



Personnel and Pensions Committee

**Filed: 3/4/2010**

09600HB5668ham001

LRB096 16929 RLJ 37650 a

1 AMENDMENT TO HOUSE BILL 5668

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5668 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Firemen's Disciplinary Act is amended by  
5 changing Section 2 as follows:

6 (50 ILCS 745/2) (from Ch. 85, par. 2502)

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

10 (a) "Fireman" means a person who is a "firefighter" or  
11 "fireman" as defined in Sections 4-106 or 6-106 of the Illinois  
12 Pension Code, a paramedic employed by a unit of local  
13 government, or an EMT employed by a unit of local government,  
14 and includes a person who is an "employee" as defined in  
15 Section 15-107 of the Illinois Pension Code and whose primary  
16 duties relate to firefighting.

1           (b) "Informal inquiry" means a meeting by supervisory or  
2 command personnel with a fireman upon whom an allegation of  
3 misconduct has come to the attention of such supervisory or  
4 command personnel, the purpose of which meeting is to mediate a  
5 citizen complaint or discuss the facts to determine whether a  
6 formal investigation should be commenced.

7           (c) "Formal investigation" means the process of  
8 investigation ordered by a commanding officer during which the  
9 questioning of a fireman is intended to gather evidence of  
10 misconduct which may be the basis for filing charges seeking  
11 his or her removal, discharge, or suspension from duty in  
12 excess of 24 duty hours.

13           (d) "Interrogation" means the questioning of a fireman  
14 pursuant to an investigation initiated by the respective State  
15 or local governmental unit in connection with an alleged  
16 violation of such unit's rules which may be the basis for  
17 filing charges seeking his or her suspension, removal, or  
18 discharge. The term does not include questioning as part of an  
19 informal inquiry as to allegations of misconduct relating to  
20 minor infractions of agency rules which may be noted on the  
21 fireman's record but which may not in themselves result in  
22 removal, discharge, or suspension from duty in excess of 24  
23 duty hours.

24           (e) "Administrative proceeding" means any non-judicial  
25 hearing which is authorized to recommend, approve or order the  
26 suspension, removal, or discharge of a fireman.

1 (Source: P.A. 94-188, eff. 7-12-05.)

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.".