



Sen. Mike Jacobs

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LRB098 08955 OMW 45272 a

1 AMENDMENT TO HOUSE BILL 3035

2 AMENDMENT NO. _____. Amend House Bill 3035 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Police Act is amended by adding
5 Section 12.6 as follows:

6 (20 ILCS 2610/12.6 new)

7 Sec. 12.6. Zero tolerance alcohol policy.

8 (a) It is the intent of the General Assembly to maintain a
9 safe environment for the citizens of this State and to ensure
10 that State Police officers are not impaired in a manner that
11 endangers themselves or others. Therefore, it is declared to be
12 the public policy of this State to provide a work environment
13 free of the use of alcohol and unlawful drugs by on-duty State
14 Police officers.

15 (b) The Department of State Police shall adopt rules to
16 implement this Section.

1 (c) Any person employed by the Department of State Police
2 as a State Police officer must comply with the alcohol use and
3 testing requirements of the Department of State Police.

4 (d) If a State Police officer's supervisor reasonably
5 believes, based upon objective facts, that an officer's ability
6 to perform his or her duties safely and efficiently while on
7 duty may be impaired by the consumption of alcohol, the
8 supervisor shall:

9 (1) prevent the officer from continuing work;

10 (2) inform the officer of the specific facts supporting
11 his or her belief and prepare a written record of those
12 facts;

13 (3) inform the officer that he or she will be tested
14 for alcohol;

15 (4) inform the officer that he or she may refuse the
16 test, but that refusal to submit to a test for alcohol,
17 ordered in accordance with Departmental procedures, shall
18 be construed as a positive result; and

19 (5) transport or cause the officer to be transported
20 safely away from the Department.

21 (e) A test shall be construed as a positive result if the
22 test shows a result of a blood alcohol content higher than
23 0.00%.

24 (f) A person employed as a State Police officer who tests
25 positive in a test for the purpose of determining the alcohol
26 content of the person's blood while on duty according to the

1 procedures of the State Police shall be referred to the
2 Department of State Police Merit Board under this Act for
3 appropriate discipline, if any, where the totality of the
4 circumstances shall be considered.

5 (g) Upon a finding that an officer has violated this
6 Section, the Board shall appropriately discipline the officer.
7 Any determination of appropriate discipline made according to
8 this Section against an officer by the Board shall be subject
9 to an appeals process, if any, afforded by the collective
10 bargaining agreement governing the employment of the State
11 Police officer.

12 (h) The provisions of this Section shall not apply to:

13 (1) an officer who has been assigned to consume alcohol
14 while on-duty and under appropriate supervision by a
15 superior officer for training purposes as approved by the
16 Director;

17 (2) an officer whose duty requirements run counter to
18 the provisions of this Section;

19 (3) an officer who has been assigned by the Director to
20 work undercover, while his or her identity as a police
21 officer must remain undisclosed for purposes of that
22 assignment; and

23 (4) an officer exempt under subsection (g) of Section
24 10-1 of Article 10 of the Liquor Control Act of 1934.

25 (i) To the extent this Section conflicts with a collective
26 bargaining agreement in effect on the effective date of this

1 amendatory Act of the 98th General Assembly, the conflicting
2 provision of this Section shall not apply until that collective
3 bargaining agreement expires or is renewed, renegotiated, or
4 superseded.

5 Section 10. The Counties Code is amended by adding Sections
6 3-7018 and 3-6040 as follows:

7 (55 ILCS 5/3-6040 new)

8 Sec. 3-6040. Zero tolerance alcohol policy.

9 (a) It is the intent of the General Assembly to maintain a
10 safe environment for the citizens of this State and to ensure
11 that deputy sheriffs are not impaired in a manner that
12 endangers themselves or others. Therefore, it is declared to be
13 the public policy of this State to provide a work environment
14 free of the use of alcohol and unlawful drugs by on-duty deputy
15 sheriffs.

16 (b) The sheriff shall adopt rules to implement this
17 Section.

18 (c) Any person employed by the sheriff as a deputy sheriff
19 must comply with the alcohol use and testing requirements of
20 the sheriff.

21 (d) If a deputy sheriff's supervisor reasonably believes,
22 based upon objective facts, that the deputy sheriff's ability
23 to perform his or her duties safely and efficiently while on
24 duty may be impaired by the consumption of alcohol, the

1 supervisor shall:

2 (1) prevent the deputy sheriff from continuing work;

3 (2) inform the deputy sheriff of the specific facts
4 supporting his or her belief and prepare a written record
5 of those facts;

6 (3) inform the deputy sheriff that he or she will be
7 tested for alcohol;

8 (4) inform the deputy sheriff that he or she may refuse
9 the test, but that refusal to submit to a test for alcohol,
10 ordered in accordance with the procedures of the sheriff's
11 office, shall be construed as a positive result; and

12 (5) transport or cause the deputy sheriff to be
13 transported safely away from the sheriff's office.

14 (e) A test shall be construed as a positive result if the
15 test shows a result of a blood alcohol content higher than
16 0.00%.

17 (f) A person employed as a deputy sheriff who tests
18 positive in a test for the purpose of determining the alcohol
19 content of the person's blood while on duty according to the
20 procedures of the sheriff shall be referred to the sheriff for
21 appropriate discipline, if any, where the totality of the
22 circumstances shall be considered.

23 (g) Upon a finding that a deputy sheriff has violated this
24 Section, the sheriff shall appropriately discipline the deputy
25 sheriff. Any determination of appropriate discipline made
26 according to this Section against a deputy sheriff by the

1 sheriff shall be subject to an appeals process, if any,
2 afforded by the collective bargaining agreement governing the
3 employment of the deputy sheriff.

4 (h) The provisions of this Section shall not apply to:

5 (1) a deputy sheriff who has been assigned to consume
6 alcohol while on-duty and under appropriate supervision
7 for training purposes as approved by the sheriff;

8 (2) a deputy sheriff whose duty requirements run
9 counter to the provisions of this Section;

10 (3) a deputy sheriff who has been assigned by the
11 sheriff to work undercover, while his or her identity as a
12 deputy sheriff must remain undisclosed for purposes of that
13 assignment; and

14 (4) a deputy sheriff exempt under subsection (g) of
15 Section 10-1 of Article 10 of the Liquor Control Act of
16 1934.

17 (i) To the extent this Section conflicts with a collective
18 bargaining agreement in effect on the effective date of this
19 amendatory Act of the 98th General Assembly, the conflicting
20 provision of this Section shall not apply until that collective
21 bargaining agreement expires or is renewed, renegotiated, or
22 superseded.

23 (55 ILCS 5/3-7018 new)

24 Sec. 3-7018. Zero tolerance alcohol policy.

25 (a) It is the intent of the General Assembly to maintain a

1 safe environment for the citizens of this State and to ensure
2 that Cook County deputy sheriffs are not impaired in a manner
3 that endangers themselves or others. Therefore, it is declared
4 to be the public policy of this State to provide a work
5 environment free of the use of alcohol and unlawful drugs by
6 on-duty Cook County deputy sheriffs.

7 (b) The Cook County Sheriff shall adopt rules to implement
8 this Section.

9 (c) Any person employed by the Cook County Sheriff as a
10 deputy sheriff must comply with the alcohol use and testing
11 requirements of the Cook County Sheriff.

12 (d) If a Cook County deputy sheriff's supervisor reasonably
13 believes, based upon objective facts, that the Cook County
14 deputy sheriff's ability to perform his or her duties safely
15 and efficiently while on duty may be impaired by the
16 consumption of alcohol, the supervisor shall:

17 (1) prevent the Cook County deputy sheriff from
18 continuing work;

19 (2) inform the Cook County deputy sheriff of the
20 specific facts supporting his or her belief and prepare a
21 written record of those facts;

22 (3) inform the Cook County deputy sheriff that he or
23 she will be tested for alcohol;

24 (4) inform the Cook County deputy sheriff that he or
25 she may refuse the test, but that refusal to submit to a
26 test for alcohol, ordered in accordance with the procedures

1 of the Cook County Sheriff's office, shall be construed as
2 a positive result; and

3 (5) transport or cause the Cook County deputy sheriff
4 to be transported safely away from the Cook County
5 Sheriff's office.

6 (e) A test shall be construed as a positive result if the
7 test shows a result of a blood alcohol content higher than
8 0.00%.

9 (f) A person employed as a Cook County deputy sheriff who
10 tests positive in a test for the purpose of determining the
11 alcohol content of the person's blood while on duty according
12 to the procedures of the Cook County Sheriff shall be referred
13 to the Cook County Sheriff Merit Board for appropriate
14 discipline, if any, where the totality of the circumstances
15 shall be considered.

16 (g) Upon a finding that a Cook County deputy sheriff has
17 violated this Section, the Board shall appropriately
18 discipline the Cook County deputy sheriff. Any determination of
19 appropriate discipline made according to this Section against a
20 Cook County deputy sheriff by the Board shall be subject to an
21 appeals process, if any, afforded by the collective bargaining
22 agreement governing the employment of the Cook County deputy
23 sheriff.

24 (h) The provisions of this Section shall not apply to:

25 (1) a Cook County deputy sheriff who has been assigned
26 to consume alcohol while on-duty and under appropriate

1 supervision for training purposes as approved by the Cook
2 County Sheriff;

3 (2) a Cook County deputy sheriff whose duty
4 requirements run counter to the provisions of this Section;

5 (3) a Cook County deputy sheriff who has been assigned
6 by the Cook County Sheriff to work undercover, while his or
7 her identity as a Cook County deputy sheriff must remain
8 undisclosed for purposes of that assignment; and

9 (4) a Cook County deputy sheriff exempt under
10 subsection (g) of Section 10-1 of Article 10 of the Liquor
11 Control Act of 1934.

12 (i) To the extent this Section conflicts with a collective
13 bargaining agreement in effect on the effective date of this
14 amendatory Act of the 98th General Assembly, the conflicting
15 provision of this Section shall not apply until that collective
16 bargaining agreement expires or is renewed, renegotiated, or
17 superseded.

18 (j) A home rule unit may not regulate the discipline of a
19 Cook County deputy sheriff who tests positive during a test for
20 the purpose of determining the alcohol content of the person's
21 blood in a manner that is inconsistent with this Section. This
22 Section is a limitation under subsection (i) of Section 6 of
23 Article VII of the Illinois Constitution on the concurrent
24 exercise by home rule units of power and functions exercised by
25 the State.

1 Section 15. The Illinois Municipal Code is amended by
2 adding Section 10-3-13 as follows:

3 (65 ILCS 5/10-3-13 new)

4 Sec. 10-3-13. Zero tolerance alcohol policy.

5 (a) It is the intent of the General Assembly to maintain a
6 safe environment for the citizens of this State and to ensure
7 that policemen are not impaired in a manner that endangers
8 themselves or others. Therefore, it is declared to be the
9 public policy of this State to provide a work environment free
10 of the use of alcohol and unlawful drugs by on-duty policemen.

11 (b) The chief of police shall adopt rules to implement this
12 Section.

13 (c) Any person employed by the police department of a
14 municipality as a policeman must comply with the alcohol use
15 and testing requirements of the police department.

16 (d) If a policeman's supervisor reasonably believes, based
17 upon objective facts, that the policeman's ability to perform
18 his or her duties safely and efficiently while on duty may be
19 impaired by the consumption of alcohol, the supervisor shall:

20 (1) prevent the policeman from continuing work;

21 (2) inform the policeman of the specific facts
22 supporting his or her belief and prepare a written record
23 of those facts;

24 (3) inform the policeman that he or she will be tested
25 for alcohol;

1 (4) inform the policeman that he or she may refuse the
2 test, but that refusal to submit to a test for alcohol,
3 ordered in accordance with the procedures of the police
4 department, shall be construed as a positive result; and

5 (5) transport or cause the policeman to be transported
6 safely away from the police department.

7 (e) A test shall be construed as a positive result if the
8 test shows a result of a blood alcohol content higher than
9 0.00%.

10 (f) A person employed as a policeman who tests positive in
11 a test for the purpose of determining the alcohol content of
12 the person's blood while on duty according to the procedures of
13 the police department shall be referred to the chief of police
14 or other appropriate board or official for appropriate
15 discipline, if any, where the totality of the circumstances
16 shall be considered.

17 (g) Upon a finding that a policeman has violated this
18 Section, the chief of police or other appropriate board or
19 official shall appropriately discipline the policeman. Any
20 determination of appropriate discipline made according to this
21 Section against a policeman by the chief of police or other
22 appropriate board or official shall be subject to an appeals
23 process, if any, afforded by the collective bargaining
24 agreement governing the employment of the policeman.

25 (h) The provisions of this Section shall not apply to:

26 (1) a policeman who has been assigned to consume

1 alcohol while on-duty and under appropriate supervision
2 for training purposes as approved by the chief of police;

3 (2) a policeman whose duty requirements run counter to
4 the provisions of this Section;

5 (3) a policeman who has been assigned by the chief of
6 police to work undercover, while his or her identity as a
7 policeman must remain undisclosed for purposes of that
8 assignment; and

9 (4) a policeman exempt under subsection (g) of Section
10 10-1 of Article 10 of the Liquor Control Act of 1934.

11 (i) To the extent this Section conflicts with a collective
12 bargaining agreement in effect on the effective date of this
13 amendatory Act of the 98th General Assembly, the conflicting
14 provision of this Section shall not apply until that collective
15 bargaining agreement expires or is renewed, renegotiated, or
16 superseded.

17 (j) A home rule unit may not regulate the discipline of a
18 policeman who tests positive during a test for the purpose of
19 determining the alcohol content of the person's blood in a
20 manner that is inconsistent with this Section. This Section is
21 a limitation under subsection (i) of Section 6 of Article VII
22 of the Illinois Constitution on the concurrent exercise by home
23 rule units of power and functions exercised by the State.

24 Section 20. The Illinois Vehicle Code is amended by adding
25 Section 2-116.5 as follows:

1 (625 ILCS 5/2-116.5 new)

2 Sec. 2-116.5. Zero tolerance alcohol policy.

3 (a) Purpose. It is the intent of the General Assembly to
4 maintain a safe environment for the citizens of this State and
5 to ensure that Secretary of State Department of Police officers
6 are not impaired in a manner that endangers themselves or
7 others. Therefore, it is declared to be the public policy of
8 this State to provide a work environment free of the use of
9 alcohol and unlawful drugs by on-duty Secretary of State
10 Department of Police officers.

11 (b) The Secretary shall adopt rules to implement this
12 Section.

13 (c) Any person employed as a Secretary of State Department
14 of Police officer must comply with the alcohol use and testing
15 requirements of the Secretary of State Department of Police.

16 (d) If a Secretary of State Department of Police officer's
17 supervisor reasonably believes, based upon objective facts,
18 that an officer's ability to perform his or her duties safely
19 and efficiently while on duty may be impaired by the
20 consumption of alcohol, the supervisor shall:

21 (1) prevent the officer from continuing work;

22 (2) inform the officer of the specific facts supporting
23 his or her belief and prepare a written record of those
24 facts;

25 (3) inform the officer that he or she will be tested

1 for alcohol;

2 (4) inform the officer that he or she may refuse the
3 test, but that refusal to submit to a test for alcohol,
4 ordered in accordance with Departmental procedures, shall
5 be construed as a positive result; and

6 (5) transport or cause the officer to be transported
7 safely away from the Department.

8 (e) A test shall be construed as a positive result if the
9 test shows a result of a blood alcohol content higher than
10 0.00%.

11 (f) A person employed as a Secretary of State Department of
12 Police officer who tests positive in a test for the purpose of
13 determining the alcohol content of the person's blood while on
14 duty according to the procedures of the Secretary of State
15 Department of Police shall be referred to the Director of
16 Personnel as required by rule for appropriate discipline, if
17 any, where the totality of the circumstances shall be
18 considered.

19 (g) Upon a finding that an officer has violated this
20 Section, the Director of Personnel shall appropriately
21 discipline the officer. Any determination of appropriate
22 discipline made according to this Section against an officer
23 shall be subject to an appeals process, if any, afforded by the
24 collective bargaining agreement governing the employment of
25 the officer.

26 (h) The provisions of this Section shall not apply to:

1 (1) an officer who has been assigned to consume alcohol
2 while on-duty and under appropriate supervision by a
3 superior officer for training purposes as approved by the
4 Director;

5 (2) an officer whose duty requirements run counter to
6 the provision of this Section;

7 (3) an officer who has been assigned by the Director to
8 work undercover, while his or her identity as a police
9 officer must remain undisclosed for purposes of that
10 assignment; and

11 (4) an officer exempt under subsection (g) of Section
12 10-1 of Article 10 of the Liquor Control Act of 1934.

13 (i) To the extent this Section conflicts with a collective
14 bargaining agreement in effect on the effective date of this
15 amendatory Act of the 98th General Assembly, the conflicting
16 provision of this Section shall not apply until that collective
17 bargaining agreement expires or is renewed, renegotiated, or
18 superseded."