



Rep. Jay Hoffman

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10100HB3916ham001

LRB101 14342 AWJ 67015 a

1 AMENDMENT TO HOUSE BILL 3916

2 AMENDMENT NO. _____. Amend House Bill 3916 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 changing Section 1-2.1-4 as follows:

6 (65 ILCS 5/1-2.1-4)

7 Sec. 1-2.1-4. 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 municipal government. The ordinance shall
13 establish the jurisdiction of a code hearing unit that is
14 consistent with this Division. The "jurisdiction" of a code
15 hearing unit refers to the particular code violations that it
16 may adjudicate.

1 (b) Adjudicatory hearings shall be presided over by hearing
2 officers. The powers and duties of a hearing officer shall
3 include:

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

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

9 (3) preserving and authenticating the record of the
10 hearing and all exhibits and evidence introduced at the
11 hearing;

12 (4) issuing a determination, based on the evidence
13 presented at the hearing, of whether a code violation
14 exists. The determination shall be in writing and shall
15 include a written finding of fact, decision, and order
16 including the fine, penalty, or action with which the
17 defendant must comply; and

18 (5) imposing penalties consistent with applicable code
19 provisions and assessing costs upon finding a party liable
20 for the charged violation, except, however, that in no
21 event shall the hearing officer have authority to (i)
22 impose a penalty of incarceration, or (ii) impose a fine in
23 excess of \$50,000, or at the option of the municipality,
24 such other amount not to exceed the maximum amount
25 established by the Mandatory Arbitration System as
26 prescribed by the Rules of the Illinois Supreme Court from

1 time to time for the judicial circuit in which the
2 municipality is located. The maximum monetary fine under
3 this item (5), shall be exclusive of costs of enforcement
4 or costs imposed to secure compliance with the
5 municipality's ordinances and shall not be applicable to
6 cases to enforce the collection of any tax imposed and
7 collected by the municipality.

8 (c) Prior to conducting administrative adjudication
9 proceedings, administrative hearing officers shall have
10 successfully completed a formal training program which
11 includes the following:

12 (1) instruction on the rules of procedure of the
13 administrative hearings which they will conduct;

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

16 (3) observation of administrative hearings; and

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

19 In addition, every administrative hearing officer must be
20 an attorney licensed to practice law in the State of Illinois
21 for at least 3 years. A person who has served as a judge in
22 Illinois is not required to fulfill the requirements of
23 paragraphs (1) through (4) of this subsection.

24 (d) A proceeding before a code hearing unit shall be
25 instituted upon the filing of a written pleading by an
26 authorized official of the municipality.

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

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