



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5557

by Rep. Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

New Act
30 ILCS 805/8.40 new

Creates the Chicago Independent Police Review Commission Act. Provides that the Independent Police Review Authority created under the Municipal Code of Chicago is abolished and that a new State commission is created called the "Chicago Independent Police Review Commission." Provides for the transfer of personnel, property, appropriations, and funds to the Commission. Provides that the Commission shall investigate all officer-involved deaths that involve a police officer employed by the City of Chicago. Provides for election and vacancy appointments of the board of commissioners of the Commission. Provides for the appointment and removal of the chief administrator of the Commission. Further provides for rulemaking authority by the Commission. Limits home rule powers. Amends the State Mandates Act to require implementation without reimbursement.

LRB099 19817 AWJ 44216 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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 1. Short title. This Act may be cited as the
5 Chicago Independent Police Review Commission Act.

6 Section 5. Definitions. As used in this Act:

7 "Board" means the board of commissioners of the Commission.

8 "City" means the City of Chicago.

9 "Commission" means the Chicago Independent Police Review
10 Commission created under this Act.

11 "Independent Police Review Authority" means the authority
12 created by Chapter 2-57 of the Municipal Code of Chicago

13 "Officer-involved death" has the meaning provided in
14 Section 1-5 of the Police and Community Relations Improvement
15 Act.

16 Section 10. Abolishment of Chicago's Independent Police
17 Review Authority. The Independent Police Review Authority is
18 hereby abolished and the Chicago Independent Police Review
19 Commission is created as an independent commission of the
20 State. On the effective date of this Act, all powers, duties,
21 rights, and responsibilities of the Independent Police Review
22 Authority shall be transferred to, vested in, and shall be

1 exercised by the Commission.

2 Section 15. Powers, duties, rights, and responsibilities
3 of the Commission; appropriation; office location.

4 (a) The Commission shall investigate all officer-involved
5 deaths that involve a police officer employed by the City. The
6 Commission shall operate as the Independent Police Review
7 Authority operated under the Municipal Code of Chicago
8 ordinance until such time as an elected board of commissioners
9 issues new rules under Section 35 of this Act. The Commission
10 shall include the chief administrator of the Independent Police
11 Review Authority and such deputies, assistants, and other
12 employees as may be provided for in the annual appropriation
13 ordinance until such time as an elected board of commissioners
14 appoints a new chief administrator under Section 30 of this
15 Act.

16 (b) Whenever reports or notices are now required to be made
17 or given or papers or documents furnished or served by any
18 person to or upon the Independent Police Review Authority in
19 connection with any of the powers, duties, rights, and
20 responsibilities transferred by this Act, the same shall be
21 made, given, furnished, or served in the same manner to or upon
22 the Commission.

23 (c) This Act does not affect any act done, ratified, or
24 canceled or any right occurring or established or any action or
25 proceeding had or commenced in an administrative, civil, or

1 criminal cause by the Independent Police Review Authority
2 before the effective date of this Act; such actions or
3 proceedings may be prosecuted and continued by the Commission.

4 (d) The City Council of the City of Chicago shall
5 appropriate sufficient funds for the operation of the
6 Commission in an amount as requested by the Commission in its
7 annual budget.

8 (e) The offices of the Commission shall be located in a
9 facility outside of the Chicago department of police.

10 Section 20. Transfer of personnel, property, and funds.

11 (a) The personnel of the Independent Police Review
12 Authority shall be transferred to the Commission. The status
13 and rights of such employees under the City of Chicago
14 Personnel Rules and applicable collective bargaining
15 agreements or under any pension, retirement, or annuity plan
16 shall not be affected by this Act.

17 (b) All books, records, papers, documents, real and
18 personal property, contracts, causes of action, and pending
19 business pertaining to the powers, duties, rights, and
20 responsibilities transferred by this Act from the Independent
21 Police Review Authority to the Commission, including, but not
22 limited to, material in electronic or magnetic format and
23 necessary computer hardware and software, shall be transferred
24 to the Commission.

25 (c) All unexpended appropriations, balances, and other

1 funds available for use by the Independent Police Review
2 Authority shall be transferred for use by the Commission.
3 Unexpended balances so transferred shall be expended only for
4 the purpose for which the appropriations were originally made.

5 Section 25. Board of Commissioners.

6 (a) The Commission shall be governed by a board of
7 commissioners, comprised of 5 members, elected by the electors
8 of the City. The board shall be responsible for determining the
9 policies and objectives of the Commission, appointing the chief
10 administrator, and adopting and approving an annual budget.

11 (b) At the next scheduled consolidated election after the
12 effective date of this Act, 5 members will be elected by the
13 electors of the City and will serve as the board of
14 commissioners to the Commission. Each member shall be elected
15 for a term of 4 years, commencing on the second Tuesday in May
16 of the year in which the member is elected, and until the
17 member's successor is elected and qualified. The board shall be
18 elected as provided under paragraph (17) of subsection (c) of
19 Section 2A-1.2 of the Election Code.

20 (c) Within 28 days after each consolidated election at
21 which a new board is elected, the board shall organize by
22 electing its officers, fixing a time and place for the regular
23 meetings, and appointing a chief administrator.

24 (d) Whenever a vacancy in the board occurs, the remaining
25 members of the board shall notify the Governor of that vacancy

1 within 5 days after its occurrence and the Governor shall
2 appoint a member to fill the vacancy until the next election
3 when a successor shall be elected to serve the remainder of the
4 unexpired term. However, if the vacancy occurs with less than
5 28 months remaining in the term or if the vacancy occurs less
6 than 88 days before the next board election, then the person so
7 appointed shall serve the remainder of the unexpired term, and
8 no election to fill the vacancy shall be held.

9 Section 30. Chief administrator. The chief administrator
10 shall be the chief executive officer of the Commission and
11 shall be appointed by the board for a term of 6 years and until
12 his or her successor is appointed. A partially completed term
13 of a chief administrator is terminated upon the occurrence of a
14 vacancy in that office. The chief administrator shall be
15 responsible for the general management and day-to-day
16 operations of the Commission. The chief administrator, with the
17 advice and consent of the board, may adopt rules, regulations,
18 and procedures, as he or she may deem necessary for the
19 administration of the Commission under this Act.

20 Section 35. Rules and regulations of the Commission. Any
21 rules of the Independent Police Review Authority that relate to
22 its powers, duties, rights, and responsibilities and are in
23 full force on the effective date of this Act shall become the
24 rules of the Commission. As soon as practicable after the

1 effective date of this Act, the Commission shall revise and
2 clarify the rules transferred to it under this Act to reflect
3 the reorganization of powers, duties, rights, and
4 responsibilities affected by this Act. The Commission shall
5 adopt rules under the Illinois Administrative Procedure Act
6 that it deems necessary to carry out its duties and
7 responsibilities under this Act.

8 Section 40. Home rule. The City may not regulate or fund
9 the investigation of an officer-involved death in a manner
10 inconsistent with this Act. This Act is a limitation under
11 subsection (i) of Section 6 of Article VII of the Illinois
12 Constitution on the concurrent exercise by home rule units of
13 powers and functions exercised by the State.

14 Section 90. The State Mandates Act is amended by adding
15 Section 8.40 as follows:

16 (30 ILCS 805/8.40 new)

17 Sec. 8.40. Exempt mandate. Notwithstanding Sections 6 and 8
18 of this Act, no reimbursement by the State is required for the
19 implementation of any mandate created by the Chicago
20 Independent Police Review Commission Act.