



Sen. Bill Cunningham

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LRB100 06346 JWD 24964 a

1 AMENDMENT TO SENATE BILL 695

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 695, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Counties Code is amended by changing  
6 Sections 3-7002, 3-7003, 3-7005, 3-7008, 3-7011, and 3-7012 and  
7 adding Sections 3-7000.5 and 3-7018 as follows:

8 (55 ILCS 5/3-7000.5 new)

9 Sec. 3-7000.5. Definitions. As used in this Division:

10 "Board" means the Cook County Sheriff's Merit Board created  
11 under subsection (b) of Section 3-7002.

12 "Sheriff" means the Sheriff of Cook County.

13 "Sworn officer" means a deputy sheriff, deputy sergeant,  
14 deputy lieutenant, corrections officer, corrections sergeant,  
15 corrections lieutenant, police officer, police sergeant,  
16 police lieutenant, or any other person hired or promoted by the

1 Sheriff and earning the relevant sworn merit rank.

2 (55 ILCS 5/3-7002) (from Ch. 34, par. 3-7002)

3 Sec. 3-7002. Cook County Sheriff's Merit Board.

4 (a) On the effective date of this amendatory Act of 100th  
5 General Assembly, the terms of all members of the Board created  
6 under this subsection (a) are ended and the Board created under  
7 this subsection (a) is abolished. There is created the Cook  
8 County Sheriff's Merit Board, hereinafter called the Board,  
9 consisting of 7 members appointed by the Sheriff with the  
10 advice and consent of the county board, except that on and  
11 after the effective date of this amendatory Act of 1997, the  
12 Sheriff may appoint 2 additional members, with the advice and  
13 consent of the county board, at his or her discretion. Of the  
14 members first appointed, one shall serve until the third Monday  
15 in March, 1965 one until the third Monday in March, 1967, and  
16 one until the third Monday in March, 1969. Of the 2 additional  
17 members first appointed under authority of this amendatory Act  
18 of 1991, one shall serve until the third Monday in March, 1995,  
19 and one until the third Monday in March, 1997. Of the 2  
20 additional members first appointed under the authority of this  
21 amendatory Act of the 91st General Assembly, one shall serve  
22 until the third Monday in March, 2005 and one shall serve until  
23 the third Monday in March, 2006.

24 Upon the expiration of the terms of office of those first  
25 appointed (including the 2 additional members first appointed

1 under authority of this amendatory Act of 1991 and under the  
2 authority of this amendatory Act of the 91st General Assembly),  
3 their respective successors shall be appointed to hold office  
4 from the third Monday in March of the year of their respective  
5 appointments for a term of 6 years and until their successors  
6 are appointed and qualified for a like term. As additional  
7 members are appointed under authority of this amendatory Act of  
8 1997, their terms shall be set to be staggered consistently  
9 with the terms of the existing Board members. No more than 3  
10 members of the Board shall be affiliated with the same  
11 political party, except that as additional members are  
12 appointed by the Sheriff under authority of this amendatory Act  
13 of 1997 and under the authority of this amendatory Act of the  
14 91st General Assembly, the political affiliation of the Board  
15 shall be such that no more than one-half of the members plus  
16 one additional member may be affiliated with the same political  
17 party. No member shall have held or have been a candidate for  
18 an elective public office within one year preceding his or her  
19 appointment.

20 The Sheriff may deputize members of the Board.

21 (b) On the effective date of this amendatory Act of the  
22 100th General Assembly, there is created the Cook County  
23 Sheriff's Merit Board, consisting of 5 members appointed by the  
24 Sheriff with the advice and consent of the county board who  
25 should have the following qualifications: one member who is an  
26 employee or agent representing the interests of labor unions;

1 one member who is or was employed by a law enforcement agency  
2 and was responsible for investigating disciplinary cases; one  
3 member who is or was engaged in academic research relating to  
4 criminal justice at an institution of higher learning; one  
5 member who is or was affiliated with a not-for-profit prison  
6 reform entity; and one member who is or was involved with a  
7 not-for-profit community or civic organization. Of the members  
8 initially appointed to the Board, 2 shall serve until the first  
9 Monday in March of 2019, one shall serve until the first Monday  
10 in March of 2020, one shall serve until the first Monday in  
11 March of 2021, and one shall serve until the first Monday in  
12 March of 2022, thereafter all members shall be appointed for  
13 terms of 4 years. Members shall serve until their successors  
14 are appointed and qualified. Whenever a vacancy in the office  
15 of member shall occur, the Sheriff shall, with the advice and  
16 consent of the county board, appoint a person to serve for the  
17 remainder of the unexpired term. No more than 3 members of the  
18 Board shall be affiliated with the same political party.

19 It is the intent of the General Assembly that the Cook  
20 County Sheriff's Merit Board created under this subsection (b)  
21 shall act as the successor agency to the former Merit Board  
22 created under subsection (a) of this Section for purposes of  
23 the former Merit Board's responsibilities.

24 The Cook County Sheriff's Merit Board shall inherit and  
25 subsume all written charges filed before the former Merit Board  
26 created under subsection (a) of this Section and all decisions

1 and actions of the former Merit Board made pursuant to Sections  
2 3-7006, 3-7007, 3-7008, 3-7009, 3-7010, or 3-7012 and prior to  
3 the effective date of this amendatory Act of the 100th General  
4 Assembly and may preside over, amend, correct, or defend these  
5 decisions and actions as required or permitted by law.

6 The Cook County Sheriff's Merit Board shall ensure that all  
7 applicable federal and State laws are followed and enforced.  
8 The Cook County Sheriff's Merit Board shall ensure that the  
9 hiring and promotional practices of sworn officers by the  
10 Sheriff's Office reflect the diverse demographics of Cook  
11 County and that those priorities give preference to honorably  
12 discharged veterans of the Armed Forces of the United States of  
13 America.

14 (Source: P.A. 90-447, eff. 8-16-97; 90-511, eff. 8-22-97;  
15 90-655, eff. 7-30-98; 91-722, eff. 6-2-00.)

16 (55 ILCS 5/3-7003) (from Ch. 34, par. 3-7003)

17 Sec. 3-7003. Compensation and expenses of board members.  
18 Each member of the Board shall receive compensation or a  
19 stipend as determined by the county board; the county board may  
20 provide additional compensation for service as chairman or  
21 secretary. Each member shall be reimbursed for expenses  
22 necessarily incurred in discharging the duties of his or her  
23 office. Such compensation and reimbursement shall be paid by  
24 the county; no other fringe or pension benefits shall be  
25 provided. ~~Each member of the Board shall receive compensation~~

1 ~~for each day during which he is engaged in transacting the~~  
2 ~~business of the Board and, in addition thereto, his actual~~  
3 ~~traveling and other expenses necessarily incurred in~~  
4 ~~discharging the duties of his office. No member of the Board~~  
5 ~~shall receive compensation of more than \$25,000 in any fiscal~~  
6 ~~year, except that the Chairman shall receive compensation of no~~  
7 ~~more than \$30,000 in any fiscal year. Such compensation~~  
8 ~~expenses shall be paid by the county.~~

9 (Source: P.A. 91-722, eff. 6-2-00.)

10 (55 ILCS 5/3-7005) (from Ch. 34, par. 3-7005)

11 Sec. 3-7005. Meetings.

12 As soon as practicable after the members of the Board have  
13 been appointed, they shall meet, upon the call of the Sheriff,  
14 and shall organize by selecting a chairman and a secretary. The  
15 initial chairman and secretary, and their successors, shall be  
16 selected by the Board from among its members for a term of 2  
17 years or for the remainder of their term of office as a member  
18 of the Board, whichever is the shorter. Three ~~Two~~ members of  
19 the Board shall constitute a quorum for the transaction of  
20 business, ~~except that as additional members are appointed under~~  
21 ~~authority of this amendatory Act of 1997, the number of members~~  
22 ~~that must be present to constitute a quorum shall be the number~~  
23 ~~of members that constitute at least 40% of the Board.~~ The Board  
24 shall hold regular quarterly meetings and such other meetings  
25 as may be called by the chairman. The Board shall meet at the

1 call of the Sheriff for the purpose of naming a successor  
2 chairman or secretary whenever there is a vacancy in either of  
3 those offices, or to transact any other business before the  
4 Board.

5 (Source: P.A. 90-447, eff. 8-16-97; 90-511, eff. 8-22-97;  
6 90-655, eff. 7-30-98.)

7 (55 ILCS 5/3-7008) (from Ch. 34, par. 3-7008)

8 Sec. 3-7008. Appointments. The appointment of deputy  
9 sheriffs in the Police Department, full-time deputy sheriffs  
10 not employed as county police officers or county corrections  
11 officers and of employees in the Department of Corrections  
12 shall be made from those applicants who have been certified by  
13 the Board as being qualified for appointment. Certification for  
14 appointment in one department shall not constitute  
15 certification for appointment in another department. All  
16 persons so appointed shall, at the time of their appointment,  
17 be not less than 21 years of age, or 20 years of age and have  
18 successfully completed 2 years of law enforcement studies at an  
19 accredited college or university. Any person appointed  
20 subsequent to successful completion of 2 years of such law  
21 enforcement studies shall not have power of arrest, nor shall  
22 he or she be permitted to carry firearms, until he or she  
23 reaches 21 years of age. In addition, all persons so appointed  
24 shall be not more than the maximum age limit fixed by the Board  
25 from time to time, be of sound mind and body, be of good moral

1 character, be citizens of the United States, have not been  
2 convicted of a crime which the Board considers to be  
3 detrimental to the applicant's ability to carry out his or her  
4 duties, possess such prerequisites of training, education and  
5 experience as the Board may from time to time prescribe, and  
6 shall be required to pass successfully mental, physical,  
7 psychiatric and other tests and examinations as may be  
8 prescribed by the Board. Preference shall be given in such  
9 appointments to persons who have honorably served in the  
10 military or naval services of the United States. Before  
11 entering upon his or her duties, each deputy sheriff in the  
12 County Police Department shall execute a good and sufficient  
13 bond, payable to the People of the State of Illinois, in the  
14 penal sum of \$1,000 and to the Sheriff of the County where he  
15 or she is employed in the sum of \$10,000, conditioned on the  
16 faithful performance of his or her duties. All appointees shall  
17 serve a probationary period of 12 months and during that period  
18 may be discharged at the will of the Sheriff. ~~However, civil~~  
19 ~~service employees of the house of correction who have certified~~  
20 ~~status at the time of the transfer of the house of correction~~  
21 ~~to the County Department of Corrections are not subject to this~~  
22 ~~probationary period, and they shall retain their job titles,~~  
23 ~~such tenure privileges as are now enjoyed and any subsequent~~  
24 ~~title changes shall not cause reduction in rank or elimination~~  
25 ~~of positions.~~

26 (Source: P.A. 86-962.)



1 (55 ILCS 5/3-7011) (from Ch. 34, par. 3-7011)

2 Sec. 3-7011. Disciplinary measures. In Cook County, the  
3 Sheriff, or his or her designee, is solely responsible for the  
4 issuance of all disciplinary measures against a sworn officer  
5 when the maximum punishment for the violation alleged is the  
6 suspension of the sworn officer for a period not exceeding 90  
7 days, subject to review under the provisions of the applicable  
8 collective bargaining agreement. Any allegation against a  
9 sworn officer which would result in suspension for a period of  
10 greater than 90 days shall be adjudicated as provided under  
11 Section 3-7012.

12 ~~Disciplinary measures prescribed by the Board may be taken by~~  
13 ~~the sheriff for the punishment of infractions of the rules and~~  
14 ~~regulations promulgated by the Board. Such disciplinary~~  
15 ~~measures may include suspension of any deputy sheriff in the~~  
16 ~~County Police Department, any full time deputy sheriff not~~  
17 ~~employed as a county police officer or county corrections~~  
18 ~~officer and any employee in the County Department of~~  
19 ~~Corrections for a reasonable period, not exceeding 30 days,~~  
20 ~~without complying with the provisions of Section 3-7012 hereof.~~

21 (Source: P.A. 86-962.)

22 (55 ILCS 5/3-7012) (from Ch. 34, par. 3-7012)

23 Sec. 3-7012. Removal, demotion or suspension. Except as is  
24 otherwise provided in this Division, no deputy sheriff in the

1 County Police Department, no full-time deputy sheriff not  
2 employed as a county police officer or county corrections  
3 officer and no employee in the County Department of Corrections  
4 shall be removed, demoted or suspended except for cause, upon  
5 written charges filed with the Board by the Sheriff and a  
6 hearing before the Board, or a hearing officer designated by  
7 the Board, thereon upon not less than 10 days' notice at a  
8 place to be designated by the chairman thereof. At such  
9 hearing, the accused deputy sheriff shall be afforded full  
10 opportunity to be heard in his or her own defense and to  
11 produce proof in his or her defense. The Board, or a hearing  
12 officer designated by the Board, shall have the power to secure  
13 by its subpoena both the attendance and testimony of witnesses  
14 and the production of books and papers in support of the  
15 charges and for the defense. The fees of witnesses for  
16 attendance and travel shall be the same as the fees of  
17 witnesses before the circuit courts of this State, and shall be  
18 paid in the same manner as other expenses of the Board. Each  
19 member of the Board, and hearing officers designated by the  
20 Board, shall have the power to administer oaths or  
21 affirmations. If the charges against an accused deputy sheriff  
22 are established by a preponderance of evidence, the Board, or a  
23 hearing officer designated by the Board, shall make a finding  
24 of guilty and order either removal, demotion, suspension for a  
25 period of not more than 180 days, or such other disciplinary  
26 punishment as may be prescribed by the rules and regulations of

1 the Board which, in the opinion of the members thereof, the  
2 offense merits. Thereupon the sheriff shall direct such removal  
3 or other punishment as ordered by the Board and if the accused  
4 deputy sheriff refuses to abide by any such disciplinary order,  
5 the sheriff shall remove him or her forthwith.

6 In case of the neglect or refusal of any person to obey a  
7 subpoena issued by the Board, or a hearing officer designated  
8 by the Board, any circuit court or a judge thereof, upon  
9 application of any member of the Board, or a designated hearing  
10 officer, may order such person to appear before the Board and  
11 give testimony or produce evidence, and any failure to obey  
12 such order is punishable by the court as a contempt thereof.

13 The Board shall, except for good cause shown and set forth  
14 on the record, render its decision within 90 days following the  
15 conclusion of any hearing conducted under the provisions of  
16 this Section.

17 The provisions of the Administrative Review Law, and all  
18 amendments and modifications thereof, and the rules adopted  
19 pursuant thereto, shall apply to and govern all proceedings for  
20 the judicial review of any order of the Board rendered pursuant  
21 to the provisions of this Section.

22 (Source: P.A. 86-962.)

23 (55 ILCS 5/3-7018 new)

24 Sec. 3-7018. Annual reports. On January 31, 2019, and on  
25 January 31 of each year thereafter, the Board shall publish an

1 annual report, which shall be available on the website of the  
2 Cook County Sheriff. The annual report of the Board shall  
3 contain a summary of hiring and promotions of the preceding  
4 year, together with a summary of the Board's disciplinary  
5 proceedings of the preceding year.

6 (55 ILCS 5/3-7007 rep.)

7 Section 10. The Counties Code is amended by repealing  
8 Section 3-7007.

9 Section 99. Effective date. This Act takes effect December  
10 1, 2017."