



Sen. Emil Jones, III

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LRB099 03137 JLK 33932 a

1 AMENDMENT TO SENATE BILL 377

2 AMENDMENT NO. _____. Amend Senate Bill 377 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing
5 Sections 5-43010, 5-43015, 5-43020, 5-43035, and 5-43045 as
6 follows:

7 (55 ILCS 5/5-43010)

8 Sec. 5-43010. Administrative adjudication of county code
9 violations; definitions.

10 (a) Any county may provide by ordinance for a system of
11 administrative adjudication of county code violations to the
12 extent permitted by the Illinois Constitution.

13 (b) Any county may provide by ordinance for a system of
14 administrative adjudication of violations of ordinances
15 enacted by a unit of local government where (i) the county and
16 the unit of local government have entered into an

1 intergovernmental agreement that provides for administrative
2 adjudication of violations of the unit of local government's
3 ordinances by an agency in the county government, and (ii) the
4 violation occurred within the boundaries of the county.

5 (c) "Participating unit of local government" means a unit
6 of local government that has entered into an intergovernmental
7 agreement with a county under this Division for the
8 administrative adjudication of violations of its ordinances by
9 an agency of the county government.

10 (d) "System A—"~~system~~ of administrative adjudication"
11 means the adjudication of any violation of an a—county
12 ordinance, except for (i) proceedings not within the statutory
13 or the home rule authority of counties or the participating
14 unit of local government; and (ii) any offense under the
15 Illinois Vehicle Code (or a similar offense that is a traffic
16 regulation governing the movement of vehicles and except for
17 any reportable offense under Section 6-204 of the Illinois
18 Vehicle Code).

19 (e) "Unit of local government" has the meaning provided in
20 Section 1 of Article VII of the Illinois Constitution.

21 (Source: P.A. 96-1386, eff. 7-29-10.)

22 (55 ILCS 5/5-43015)

23 Sec. 5-43015. Administrative adjudication procedures not
24 exclusive. The adoption by a county of a system of
25 administrative adjudication does not preclude the county from

1 using other methods to enforce county ordinances. An
2 intergovernmental agreement entered into under this Division
3 does not preclude a participating unit of local government from
4 using other methods to enforce its ordinances.

5 (Source: P.A. 96-1386, eff. 7-29-10.)

6 (55 ILCS 5/5-43020)

7 Sec. 5-43020. Code hearing units; powers of hearing
8 officers.

9 (a) An ordinance establishing a system of administrative
10 adjudication, pursuant to this Division, shall provide for a
11 code hearing unit within an existing agency or as a separate
12 agency in the county government. The ordinance shall establish
13 the jurisdiction of a code hearing unit that is consistent with
14 this Division. The "jurisdiction" of a code hearing unit refers
15 to the particular code violations that it may adjudicate.

16 (b) Adjudicatory hearings shall be presided over by hearing
17 officers. The powers and duties of a hearing officer shall
18 include:

19 (1) hearing testimony and accepting evidence that is
20 relevant to the existence of the code violation;

21 (2) issuing subpoenas directing witnesses to appear
22 and give relevant testimony at the hearing, upon the
23 request of the parties or their representatives;

24 (3) preserving and authenticating the record of the
25 hearing and all exhibits and evidence introduced at the

1 hearing;

2 (4) issuing a determination, based on the evidence
3 presented at the hearing, of whether a code violation
4 exists, which shall be in writing and shall include a
5 written finding of fact, decision, and order including the
6 fine, penalty, or action with which the defendant must
7 comply; and

8 (5) imposing penalties consistent with applicable code
9 provisions and assessing costs upon finding a party liable
10 for the charged violation, except, however, that in no
11 event shall the hearing officer have authority to (i)
12 impose a penalty of incarceration or (ii) impose a fine in
13 excess of \$50,000, or at the option of the county or the
14 participating unit of local government where the fine is
15 imposed for a violation of an ordinance of the
16 participating unit of local government, such other amount
17 not to exceed the maximum amount established by the
18 Mandatory Arbitration System as prescribed by the Rules of
19 the Illinois Supreme Court from time to time for the
20 judicial circuit in which the county is located. The
21 maximum monetary fine under this item (5), shall be
22 exclusive of costs of enforcement or costs imposed to
23 secure compliance with the county's ordinances and shall
24 not be applicable to cases to enforce the collection of any
25 tax imposed and collected by the county.

26 (c) Prior to conducting administrative adjudication

1 proceedings, administrative hearing officers shall have
2 successfully completed a formal training program that includes
3 the following:

4 (1) instruction on the rules of procedure of the
5 administrative hearings that they will conduct;

6 (2) orientation to each subject area of the code
7 violations that they will adjudicate;

8 (3) observation of administrative hearings; and

9 (4) participation in hypothetical cases, including
10 ruling on evidence and issuing final orders.

11 In addition, every administrative hearing officer must be
12 an attorney licensed to practice law in the State of Illinois
13 for at least 3 years.

14 (d) A proceeding before a code hearing unit shall be
15 instituted upon the filing of a written pleading by an
16 authorized official of the county or participating unit of
17 local government.

18 (Source: P.A. 96-1386, eff. 7-29-10.)

19 (55 ILCS 5/5-43035)

20 Sec. 5-43035. Enforcement of judgment.

21 (a) Any fine, other sanction, or costs imposed, or part of
22 any fine, other sanction, or costs imposed, remaining unpaid
23 after the exhaustion of or the failure to exhaust judicial
24 review procedures under the Illinois Administrative Review Law
25 are a debt due and owing the county or the participating unit

1 of local government where the fine is imposed for a violation
2 of an ordinance of the participating unit of local government
3 and may be collected in accordance with applicable law.

4 (b) After expiration of the period in which judicial review
5 under the Illinois Administrative Review Law may be sought for
6 a final determination of a code violation, unless stayed by a
7 court of competent jurisdiction, the findings, decision, and
8 order of the hearing officer may be enforced in the same manner
9 as a judgment entered by a court of competent jurisdiction.

10 (c) In any case in which a defendant has failed to comply
11 with a judgment ordering a defendant to correct a code
12 violation or imposing any fine or other sanction as a result of
13 a code violation, any expenses incurred by a county or the
14 participating unit of local government where the fine is
15 imposed for a violation of an ordinance of the participating
16 unit of local government to enforce the judgment, including,
17 but not limited to, attorney's fees, court costs, and costs
18 related to property demolition or foreclosure, after they are
19 fixed by a court of competent jurisdiction or a hearing
20 officer, shall be a debt due and owing the county or the
21 participating unit of local government where the fine is
22 imposed for a violation of an ordinance of the participating
23 unit of local government and may be collected in accordance
24 with applicable law. Prior to any expenses being fixed by a
25 hearing officer pursuant to this subsection (c), the county or
26 the participating unit of local government where the fine is

1 imposed for a violation of an ordinance of the participating
2 unit of local government shall provide notice to the defendant
3 that states that the defendant shall appear at a hearing before
4 the administrative hearing officer to determine whether the
5 defendant has failed to comply with the judgment. The notice
6 shall set the date for the hearing, which shall not be less
7 than 7 days after the date that notice is served. If notice is
8 served by mail, the 7-day period shall begin to run on the date
9 that the notice was deposited in the mail.

10 (d) Upon being recorded in the manner required by Article
11 XII of the Code of Civil Procedure or by the Uniform Commercial
12 Code, a lien shall be imposed on the real estate or personal
13 estate, or both, of the defendant in the amount of any debt due
14 and owing the county or the participating unit of local
15 government where the fine is imposed for a violation of an
16 ordinance of the participating unit of local government under
17 this Section. The lien may be enforced in the same manner as a
18 judgment lien pursuant to a judgment of a court of competent
19 jurisdiction.

20 (e) A hearing officer may set aside any judgment entered by
21 default and set a new hearing date, upon a petition filed
22 within 21 days after the issuance of the order of default, if
23 the hearing officer determines that the petitioner's failure to
24 appear at the hearing was for good cause or at any time if the
25 petitioner establishes that the county or the participating
26 unit of local government where the fine is imposed for a

1 violation of an ordinance of the participating unit of local
2 government did not provide proper service of process. If any
3 judgment is set aside pursuant to this subsection (e), the
4 hearing officer shall have authority to enter an order
5 extinguishing any lien that has been recorded for any debt due
6 and owing the county or the participating unit of local
7 government where the fine is imposed for a violation of an
8 ordinance of the participating unit of local government as a
9 result of the vacated default judgment.

10 (Source: P.A. 96-1386, eff. 7-29-10.)

11 (55 ILCS 5/5-43045)

12 Sec. 5-43045. Impact on home rule authority. This Division
13 does not preempt counties or participating units of local
14 government from adopting other systems of administrative
15 adjudication pursuant to their home rule powers (if any).

16 (Source: P.A. 96-1386, eff. 7-29-10.)".