

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 changing
5 Sections 3-8013 and 3-8014 as follows:

6 (55 ILCS 5/3-8013) (from Ch. 34, par. 3-8013)

7 Sec. 3-8013. Disciplinary measures. Disciplinary measures
8 for actions violating either the rules and regulations of the
9 Commission or the internal procedures of the sheriff's office
10 may be taken by the sheriff. Such disciplinary measures may
11 include suspension of any certified person for reasonable
12 periods, not exceeding a cumulative 30 days in any 12-month
13 period. However, on and after June 1, 2007, in any sheriff's
14 office with a collective bargaining agreement covering the
15 employment of department personnel, such disciplinary measures
16 and the method of review of those measures shall be subject to
17 mandatory bargaining, including, but not limited to, the use of
18 impartial arbitration as an alternative or supplemental form of
19 due process.

20 (Source: P.A. 86-962.)

21 (55 ILCS 5/3-8014) (from Ch. 34, par. 3-8014)

22 Sec. 3-8014. Removal, demotion or suspension. Except as is

1 otherwise provided in this Division, no certified person shall
2 be removed, demoted or suspended except for cause, upon written
3 charges filed with the Merit Commission by the sheriff. Upon
4 the filing of such a petition, the sheriff may suspend the
5 certified person pending the decision of the Commission on the
6 charges. After the charges have been heard, the Commission may
7 direct that the person receive his pay for any part or all of
8 this suspension period, if any.

9 The charges shall be heard by the Commission upon not less
10 than 14 days' certified notice. At such hearing, the accused
11 certified person shall be afforded full opportunity to be
12 represented by counsel, to be heard in his own defense and to
13 produce proof in his defense. Both the Commission and the
14 sheriff may be represented by counsel. The State's Attorney of
15 the applicable county may advise either the Commission or the
16 sheriff. The other party may engage private counsel to advise
17 it.

18 The Commission shall have the power to secure by its
19 subpoena both the attendance and testimony of witnesses and the
20 production of books and papers in support of the charges and
21 for the defense. Each member of the Commission shall have the
22 power to administer oaths.

23 If the charges against an accused person are established by
24 the preponderance of evidence, the Commission shall make a
25 finding of guilty and order either removal, demotion, loss of
26 seniority, suspension for a period of not more than 180 days,

1 or such other disciplinary punishment as may be prescribed by
2 the rules and regulations of the Commission which, in the
3 opinion of the members thereof, the offense justifies. If the
4 charges against an accused person are not established by the
5 preponderance of evidence, the Commission shall make a finding
6 of not guilty and shall order that the person be reinstated and
7 be paid his compensation for the suspension period, if any,
8 while awaiting the hearing. The sheriff shall take such action
9 as may be ordered by the Commission. However, on and after June
10 1, 2007, in any sheriff's office with a collective bargaining
11 agreement covering the employment of department personnel,
12 such disciplinary measures and the method of review of those
13 measures shall be subject to mandatory bargaining, including,
14 but not limited to, the use of impartial arbitration as an
15 alternative or supplemental form of due process and any of the
16 procedures laid out in this Section.

17 The provisions of the Administrative Review Law, and all
18 amendments and modifications thereof, and the rules adopted
19 pursuant thereto, shall apply to and govern all proceedings for
20 the judicial review of any order of the Commission rendered
21 pursuant to this Section. The plaintiff shall pay the
22 reasonable cost of preparing and certifying the record for
23 judicial review. However, if the plaintiff prevails in the
24 judicial review proceeding, the court shall award to the
25 plaintiff a sum equal to the costs paid by the plaintiff to
26 have the record for judicial review prepared and certified.

HB1719 Enrolled

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1 (Source: P.A. 86-962.)