



Sen. Dave Syverson

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10200SB3460sam001

LRB102 25497 AWJ 35789 a

1 AMENDMENT TO SENATE BILL 3460

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3460 by replacing  
3 everything after the enacting clause with the following:

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

1 offense involving a violation of his or her official oath. If  
2 approved by the county board, the determination to place the  
3 elected official on administrative leave shall be sent to the  
4 State's Attorney of the county or, if the determination is  
5 regarding the State's Attorney, the county board shall  
6 petition the court for the appointment of a special State's  
7 Attorney to review the board's determination.

8 (b) Upon receipt of a determination from the county board  
9 under subsection (a), the State's Attorney shall review the  
10 alleged crimes to determine if the countywide elected official  
11 should be placed on administrative leave. If the State's  
12 Attorney believes the crime or crimes to be germane to the  
13 official's duties, the State's Attorney shall file a petition  
14 with the circuit court of the county for a rule to show cause  
15 why not to place the elected official on administrative leave.

16 Upon receipt of a determination from the county board  
17 under subsection (a) concerning the State's Attorney, the  
18 special State's Attorney shall review the alleged crimes to  
19 determine if the State's Attorney should be placed on  
20 administrative leave. If the special State's Attorney believes  
21 the crime or crimes to be germane to the State's Attorney's  
22 duties, the special State's Attorney shall file a petition  
23 with the circuit court of the county for a rule to show cause  
24 why not to place the elected official on administrative leave.

25 (c) As soon as the petition is filed with the court, the  
26 court shall issue a rule requiring the officer to show cause

1 why he or she should not be put on administrative leave, the  
2 rule alleging in general terms the cause or causes for such  
3 leave. The rule shall be returnable in not less than 10 nor  
4 more than 30 days and shall be served upon the officer with a  
5 copy of the petition. Upon return of the rule duly executed,  
6 unless good cause is shown for a continuance or postponement  
7 to a later day in the term, the case shall be tried on the day  
8 named in the rule and take precedence over all other cases on  
9 the docket. If, after trial, the court determined that the  
10 officer should be placed on administrative leave, the officer  
11 shall be removed from office.

12 (d) If it is determined that the officer should be placed  
13 on administrative leave as provided in subsection (c), the  
14 county board shall appoint a replacement for the official  
15 while the official is on administrative leave.

16 (e) If it is determined that the officer should be placed  
17 on administrative leave as provided in subsection (c), the  
18 official shall continue to receive all compensation and  
19 benefits during the official's administrative leave.

20 (f) If a judicial proceeding under this Section is  
21 dismissed in favor of the respondent, the court, in its  
22 discretion, may require the county in which the respondent  
23 serves to pay court costs or reasonable attorney fees, or  
24 both, for the respondent.

25 Section 10. The Township Code is amended by adding Section

1 85-70 as follows:

2 (60 ILCS 1/85-70 new)

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

4 (a) If a township officer is criminally charged with an  
5 infamous crime or of any offense involving a violation of his  
6 or her official oath, the township board may vote to determine  
7 if the township officer should be placed on administrative  
8 leave, with a three-fifths vote of all members, if the  
9 township board believes the official has been criminally  
10 charged with an infamous crime or of any offense involving a  
11 violation of his or her official oath. If approved by the  
12 township board, the determination to place the elected  
13 official on administrative leave shall be sent to the township  
14 attorney of the county.

15 (b) Upon receipt of a determination from the township  
16 board under subsection (a), the township attorney shall review  
17 the alleged crimes to determine if the township officer should  
18 be placed on administrative leave. If the township attorney  
19 believes the crime or crimes to be germane to the officer's  
20 duties, the township attorney shall file a petition with the  
21 circuit court of the county where the township is located in  
22 for a rule to show cause why not to place the elected official  
23 on administrative leave.

24 (c) As soon as the petition is filed with the court, the  
25 court shall issue a rule requiring the township officer to

1 show cause why he or she should not be put on administrative  
2 leave, the rule alleging in general terms the cause or causes  
3 for such leave. The rule shall be returnable in not less than  
4 10 nor more than 30 days and shall be served upon the officer  
5 with a copy of the petition. Upon return of the rule duly  
6 executed, unless good cause is shown for a continuance or  
7 postponement to a later day in the term, the case shall be  
8 tried on the day named in the rule and take precedence over all  
9 other cases on the docket. If, after trial, the court  
10 determined that the township officer should be placed on  
11 administrative leave, the township officer shall be removed  
12 from office.

13 (d) If it is determined that the township officer should  
14 be placed on administrative leave as provided in subsection  
15 (c), the township board shall appoint a replacement for the  
16 officer while the officer is on administrative leave.

17 (e) If it is determined that the township officer should  
18 be placed on administrative leave as provided in subsection  
19 (c), the official shall continue to receive all compensation  
20 and benefits during the official's administrative leave.

21 (f) If a judicial proceeding under this Section is  
22 dismissed in favor of the respondent, the court, in its  
23 discretion, may require the township in which the respondent  
24 serves to pay court costs or reasonable attorney fees, or  
25 both, for the respondent.

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