



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3460

Introduced 1/18/2022, by Sen. Dave Syverson - Steve Stadelman
- Craig Wilcox

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1188 new
60 ILCS 1/85-70 new

Amends the Counties Code. Provides that, if a county board member, county board chairman, State's Attorney, or other countywide elected official is criminally charged with an infamous crime or of any offense involving a violation of his or her official oath, the county board shall review the alleged crimes to determine by a three-fifths vote of all members if the countywide elected official should be placed on administrative leave. Provides that, if the county board believes the official has been criminally charged with an infamous crime or of any offense involving a violation of his or her official oath, the county board shall send their determination to the State's Attorney or, if the determination is regarding the State's Attorney, the determination shall be sent to the Attorney General. Provides that, upon receipt of a determination from the county board, if the State's Attorney or Attorney General believes the crime or crimes to be germane to the official's duties, then the State's Attorney or Attorney General shall file a motion to place the elected official on administrative leave with the circuit court of the county. Provides that, upon receipt of the motion, the circuit court shall review and determine if the official shall be placed on administrative leave. Provides that the court may require the county to pay court costs or reasonable attorney fees, or both, if the court dismisses the action. Provides that, if the official is placed on administrative leave because a conflict exists, the official is barred from county property and performing the official's duties until the case is closed and the county board determines the conflict is resolved. Provides that the official shall continue to receive all compensation and benefits during the official's administrative leave. Provides that, if the county board puts an official on administrative leave, the board shall appoint a replacement for the official while the official is on administrative leave. Amends the Township Code. Makes similar changes. Effective immediately.

LRB102 25497 AWJ 34785 b

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 5. The Counties Code is amended by adding Section
5 5-1188 as follows:

6 (55 ILCS 5/5-1188 new)

7 Sec. 5-1188. Administrative leave of a countywide elected
8 official.

9 (a) If a county board member, county board chairman,
10 State's Attorney, or other countywide elected official is
11 criminally charged with an infamous crime or of any offense
12 involving a violation of his or her official oath, the county
13 board may vote to determine if the countywide elected official
14 should be placed on administrative leave, with a three-fifths
15 vote of all members, if the county board believes the official
16 has been criminally charged with an infamous crime or of any
17 offense involving a violation of his or her official oath. If
18 approved by the county board, the determination to place the
19 elected official on administrative leave shall be sent to the
20 State's Attorney of the county or, if the determination is
21 regarding the State's Attorney, the determination shall be
22 sent to the Attorney General.

23 (b) Upon receipt of a determination from the county board

1 under subsection (a), the State's Attorney shall review the
2 alleged crimes to determine if the countywide elected official
3 should be placed on administrative leave. If the State's
4 Attorney believes the crime or crimes to be germane to the
5 official's duties, the State's Attorney shall file a motion to
6 place the elected official on administrative leave with the
7 circuit court of the county.

8 Upon receipt of a determination from the county board
9 under subsection (a) concerning the State's Attorney, the
10 Attorney General shall review the alleged crimes to determine
11 if the State's Attorney should be placed on administrative
12 leave. If the Attorney General believes the crime or crimes to
13 be germane to the State's Attorney's duties, the Attorney
14 General shall file a motion to place the elected official on
15 administrative leave with the circuit court of the county.

16 (c) Upon receipt of the motion filled by the State's
17 Attorney or Attorney General under subsection (b), the circuit
18 court of the county shall review the motion and determine if
19 the official should be placed on administrative leave. If the
20 court's written opinion approves the motion finding that the
21 crime or crimes for which the official has been indicted are
22 germane to the official's duties and that a conflict exists,
23 then the official is barred from county property and
24 performing the official's duties until the case is closed and
25 the county board determines the conflict is resolved. The
26 official shall continue to receive all compensation and

1 benefits during the official's administrative leave.

2 (d) If the circuit court approves the motion to put an
3 official on administrative leave as provided in subsection
4 (c), the county board shall appoint a replacement for the
5 official while the official is on administrative leave.

6 (e) If the circuit court approves the motion to put an
7 official on administrative leave as provided in subsection
8 (c), the official shall continue to receive all compensation
9 and benefits during the official's administrative leave.

10 (f) If a judicial proceeding under this Section is
11 dismissed in favor of the respondent, the court in its
12 discretion may require the county in which the respondent
13 serves to pay court costs or reasonable attorney fees, or
14 both, for the respondent.

15 Section 10. The Township Code is amended by adding Section
16 85-70 as follows:

17 (60 ILCS 1/85-70 new)

18 Sec. 85-70. Administrative leave of a township officer.

19 (a) If a township officer is criminally charged with an
20 infamous crime or of any offense involving a violation of his
21 or her official oath, the township board may vote to determine
22 if the township officer should be placed on administrative
23 leave, with a three-fifths vote of all members, if the
24 township board believes the official has been criminally

1 charged with an infamous crime or of any offense involving a
2 violation of his or her official oath. If approved by the
3 township board, the determination to place the elected
4 official on administrative leave shall be sent to the township
5 attorney of the county.

6 (b) Upon receipt of a determination from the township
7 board under subsection (a), the township attorney shall review
8 the alleged crimes to determine if the township officer should
9 be placed on administrative leave. If the township attorney
10 believes the crime or crimes to be germane to the officer's
11 duties, the township attorney shall file a motion to place the
12 officer on administrative leave with the circuit court of the
13 county where the township is located in.

14 (c) Upon receipt of the motion filled by the township
15 attorney under subsection (b), the circuit court of the county
16 shall review the motion and determine if the officer should be
17 placed on administrative leave. If the court's written opinion
18 approves the motion finding that the crime or crimes for which
19 the officer has been indicted are germane to the officer's
20 duties and that a conflict exists, then the officer is barred
21 from township property and performing the officer's duties
22 until the case is closed and the township board determines the
23 conflict is resolved. The officer shall continue to receive
24 all compensation and benefits during the officer's
25 administrative leave.

26 (d) If the circuit court approves the motion to put an

1 officer on administrative leave as provided in subsection (c),
2 the township board shall appoint a replacement for the officer
3 while the officer is on administrative leave.

4 (e) If the circuit court approves the motion to put an
5 official on administrative leave as provided in subsection
6 (c), the official shall continue to receive all compensation
7 and benefits during the official's administrative leave.

8 (f) If a judicial proceeding under this Section is
9 dismissed in favor of the respondent, the court in its
10 discretion may require the township in which the respondent
11 serves to pay court costs or reasonable attorney fees, or
12 both, for the respondent.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.