

# HB1039



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB1039

by Rep. Michael J. Madigan

### SYNOPSIS AS INTRODUCED:

60 ILCS 1/100-10

Amends the Township Code. Makes a technical change in a Section concerning the office of the township enforcement officer.

LRB101 03251 AWJ 48259 b

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 Township Code is amended by changing Section  
5 100-10 as follows:

6 (60 ILCS 1/100-10)

7 Sec. 100-10. Township enforcement officer.

8 (a) The ~~The~~ township board may appoint one or more township  
9 enforcement officers to serve for a term of one year and may  
10 remove an officer with or without cause. Every person appointed  
11 to the office of township enforcement officer, before entering  
12 on the duties of the office and within 10 days after being  
13 notified of the appointment, shall cause to be filed in the  
14 office of the township clerk a notice signifying his or her  
15 acceptance of the office. A neglect to cause the notice to be  
16 filed shall be deemed a refusal to serve.

17 (b) The sheriff of the county in which the township is  
18 situated may disapprove any such appointment within 30 days  
19 after the notice is filed. The disapproval precludes that  
20 person from serving as a township enforcement officer, and the  
21 township board may appoint another person to that position  
22 subject to approval by the sheriff.

23 (c) Every person appointed to the office of township

1 enforcement officer, before entering upon the duties of the  
2 office, shall execute, with sufficient sureties to be approved  
3 by the supervisor or clerk of the township, an instrument in  
4 writing by which the township enforcement officer and his or  
5 her sureties shall jointly and severally agree to pay to each  
6 and every person who may be entitled thereto all sums of money  
7 as the township enforcement officer may become liable to pay on  
8 account of any neglect or default of the township enforcement  
9 officer or on account of any misfeasance of the township  
10 enforcement officer in the discharge of, or failure to  
11 faithfully perform, any of the duties of the office.

12 (d) The township enforcement officers shall have the same  
13 power and authority within the township as a deputy sheriff but  
14 only for the purpose of enforcing township ordinances.  
15 Notwithstanding any other provisions of this Section, township  
16 enforcement officers are authorized to enforce county  
17 ordinances within areas of a county located within the township  
18 pursuant to intergovernmental agreements between the  
19 respective county and township to the extent authorized by the  
20 agreement. The township enforcement officer shall not carry  
21 firearms and will not be required to comply with the Peace  
22 Officer and Probation Officer Firearm Training Act. The officer  
23 shall attend law enforcement training classes conducted by the  
24 Illinois Law Enforcement Training Standards Board. The  
25 township board shall appropriate all necessary monies for the  
26 training.

1           (d-5) (1) Except as provided in paragraph (2) of this  
2 subsection, in all actions for the violation of any township  
3 ordinance, township enforcement officers shall be authorized  
4 to issue and to serve upon any person who the township  
5 enforcement officer has reasonable grounds to believe is guilty  
6 of a violation of a township ordinance a notice of violation  
7 that shall constitute a summons and complaint. A copy of such  
8 notice of violation shall be forwarded to the circuit court  
9 having jurisdiction over the township where the violation is  
10 alleged to have been committed. Every person who has been  
11 issued a summons shall appear for trial, and the action shall  
12 be prosecuted in the corporate name of the township.  
13 Enforcement of county ordinances shall be in accordance with  
14 procedures adopted by the county and any applicable State law.

15           (2) In all actions for violation of any township ordinance  
16 when the fine would not be in excess of \$500 and no jail term  
17 could be imposed, service of summons may be made by the  
18 township clerk by certified mail, return receipt requested,  
19 whether service is to be within or without the State.

20           (e) The township enforcement officers shall carry  
21 identification documents provided by the township board  
22 identifying him or her as a township enforcement officer. The  
23 officers shall notify the township clerk of any violations of  
24 township ordinances.

25           (f) Nothing in this Code precludes a county auxiliary  
26 deputy or deputy sheriff, or a municipal policeman or auxiliary

1 police officer from serving as a township enforcement officer  
2 during off-duty hours.

3 (g) The township board may provide compensation for the  
4 township enforcement officer on either a per diem or a salary  
5 basis.

6 (h) (Blank).

7 (Source: P.A. 97-330, eff. 8-12-11; 98-725, eff. 1-1-15.)