



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB1402

Introduced 2/9/2005, by Rep. Michael K. Smith

SYNOPSIS AS INTRODUCED:

50 ILCS 745/2
50 ILCS 745/3.2

from Ch. 85, par. 2502
from Ch. 85, par. 2505

Amends the Firemen's Disciplinary Act. With respect to certain periods of suspension, changes references to "24 duty hours" (now, "72 hours"). Effective immediately.

LRB094 07110 AJO 37255 b

1 AN ACT in relation to fire fighters.

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

4 Section 5. The Firemen's Disciplinary Act is amended by
5 changing Sections 2 and 3.2 as follows:

6 (50 ILCS 745/2) (from Ch. 85, par. 2502)

7 Sec. 2. For the purposes of this Act, unless clearly
8 required otherwise, the terms defined in this Section have the
9 meaning ascribed herein:

10 (a) "Fireman" means a person who is a "firefighter" or
11 "fireman" as defined in Sections 4-106 or 6-106 of the Illinois
12 Pension Code, and includes a person who is an "employee" as
13 defined in Section 15-107 of the Illinois Pension Code and
14 whose primary duties relate to firefighting.

15 (b) "Informal inquiry" means a meeting by supervisory or
16 command personnel with a fireman upon whom an allegation of
17 misconduct has come to the attention of such supervisory or
18 command personnel, the purpose of which meeting is to mediate a
19 citizen complaint or discuss the facts to determine whether a
20 formal investigation should be commenced.

21 (c) "Formal investigation" means the process of
22 investigation ordered by a commanding officer during which the
23 questioning of a fireman is intended to gather evidence of
24 misconduct which may be the basis for filing charges seeking
25 his or her removal, discharge, or suspension from duty in
26 excess of 24 duty ~~72~~ hours.

27 (d) "Interrogation" means the questioning of a fireman
28 pursuant to an investigation initiated by the respective State
29 or local governmental unit in connection with an alleged
30 violation of such unit's rules which may be the basis for
31 filing charges seeking his or her suspension, removal, or
32 discharge. The term does not include questioning as part of an

1 informal inquiry as to allegations of misconduct relating to
2 minor infractions of agency rules which may be noted on the
3 fireman's record but which may not in themselves result in
4 removal, discharge, or suspension from duty in excess of 24
5 duty ~~72~~ hours.

6 (e) "Administrative proceeding" means any non-judicial
7 hearing which is authorized to recommend, approve or order the
8 suspension, removal, or discharge of a fireman.

9 (Source: P.A. 85-606.)

10 (50 ILCS 745/3.2) (from Ch. 85, par. 2505)

11 Sec. 3.2. No fireman shall be subjected to questioning in
12 relation to an allegation of misconduct without first being
13 informed in writing of the allegations and whether the
14 allegations, if proven, involve minor infractions or may result
15 in removal, discharge, or suspension from duty in excess of 24
16 duty ~~72~~ hours. If an administrative proceeding is instituted,
17 the fireman shall be informed beforehand of the names of all
18 complainants and all information necessary to reasonably
19 apprise the fireman of the nature of the charges and the
20 preparation of a defense.

21 (Source: P.A. 85-606.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.