2 20 ILCS 1815/5-15 new  
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5 20 ILCS 1815/6-5 new  
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