

HB2458



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2458

Introduced 2/4/2025, by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-43010
65 ILCS 5/1-2.1-2

Amends the Counties Code and the Illinois Municipal Code. Limits home rule powers in provisions allowing a county or municipality to provide by ordinance for a system of administrative adjudication for ordinance or code violations.

LRB104 06291 RTM 16326 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 1. This Act is in response to the Illinois Supreme
5 Court opinion in *Cammacho v. City of Joliet*, 2024 IL 129263,
6 and serves to clarify that Section 1-2.1-2 of the Illinois
7 Municipal Code is intended, in some circumstances, to divest a
8 home rule municipality of jurisdiction to hold an
9 administrative hearing to determine whether its ordinances
10 have been violated or to impose a fine in accordance with its
11 ordinances. This Act also serves to specifically provide that
12 the exceptions set forth in the definition of "system of
13 administrative adjudication" in subsection (c) of Section
14 5-43010 of the Counties Code provide a basis to divest a home
15 rule county of jurisdiction to hold an administrative hearing
16 to determine whether its ordinances have been violated or to
17 impose a fine in accordance with its ordinances.

18 Section 5. The Counties Code is amended by changing
19 Section 5-43010 as follows:

20 (55 ILCS 5/5-43010)

21 Sec. 5-43010. Administrative adjudication of code and
22 ordinance violations; definitions.

1 (a) Any county may provide by ordinance for a system of
2 administrative adjudication of county code violations to the
3 extent permitted by the Illinois Constitution.

4 (b) Any county may provide by ordinance for a system of
5 administrative adjudication of violations of ordinances
6 enacted by a participating unit of local government only
7 where: (i) the unit of local government is engaging in
8 governmental activities or providing services within the
9 boundaries of the county; (ii) the unit of local government
10 has no system of administrative adjudication; and (iii) the
11 violation occurred within the boundaries of the county.

12 (c) As used in this Division:

13 "Participating unit of local government" means a unit of
14 local government which has entered into an intergovernmental
15 agreement or contract with a county for the administrative
16 adjudication of violations of its ordinances by the county
17 pursuant to this Division.

18 "System of administrative adjudication" means the
19 adjudication of any violation of a county ordinance or of a
20 participating unit of local government's ordinance, except for
21 (i) proceedings not within the statutory or the home rule
22 authority of counties or a participating unit of local
23 government; and (ii) any offense under the Illinois Vehicle
24 Code (or a similar offense that is a traffic regulation
25 governing the movement of vehicles and except for any
26 reportable offense under Section 6-204 of the Illinois Vehicle

1 Code).

2 "Unit of local government" has the meaning as defined in
3 the Illinois Constitution of 1970 and also includes a
4 not-for-profit corporation organized for the purpose of
5 conducting public business including, but not limited to, the
6 Northeast Illinois Regional Commuter Railroad Corporation.

7 (d) A home rule county may not regulate the provision of a
8 system of administrative adjudication for county ordinance or
9 code violations in a manner that is inconsistent with this
10 Section. This Section is a limitation under subsection (i) of
11 Section 6 of Article VII of the Illinois Constitution on the
12 concurrent exercise by home rule units of powers and functions
13 exercised by the State.

14 (Source: P.A. 99-754, eff. 1-1-17.)

15 Section 10. The Illinois Municipal Code is amended by
16 changing Section 1-2.1-2 as follows:

17 (65 ILCS 5/1-2.1-2)

18 Sec. 1-2.1-2. Administrative adjudication of municipal
19 code violations.

20 (a) Any municipality may provide by ordinance for a system
21 of administrative adjudication of municipal code violations to
22 the extent permitted by the Illinois Constitution. A "system
23 of administrative adjudication" means the adjudication of any
24 violation of a municipal ordinance, except for (i) proceedings

1 not within the statutory or the home rule authority of
2 municipalities; and (ii) any offense under the Illinois
3 Vehicle Code or a similar offense that is a traffic regulation
4 governing the movement of vehicles and except for any
5 reportable offense under Section 6-204 of the Illinois Vehicle
6 Code.

7 (b) A home rule municipality may not regulate the
8 provision of a system of administrative adjudication for
9 municipal ordinance or code violations in a manner that is
10 inconsistent with this Section. This Section is a limitation
11 under subsection (i) of Section 6 of Article VII of the
12 Illinois Constitution on the concurrent exercise by home rule
13 units of powers and functions exercised by the State.

14 (Source: P.A. 90-516, eff. 1-1-98.)