



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3611

Introduced 2/22/2021, by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

5 ILCS 315/20	from Ch. 48, par. 1620
20 ILCS 2610/14	from Ch. 121, par. 307.14
50 ILCS 725/3.8	from Ch. 85, par. 2561

Amends the Illinois Public Labor Relations Act. Provides that on or after the effective date of the amendatory Act, any provision in a collective bargaining agreement that would limit the ability of a public employer to investigate the conduct of an employee of the public employer is declared to be against public policy and unenforceable unless the limitation is otherwise required by State or federal law. Amends the State Police Act. Provides that the Illinois State Police shall adopt a procedure to bypass the requirement that a complaint must be supported by a sworn affidavit against an Illinois State Police Officer. Amends the Uniform Peace Officers' Disciplinary Act. Provides that every unit of local government with a law enforcement agency, and every law enforcement agency not part of a unit of local government, shall establish procedures to bypass the requirement that the complaint must be supported by a sworn affidavit against a sworn peace officer.

LRB102 03795 RLC 13808 b

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Labor Relations Act is
5 amended by changing Section 20 as follows:

6 (5 ILCS 315/20) (from Ch. 48, par. 1620)

7 Sec. 20. Prohibitions.

8 (a) Nothing in this Act shall be construed to require an
9 individual employee to render labor or service without his
10 consent, nor shall anything in this Act be construed to make
11 the quitting of his labor by an individual employee an illegal
12 act; nor shall any court issue any process to compel the
13 performance by an individual employee of such labor or
14 service, without his consent; nor shall the quitting of labor
15 by an employee or employees in good faith because of
16 abnormally dangerous conditions for work at the place of
17 employment of such employee be deemed a strike under this Act.

18 (b) This Act shall not be applicable to units of local
19 government employing less than 5 employees at the time the
20 Petition for Certification or Representation is filed with the
21 Board. This prohibition shall not apply to bargaining units in
22 existence on the effective date of this Act and units of local
23 government employing more than 5 employees where the total

1 number of employees falls below 5 after the Board has
2 certified a bargaining unit.

3 (c) On or after the effective date of this amendatory Act
4 of the 102nd General Assembly, any provision in a collective
5 bargaining agreement that would limit the ability of a public
6 employer to investigate the conduct of an employee of the
7 public employer is declared to be against public policy and
8 unenforceable unless the limitation is otherwise required by
9 State or federal law.

10 (Source: P.A. 93-442, eff. 1-1-04; 93-1080, eff. 6-1-05;
11 94-67, eff. 1-1-06.)

12 Section 10. The State Police Act is amended by changing
13 Section 14 as follows:

14 (20 ILCS 2610/14) (from Ch. 121, par. 307.14)

15 Sec. 14. Except as is otherwise provided in this Act, no
16 Department of State Police officer shall be removed, demoted
17 or suspended except for cause, upon written charges filed with
18 the Board by the Director and a hearing before the Board
19 thereon upon not less than 10 days' notice at a place to be
20 designated by the chairman thereof. At such hearing, the
21 accused shall be afforded full opportunity to be heard in his
22 or her own defense and to produce proof in his or her defense.
23 Anyone filing a complaint against a State Police Officer must
24 have the complaint supported by a sworn affidavit. The

1 Illinois State Police shall adopt a procedure to bypass the
2 requirement that a complaint must be supported by a sworn
3 affidavit against an Illinois State Police Officer. Any such
4 complaint, having been supported by a sworn affidavit, and
5 having been found, in total or in part, to contain false
6 information, shall be presented to the appropriate State's
7 Attorney for a determination of prosecution.

8 Before any such officer may be interrogated or examined by
9 or before the Board, or by a departmental agent or
10 investigator specifically assigned to conduct an internal
11 investigation, the results of which hearing, interrogation or
12 examination may be the basis for filing charges seeking his or
13 her suspension for more than 15 days or his or her removal or
14 discharge, he or she shall be advised in writing as to what
15 specific improper or illegal act he or she is alleged to have
16 committed; he or she shall be advised in writing that his or
17 her admissions made in the course of the hearing,
18 interrogation or examination may be used as the basis for
19 charges seeking his or her suspension, removal or discharge;
20 and he or she shall be advised in writing that he or she has a
21 right to counsel of his or her choosing, who may be present to
22 advise him or her at any hearing, interrogation or
23 examination. A complete record of any hearing, interrogation
24 or examination shall be made, and a complete transcript or
25 electronic recording thereof shall be made available to such
26 officer without charge and without delay.

1 The Board shall have the power to secure by its subpoena
2 both the attendance and testimony of witnesses and the
3 production of books and papers in support of the charges and
4 for the defense. Each member of the Board or a designated
5 hearing officer shall have the power to administer oaths or
6 affirmations. If the charges against an accused are
7 established by a preponderance of evidence, the Board shall
8 make a finding of guilty and order either removal, demotion,
9 suspension for a period of not more than 180 days, or such
10 other disciplinary punishment as may be prescribed by the
11 rules and regulations of the Board which, in the opinion of the
12 members thereof, the offense merits. Thereupon the Director
13 shall direct such removal or other punishment as ordered by
14 the Board and if the accused refuses to abide by any such
15 disciplinary order, the Director shall remove him or her
16 forthwith.

17 If the accused is found not guilty or has served a period
18 of suspension greater than prescribed by the Board, the Board
19 shall order that the officer receive compensation for the
20 period involved. The award of compensation shall include
21 interest at the rate of 7% per annum.

22 The Board may include in its order appropriate sanctions
23 based upon the Board's rules and regulations. If the Board
24 finds that a party has made allegations or denials without
25 reasonable cause or has engaged in frivolous litigation for
26 the purpose of delay or needless increase in the cost of

1 litigation, it may order that party to pay the other party's
2 reasonable expenses, including costs and reasonable attorney's
3 fees. The State of Illinois and the Department shall be
4 subject to these sanctions in the same manner as other
5 parties.

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

12 The provisions of the Administrative Review Law, and all
13 amendments and modifications thereof, and the rules adopted
14 pursuant thereto, shall apply to and govern all proceedings
15 for the judicial review of any order of the Board rendered
16 pursuant to the provisions of this Section.

17 Notwithstanding the provisions of this Section, a policy
18 making officer, as defined in the Employee Rights Violation
19 Act, of the Department of State Police shall be discharged
20 from the Department of State Police as provided in the
21 Employee Rights Violation Act, enacted by the 85th General
22 Assembly.

23 (Source: P.A. 96-891, eff. 5-10-10.)

24 Section 15. The Uniform Peace Officers' Disciplinary Act
25 is amended by changing Section 3.8 as follows:

1 (50 ILCS 725/3.8) (from Ch. 85, par. 2561)

2 Sec. 3.8. Admissions; counsel; verified complaint.

3 (a) No officer shall be interrogated without first being
4 advised in writing that admissions made in the course of the
5 interrogation may be used as evidence of misconduct or as the
6 basis for charges seeking suspension, removal, or discharge;
7 and without first being advised in writing that he or she has
8 the right to counsel of his or her choosing who may be present
9 to advise him or her at any stage of any interrogation.

10 (b) Anyone filing a complaint against a sworn peace
11 officer must have the complaint supported by a sworn
12 affidavit. Every unit of local government with a law
13 enforcement agency, and every law enforcement agency not part
14 of a unit of local government, shall establish procedures to
15 bypass the requirement that the complaint must be supported by
16 a sworn affidavit against a sworn peace officer. Any
17 complaint, having been supported by a sworn affidavit, and
18 having been found, in total or in part, to contain knowingly
19 false material information, shall be presented to the
20 appropriate State's Attorney for a determination of
21 prosecution.

22 (Source: P.A. 97-472, eff. 8-22-11.)