



Sen. James F. Clayborne, Jr.

**Filed: 4/25/2012**

09700HB3779sam001

LRB097 11985 KMW 68608 a

1 AMENDMENT TO HOUSE BILL 3779

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3779 by replacing  
3 everything after the enacting clause with the following:

4 Section 1. Short title. This Act may be cited as the Metro  
5 East Police District Act.

6 Section 3. Definitions.

7 "Commission" means the Metro East Police District  
8 Commission.

9 "District" means the Metro East Police District.

10 Section 5. Creation of district. There is created within  
11 the County of St. Clair a special police district, named the  
12 Metro East Police District. The boundaries of the District  
13 shall include the corporate boundaries of the City of East  
14 Saint Louis, the Village of Washington Park, the Village of  
15 Alorton, and the Village of Brooklyn. The District is created

1 to advance the cause of public safety and law enforcement for  
2 the residents of the District.

3 Section 10. Metro East Police District Commission.

4 (a) The governing and administrative powers of the Metro  
5 East Police District shall be vested in a body politic and  
6 corporate named the Metro East Police District Commission,  
7 whose powers include but are not limited to, the following:

8 (1) to apply for, accept and expend grants, loans, or  
9 appropriations from the State of Illinois, the federal  
10 government, any State or federal agency or  
11 instrumentality, any unit of local government, or any other  
12 person or entity to be used for any of the purposes of the  
13 District. The Commission may enter into any agreement with  
14 the State of Illinois, the federal government, any State or  
15 federal instrumentality, any unit of local government, or  
16 any other person or entity in relation to grants, matching  
17 grants, loans, or appropriations. The Commission may  
18 provide grants, loans, or appropriations for law  
19 enforcement purposes to any unit of local government within  
20 the District.

21 (2) to enter into contracts or agreements with persons  
22 or entities for the supply of goods or services as may be  
23 necessary for the purposes of the District.

24 (3) acquire fee simple title to real property lying  
25 within the District and personal property required for its

1 purposes, by gift, purchase, contract, or otherwise for law  
2 enforcement purposes including evidence storage, records  
3 storage, equipment storage, detainment facilities,  
4 training facilities, office space and other purposes of the  
5 District. Title shall be taken in the name of the  
6 Commission. The Commission may acquire by lease any real  
7 property located within the District and personal property  
8 found by the Commission to be necessary for its purposes  
9 and to which the Commission finds that it need not acquire  
10 fee simple title for carrying out of those purposes. The  
11 Commission has no eminent domain powers or quick-take  
12 powers under this provision.

13 (4) to establish by ordinance the rules and regulations  
14 of the police departments within the District concerning:  
15 officer ethics; the carry and use of weapons; search and  
16 seizure procedures; procedures for arrests with and  
17 without warrants; alternatives to arrest; the use of  
18 officer discretion; strip searches and body cavity  
19 searches; profiling; use of reasonable force; use of deadly  
20 force; use of authorized less than lethal weapons;  
21 reporting uses of force; weapons and ammunition; weapons  
22 proficiency and training; crime analysis; purchasing and  
23 requisitions; department property; inventory and control;  
24 issue and reissue; recruitment; training attendance;  
25 lesson plans; remedial training; officer training record  
26 maintenance; department animals; response procedures;

1       pursuit of motor vehicles; roadblocks and forcible stops;  
2       missing persons, children, and mentally ill persons; use of  
3       equipment; use of vehicle lights and sirens; equipment  
4       specifications and maintenance; vehicle safety restraints;  
5       authorized personal equipment; protective vests and high  
6       risk situations; mobile data access; in-car video and  
7       audio; case file management; investigative checklists;  
8       informants; cold cases; polygraphs; shift briefings;  
9       interviews of witnesses and suspects; line-ups and  
10      show-ups; confidential information; juvenile operations;  
11      offenders, custody, and interrogation; crime prevention  
12      and community interface; critical incident response and  
13      planning; hostage negotiation; search and rescue; special  
14      events; personnel, equipment, and facility inspections;  
15      victim/witness rights, preliminary contact, and follow up;  
16      next of kin notification; traffic stops and approaches;  
17      speed-measuring devices; DUI procedures; traffic collision  
18      reporting and investigation; citation inventory, control  
19      and administration; escorts; towing procedures; detainee  
20      searches and transportation; search and inventory of  
21      vehicles; escape prevention procedures and detainee  
22      restraint; sick, injured, and disabled detainees; vehicle  
23      safety; holding facility standards; collection and  
24      preservation of evidence including but not limited to  
25      photos, video, fingerprints, computers, records, DNA  
26      samples, controlled substances, weapons, and physical

1 evidence; police report standards and format; submission  
2 of evidence to laboratories; follow up of outstanding  
3 cases; and application for charges with the State's  
4 Attorney, United States Attorney, Attorney General, or  
5 other prosecuting authority.

6 Any ordinance promulgated under this provision may be  
7 effective no sooner than 6 months after the effective date  
8 of this amendatory Act of the 97th General Assembly.

9 (5) no later than one year from the effective date of  
10 this amendatory Act of the 97th General Assembly, to assume  
11 and perform for police departments within the District the  
12 powers, rights, and duties concerning police matters  
13 prescribed to the board of fire and police commissioners,  
14 as provided for in Division 10-2.1 of the Illinois  
15 Municipal Code.

16 (6) to develop a comprehensive plan for improvement and  
17 maintenance of law enforcement facilities within the  
18 District.

19 (7) to advance police departments within the District  
20 towards accreditation by the national Commission for the  
21 Accreditation of Law Enforcement Agencies (CALEA) within 3  
22 years after creation of the District.

23 (b) The Commission shall consist of 14 appointed members  
24 and 3 ex-officio members. Seven members shall be appointed by  
25 the Governor with his advice and consent of the Senate. Four  
26 members shall be appointed by the Mayor of East St. Louis, with

1 the advise and consent of the city council. One member each  
2 shall be appointed by the Village Presidents of Washington  
3 Park, Alorton, and Brooklyn, with the advise and consent of the  
4 respective village boards. All appointed members shall hold  
5 office for a term of 2 years ending on December 31 and until  
6 their successors are appointed and qualified. The Mayor of East  
7 Saint Louis, with the approval of the city council, may serve  
8 as one of the members appointed for East Saint Louis, and the  
9 Village Presidents of Washington Park, Alorton, and Brooklyn,  
10 with the approval of their respective boards, may serve as the  
11 member for their respective municipalities.

12 The Director of the Illinois State Police, or his or her  
13 designee, the State's Attorney of St. Clair County, or his or  
14 her designee, and the Director of the Southern Illinois Law  
15 Enforcement Commission, or his or her designee, shall serve as  
16 ex-officio members. Ex-officio members may only vote on matters  
17 before the Commission in the event of a tie vote.

18 (c) Any vacancy in the appointed membership of the  
19 Commission occurring by reason of the death, resignation,  
20 disqualification, removal, or inability or refusal to act of  
21 any of the members of the Commission shall be filled by the  
22 authority that had appointed the particular member, and for the  
23 unexpired term of office of that particular member.

24 (d) The Commission shall hold regular meetings annually for  
25 the election of a chair, vice-chair, secretary, and treasurer,  
26 for the adoption of a budget, and monthly for other business as

1 may be necessary. The Commission shall establish the duties and  
2 responsibilities of its officers by rule. The chair, or any 9  
3 members of the Commission, may call special meetings of the  
4 Commission. Each member shall take an oath of office for the  
5 faithful performance of his or her duties. The Commission may  
6 not transact business at a meeting of the Commission unless  
7 there is present at the meeting a quorum consisting of at least  
8 9 members. Meetings may be held by telephone conference or  
9 other communications equipment by means of which all persons  
10 participating in the meeting can communicate with each other  
11 consistent with the Open Meetings Act.

12 (e) The Commission shall submit to the General Assembly, no  
13 later than March 1 of each odd-numbered year, a detailed report  
14 covering its operations for the 2 preceding calendar years and  
15 a statement of its program for the next 2 years. The  
16 requirement for reporting to the General Assembly shall be  
17 satisfied by filing copies of the report with the Speaker, the  
18 Minority Leader, and the Clerk of the House of Representatives  
19 and the President, the Minority Leader, and the Secretary of  
20 the Senate and with the Legislative Research Unit, as required  
21 by Section 3.1 of the General Assembly Organization Act, and by  
22 filing additional copies with the State Government Report  
23 Distribution Center for the General Assembly as is required  
24 under paragraph (t) of Section 7 of the State Library Act.

25 (f) The Auditor General shall conduct audits of the  
26 Commission in the same manner as the Auditor General conducts

1 audits of State agencies under the Illinois State Auditing Act.

2 (g) The Commission is a public body for purposes of the  
3 Open Meetings Act and the Freedom of Information Act.

4 (h) This Section is a limitation under subsection (i) of  
5 Section 6 of Article VII of the Illinois Constitution on the  
6 concurrent exercise by home rule units of powers and functions  
7 exercised by the State.

8 Section 15. Disposition of money; income fund. There is  
9 created in the State Treasury the Metro East Police District  
10 Fund. All moneys received by the Commission shall be deposited  
11 into the Fund. Subject to appropriation, the Commission is  
12 authorized to use all money received for all purposes and  
13 powers set forth in this Act. The Auditor General shall, at  
14 least biennially, audit or cause to be audited all records and  
15 accounts of the Commission pertaining to the operation of the  
16 District.

17 Section 20. Intergovernmental agreements. In addition to  
18 the powers granted to municipalities under Section 11-1-2.1 of  
19 the Illinois Municipal Code for police mutual aid and  
20 assistance, municipalities within the District may enter into  
21 intergovernmental agreements with other municipalities within  
22 or contiguous to the District, the Commission, or St. Clair  
23 County, for purposes of providing police protection and police  
24 services within those municipalities, including but not



1 limited to communications, patrols, investigations, special  
2 units, and juvenile services.

3 Section 25. The State Finance Act is amended by adding  
4 Section 5.811 as follows:

5 (30 ILCS 105/5.811 new)

6 Sec. 5.811. The Metro East Police District Fund.

7 Section 30. The Personnel Code is amended by changing  
8 Section 8b.1 as follows:

9 (20 ILCS 415/8b.1) (from Ch. 127, par. 63b108b.1)

10 Sec. 8b.1. For open competitive examinations to test the  
11 relative fitness of applicants for the respective positions.

12 Tests shall be designed to eliminate those who are not  
13 qualified for entrance into or promotion within the service,  
14 and to discover the relative fitness of those who are  
15 qualified. The Director may use any one of or any combination  
16 of the following examination methods which in his judgment best  
17 serves this end: investigation of education; investigation of  
18 experience; test of cultural knowledge; test of capacity; test  
19 of knowledge; test of manual skill; test of linguistic ability;  
20 test of character; test of physical fitness; test of  
21 psychological fitness. No person with a record of misdemeanor  
22 convictions except those under Sections 11-1.50, 11-6, 11-7,

1 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,  
2 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,  
3 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,  
4 subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and  
5 sub-sections 1, 6 and 8 of Section 24-1 of the Criminal Code of  
6 1961 or arrested for any cause but not convicted thereon shall  
7 be disqualified from taking such examinations or subsequent  
8 appointment, unless the person is attempting to qualify for a  
9 position which would give him the powers of a peace officer, in  
10 which case the person's conviction or arrest record may be  
11 considered as a factor in determining the person's fitness for  
12 the position. The eligibility conditions specified for the  
13 position of Assistant Director of Healthcare and Family  
14 Services in the Department of Healthcare and Family Services in  
15 Section 5-230 of the Departments of State Government Law (20  
16 ILCS 5/5-230) shall be applied to that position in addition to  
17 other standards, tests or criteria established by the Director.  
18 All examinations shall be announced publicly at least 2 weeks  
19 in advance of the date of the examinations and may be  
20 advertised through the press, radio and other media. The  
21 Director may, however, in his discretion, continue to receive  
22 applications and examine candidates long enough to assure a  
23 sufficient number of eligibles to meet the needs of the service  
24 and may add the names of successful candidates to existing  
25 eligible lists in accordance with their respective ratings.

26 Notwithstanding any other law, beginning on the effective

1 date of this amendatory Act of the 97th General Assembly, the  
2 Director of Central Management Services and the Department of  
3 Employment Security shall establish a 5-year pilot program  
4 under which the Director of Central Management Services and the  
5 Department of Employment Security shall jointly administer the  
6 competitive examinations. Under the pilot program, the  
7 Director of Central Management Services and the Department of  
8 Employment Security shall determine the times and places where  
9 the competitive examinations shall be held, provided that the  
10 competitive examinations shall be held at one Department of  
11 Employment Security office per region at least once each  
12 quarter. Each designated Department of Employment Security  
13 testing office has the discretion to set the dates on which it  
14 shall hold the competitive examinations. By March 1, June 1,  
15 September 1, and December 1 of each year, a schedule of the  
16 times and places where the competitive examinations shall be  
17 held during the following quarter shall be posted on the  
18 official websites of the Department of Central Management  
19 Services and the Department of Employment Security.

20 The Director may, in his discretion, accept the results of  
21 competitive examinations conducted by any merit system  
22 established by federal law or by the law of any State, and may  
23 compile eligible lists therefrom or may add the names of  
24 successful candidates in examinations conducted by those merit  
25 systems to existing eligible lists in accordance with their  
26 respective ratings. No person who is a non-resident of the

1 State of Illinois may be appointed from those eligible lists,  
2 however, unless the requirement that applicants be residents of  
3 the State of Illinois is waived by the Director of Central  
4 Management Services and unless there are less than 3 Illinois  
5 residents available for appointment from the appropriate  
6 eligible list. The results of the examinations conducted by  
7 other merit systems may not be used unless they are comparable  
8 in difficulty and comprehensiveness to examinations conducted  
9 by the Department of Central Management Services for similar  
10 positions. Special linguistic options may also be established  
11 where deemed appropriate.

12 (Source: P.A. 95-331, eff. 8-21-07; 96-1551, eff. 7-1-11.)

13 Section 35. The Counties Code is amended by changing  
14 Section 5-1101 as follows:

15 (55 ILCS 5/5-1101) (from Ch. 34, par. 5-1101)

16 Sec. 5-1101. Additional fees and fines to finance court  
17 system. A county board may enact by ordinance or resolution the  
18 following fees:

19 (a) A \$5 fee to be paid by the defendant on a judgment of  
20 guilty or a grant of supervision for violation of the Illinois  
21 Vehicle Code other than Section 11-501 or violations of similar  
22 provisions contained in county or municipal ordinances  
23 committed in the county, and up to a \$30 fee to be paid by the  
24 defendant on a judgment of guilty or a grant of supervision for

1 violation of Section 11-501 of the Illinois Vehicle Code or a  
2 violation of a similar provision contained in county or  
3 municipal ordinances committed in the county.

4 (b) In the case of a county having a population of  
5 1,000,000 or less, a \$5 fee to be collected in all civil cases  
6 by the clerk of the circuit court.

7 (c) A fee to be paid by the defendant on a judgment of  
8 guilty or a grant of supervision, as follows:

9 (1) for a felony, \$50;

10 (2) for a class A misdemeanor, \$25;

11 (3) for a class B or class C misdemeanor, \$15;

12 (4) for a petty offense, \$10;

13 (5) for a business offense, \$10.

14 (d) A \$100 fee for the second and subsequent violations of  
15 Section 11-501 of the Illinois Vehicle Code or violations of  
16 similar provisions contained in county or municipal ordinances  
17 committed in the county. The proceeds of this fee shall be  
18 placed in the county general fund and used to finance education  
19 programs related to driving under the influence of alcohol or  
20 drugs.

21 (d-5) A \$10 fee to be paid by the defendant on a judgment  
22 of guilty or a grant of supervision under Section 5-9-1 of the  
23 Unified Code of Corrections to be placed in the county general  
24 fund and used to finance the county mental health court, the  
25 county drug court, the Veterans and Servicemembers Court, or  
26 any or all of the above.

1           (e) In each county in which a teen court, peer court, peer  
2 jury, youth court, or other youth diversion program has been  
3 created, a county may adopt a mandatory fee of up to \$5 to be  
4 assessed as provided in this subsection. Assessments collected  
5 by the clerk of the circuit court pursuant to this subsection  
6 must be deposited into an account specifically for the  
7 operation and administration of a teen court, peer court, peer  
8 jury, youth court, or other youth diversion program. The clerk  
9 of the circuit court shall collect the fees established in this  
10 subsection and must remit the fees to the teen court, peer  
11 court, peer jury, youth court, or other youth diversion program  
12 monthly, less 5%, which is to be retained as fee income to the  
13 office of the clerk of the circuit court. The fees are to be  
14 paid as follows:

15           (1) a fee of up to \$5 paid by the defendant on a  
16 judgment of guilty or grant of supervision for violation of  
17 the Illinois Vehicle Code or violations of similar  
18 provisions contained in county or municipal ordinances  
19 committed in the county;

20           (2) a fee of up to \$5 paid by the defendant on a  
21 judgment of guilty or grant of supervision under Section  
22 5-9-1 of the Unified Code of Corrections for a felony; for  
23 a Class A, Class B, or Class C misdemeanor; for a petty  
24 offense; and for a business offense.

25           (f) In each county in which a drug court has been created,  
26 the county may adopt a mandatory fee of up to \$5 to be assessed

1 as provided in this subsection. Assessments collected by the  
2 clerk of the circuit court pursuant to this subsection must be  
3 deposited into an account specifically for the operation and  
4 administration of the drug court. The clerk of the circuit  
5 court shall collect the fees established in this subsection and  
6 must remit the fees to the drug court, less 5%, which is to be  
7 retained as fee income to the office of the clerk of the  
8 circuit court. The fees are to be paid as follows:

9 (1) a fee of up to \$5 paid by the defendant on a  
10 judgment of guilty or grant of supervision for a violation  
11 of the Illinois Vehicle Code or a violation of a similar  
12 provision contained in a county or municipal ordinance  
13 committed in the county; or

14 (2) a fee of up to \$5 paid by the defendant on a  
15 judgment of guilty or a grant of supervision under Section  
16 5-9-1 of the Unified Code of Corrections for a felony; for  
17 a Class A, Class B, or Class C misdemeanor; for a petty  
18 offense; and for a business offense.

19 The clerk of the circuit court shall deposit the 5%  
20 retained under this subsection into the Circuit Court Clerk  
21 Operation and Administrative Fund to be used to defray the  
22 costs of collection and disbursement of the drug court fee.

23 (f-5) In each county in which a Children's Advocacy Center  
24 provides services, the county board may adopt a mandatory fee  
25 of between \$5 and \$30 to be paid by the defendant on a judgment  
26 of guilty or a grant of supervision under Section 5-9-1 of the

1 Unified Code of Corrections for a felony; for a Class A, Class  
2 B, or Class C misdemeanor; for a petty offense; and for a  
3 business offense. Assessments shall be collected by the clerk  
4 of the circuit court and must be deposited into an account  
5 specifically for the operation and administration of the  
6 Children's Advocacy Center. The clerk of the circuit court  
7 shall collect the fees as provided in this subsection, and must  
8 remit the fees to the Children's Advocacy Center.

9 (f-10) In addition to any fine imposed under Section 5-9-1  
10 of the Unified Code of Corrections, a county may adopt a  
11 mandatory fine of \$100 to be paid by the defendant on a  
12 judgment of guilty or a grant of supervision for a felony or a  
13 violation of Section 11-501 of the Illinois Vehicle Code, when  
14 the offense was committed within the corporate limits of a  
15 municipality that is located within a special police district.  
16 Assessments shall be collected by the clerk of the circuit  
17 court and must be deposited into an account specifically for  
18 the operations of the police district. The clerk of the circuit  
19 court shall collect the fines as provided in this subsection  
20 and must remit the fines to the special fund created in the  
21 State Treasury for the police district, and from which the  
22 police district shall make grants to support the operations of  
23 the police district within that county.

24 (g) The proceeds of all fees enacted under this Section  
25 must, except as provided in subsections (d), (d-5), (e), and  
26 (f), be placed in the county general fund and used to finance



1 the court system in the county, unless the fee is subject to  
2 disbursement by the circuit clerk as provided under Section  
3 27.5 of the Clerks of Courts Act.

4 (Source: P.A. 95-103, eff. 1-1-08; 95-331, eff. 8-21-07;  
5 96-328, eff. 8-11-09; 96-924, eff. 6-14-10.)

6 Section 40. The Illinois Municipal Code is amended by  
7 adding Section 10-2.1-32 as follows:

8 (65 ILCS 5/10-2.1-32 new)

9 Sec. 10-2.1-32. Metro East Police District Commission.

10 Notwithstanding any other provision of this Division, the Metro  
11 East Police District Commission may assume and perform for  
12 police districts within its boundaries the powers, rights, and  
13 duties concerning police matters of a board of fire and police  
14 commissioners, pursuant to the Metro East Police District Act.  
15 However, the Metro East Police District Commission may not  
16 assume those powers listed under Sections 10-2.1-1, 10-2.1-2,  
17 10-2.1-3, 10-2.1-5, 10-2.1-6.3, 10-2.1-6.4, 10-2.1-7.1,  
18 10-2.1-18, 10-2.1-21, 10-2.1-22, 10-2.1-25, 10-2.1-27,  
19 10-2.1-28, 10-2.1-29, 10-2.1-30, or 10-2.1-31 of this  
20 Division.

21 Section 99. Effective date. This Act takes effect January  
22 1, 2013."