



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2556

Introduced 2/19/2021, by Rep. Deanne M. Mazzochi

SYNOPSIS AS INTRODUCED:

New Act

Creates the Local Public Safety Consent Decree Act. Provides that a unit of local government, its officers, or its representatives may not enter into or amend a consent decree that may adversely impact public safety for a period longer than 10 years without the approval of the General Assembly through the adoption of a joint resolution by the General Assembly. Prohibits the General Assembly from approving the entering into or amendment of a consent decree that may adversely impact public safety for a period exceeding 15 years beyond the establishment of the consent decree. Limits home rule powers. Provides that a unit of local government or resident of a jurisdiction that is subject to a consent decree with a third party, where the consent decree is unlimited as to time, may challenge the reasonableness of an existing consent decree on specified grounds. Provides that the State may not challenge the applicability of the consent decrees of 1972, 1979, and 1983 in *Shakman v. Democratic Organization of Cook County* or its authority or governance over State operations, absent approval by a joint resolution of the General Assembly. Allows a suit against the State if the State is ever found by a Court to be outside the scope of the *Shakman* consent decrees and specifies the relief that may be granted in such a suit. Effective immediately.

LRB102 13610 AWJ 18960 b

HOME RULE NOTE
ACT MAY APPLY

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. Short title. This Act may be cited as the Local
5 Public Safety Consent Decree Act.

6 Section 5. Approval of General Assembly.

7 (a) A unit of local government, its officers, or its
8 representatives may not enter into or amend a consent decree
9 that may adversely impact public safety for a period longer
10 than 10 years without the approval of the General Assembly
11 through the adoption of a joint resolution by the General
12 Assembly.

13 (b) The General Assembly may not approve the entering into
14 or amendment of a consent decree may adversely impact public
15 safety for a period exceeding 15 years beyond the
16 establishment of the consent decree.

17 (c) A home rule unit may not enter into or amend a consent
18 decree in a manner inconsistent with this Section. This
19 Section is a limitation under subsection (i) of Section 6 of
20 Article VII of the Illinois Constitution on the concurrent
21 exercise by home rule units of powers and functions exercised
22 by the State.

1 Section 10. Challenge to a consent decree with a third
2 party. A unit of local government or resident of a
3 jurisdiction that is subject to a consent decree with a third
4 party, where the consent decree is unlimited as to time, may
5 challenge the reasonableness of an existing consent decree on
6 the grounds that: (i) continued enforcement of the consent
7 decree is unreasonable in view of unforeseen consequences that
8 would have materially changed the position of the parties;
9 (ii) the consent decree requires a unit of local government,
10 its officers, or its representatives to engage in activity
11 that is contrary to existing law; or (iii) the consent decree
12 infringes on or impairs the civil liberties of legal residents
13 in Illinois and such infringements or impairments were not
14 properly represented at the time the consent decree was
15 negotiated.

16 Section 15. Challenges to the Shakman decrees. The State
17 of Illinois may not challenge the applicability of the consent
18 decrees of 1972, 1979, and 1983 in *Shakman v. Democratic*
19 *Organization of Cook County* in the U.S. District Court for the
20 Northern District of Illinois, Eastern Division, or its
21 authority or governance over State operations, absent approval
22 by a joint resolution of the General Assembly. If the State of
23 Illinois is ever found by a Court to be outside the scope of
24 the Shakman consent decrees, then the following apply:

25 (1) Any individual who has been a registered voter in

1 the State of Illinois for a period of at least 2 years and
2 who has sought employment with the State of Illinois or an
3 individual who is a lawful candidate for political office
4 within the State of Illinois has standing to file a claim
5 against the State of Illinois claim that an individual or
6 entity associated with the State of Illinois has: (i)
7 engaged in patronage hiring; violated employment protocols
8 for non-political hiring; or used State time, resources,
9 or benefits to engage in political activity.

10 (2) In an action filed under paragraph (1), the burden
11 of proof shall be on the State of Illinois that such action
12 has not occurred.

13 (3) Any individual who has been found in connection
14 with the State or unit of local government as a patronage
15 hire, as an individual in a policymaking role for the
16 State or unit of local government, or as a hire exempt from
17 or hired without being subject to an open and competitive
18 hiring process shall be classified as an at-will employee,
19 effective upon such order of the ruling court.

20 (4) An employee who has been found in connection with
21 the State or unit of local government as a patronage hire,
22 as an individual in a policymaking role for the State or
23 unit of local government, or as a hire exempt from or hired
24 without being subject to an open and competitive hiring
25 process under paragraph (3) has no property interest or
26 expectation of due process in connection with future

1 employment and the employee may be terminated from
2 government employment at any time. Any damages relating to
3 termination shall be limited to no more than 30 days'
4 salary.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.