

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 3-7002, 3-7004, 3-7008, 3-7011, and 3-7012 as follows:

6 (55 ILCS 5/3-7002) (from Ch. 34, par. 3-7002)

7 Sec. 3-7002. Cook County Sheriff's Merit Board. There is  
8 created the Cook County Sheriff's Merit Board, hereinafter  
9 called the Board, consisting of not less than 3 and not more  
10 than 7 members appointed by the Sheriff with the advice and  
11 consent of three-fifths of the county board, except that the  
12 Sheriff may appoint 2 additional members, with the advice and  
13 consent of three-fifths of the county board, at his or her  
14 discretion. Of the members first appointed, one shall serve  
15 until the third Monday in March, 1965 one until the third  
16 Monday in March, 1967, and one until the third Monday in March,  
17 1969. Of the 2 additional members first appointed under  
18 authority of this amendatory Act of 1991, one shall serve until  
19 the third Monday in March, 1995, and one until the third Monday  
20 in March, 1997. Of the 2 additional members first appointed  
21 under the authority of this amendatory Act of the 91st General  
22 Assembly, one shall serve until the third Monday in March, 2005  
23 and one shall serve until the third Monday in March, 2006.

1           Upon the expiration of the terms of office of those first  
2 appointed (including the 2 additional members first appointed  
3 under authority of this amendatory Act of 1991 and under the  
4 authority of this amendatory Act of the 91st General Assembly),  
5 their respective successors shall be appointed to hold office  
6 from the third Monday in March of the year of their respective  
7 appointments for a term of 6 years and until their successors  
8 are appointed and qualified for a like term. As additional  
9 members are appointed under authority of this amendatory Act of  
10 1997, their terms shall be set to be staggered consistently  
11 with the terms of the existing Board members.

12           Notwithstanding any provision in this Section to the  
13 contrary, the term of office of each member of the Board is  
14 abolished on the effective date of this amendatory Act of the  
15 100th General Assembly. Of the 7 members first appointed after  
16 the effective date of this Act of the 100th General Assembly, 2  
17 shall serve until the third Monday in March 2019, 2 shall serve  
18 until the third Monday in March 2021, and 3 members shall serve  
19 until the third Monday in March 2023. The terms of the 2  
20 additional members first appointed after the effective date of  
21 this Act of the 100th General Assembly shall be staggered  
22 consistently with the terms of the other Board members.  
23 Successors or reappointments shall be appointed to hold office  
24 ~~from the third Monday in March of the year of their respective~~  
25 ~~appointments~~ for a term ending on the third Monday in March ~~of~~  
26 6 years following the preceding term expiration. Each member of

1 the Board shall hold office until his or her successor is  
2 appointed and qualified or the member is reappointed. In all  
3 appointments, the county board has the power to approve terms  
4 to ensure the Board fulfills its mandate.

5 In the case of a vacancy in the office of a member prior to  
6 the conclusion of the member's term, the Sheriff shall, with  
7 the advice and consent of three-fifths of the county board,  
8 appoint a person to serve for the remainder of the unexpired  
9 term.

10 No more than one-half plus one of the 3 members of the  
11 Board shall be affiliated with the same political party.  
12 Political affiliation is determined, for purposes of this  
13 Section, as the political affiliation an appointed member has  
14 or does not have at the time the appointment is approved by the  
15 county board and shall continue to be so determined until the  
16 member discontinues serving on the Board, except that as  
17 additional members are appointed by the Sheriff, the political  
18 affiliation of the Board shall be such that no more than  
19 one half of the members plus one additional member may be  
20 affiliated with the same political party. No member shall have  
21 held or have been a candidate for an elective public office  
22 within one year preceding his or her appointment.

23 The Sheriff may deputize members of the Board.

24 (Source: P.A. 100-562, eff. 12-8-17.)

25 (55 ILCS 5/3-7004) (from Ch. 34, par. 3-7004)

1           Sec. 3-7004. Clerical and technical staff assistants and  
2 hearing officers. The Board is authorized to employ such  
3 clerical and technical staff assistants as may be necessary to  
4 enable the Board to transact its business and to fix their  
5 compensation. The Board is authorized to employ hearing  
6 officers to conduct hearings under Section 3-7012. Hearing  
7 officers employed by the Board shall be qualified to hold the  
8 position as determined by the Board. Hearing officers shall be  
9 attorneys licensed to practice law in this State.

10         (Source: P.A. 86-962.)

11           (55 ILCS 5/3-7008) (from Ch. 34, par. 3-7008)

12           Sec. 3-7008. Appointments. The appointment of deputy  
13 sheriffs in the Police Department, full-time deputy sheriffs  
14 not employed as county police officers or county corrections  
15 officers and of employees in the Department of Corrections  
16 shall be made from those applicants who have been certified by  
17 the Board as being qualified for appointment. Certification for  
18 appointment in one department shall not constitute  
19 certification for appointment in another department.  
20 Certification may be made at any point prior to appointment and  
21 may be made in conjunction with the Sheriff's application  
22 process. All persons so appointed shall, at the time of their  
23 appointment, be not less than 21 years of age, or 20 years of  
24 age and have successfully completed 2 years of law enforcement  
25 studies at an accredited college or university. Any person

1 appointed subsequent to successful completion of 2 years of  
2 such law enforcement studies shall not have power of arrest,  
3 nor shall he or she be permitted to carry firearms, until he or  
4 she reaches 21 years of age. In addition, all persons so  
5 appointed shall be not more than the maximum age limit fixed by  
6 the Board from time to time, be of sound mind and body, be of  
7 good moral character, be citizens of the United States, have  
8 not been convicted of a crime which the Board considers to be  
9 detrimental to the applicant's ability to carry out his or her  
10 duties, possess such prerequisites of training, education and  
11 experience as the Board may from time to time prescribe, and  
12 shall be required to pass successfully mental, physical,  
13 psychiatric and other tests and examinations as may be  
14 prescribed by the Board. Preference shall be given in such  
15 appointments to persons who have honorably served in the  
16 military or naval services of the United States. ~~Before~~  
17 ~~entering upon his or her duties, each deputy sheriff in the~~  
18 ~~County Police Department shall execute a good and sufficient~~  
19 ~~bond, payable to the People of the State of Illinois, in the~~  
20 ~~penal sum of \$1,000 and to the Sheriff of the County where he~~  
21 ~~or she is employed in the sum of \$10,000, conditioned on the~~  
22 ~~faithful performance of his or her duties.~~ All appointees shall  
23 serve a probationary period of 12 months and during that period  
24 may be discharged at the will of the Sheriff. However, civil  
25 service employees of the house of correction who have certified  
26 status at the time of the transfer of the house of correction

1 to the County Department of Corrections are not subject to this  
2 probationary period, and they shall retain their job titles,  
3 such tenure privileges as are now enjoyed and any subsequent  
4 title changes shall not cause reduction in rank or elimination  
5 of positions.

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

7 (55 ILCS 5/3-7011) (from Ch. 34, par. 3-7011)

8 Sec. 3-7011. Disciplinary measures. Disciplinary measures  
9 prescribed by the Board may be taken by the sheriff for the  
10 punishment of infractions of the rules and regulations  
11 promulgated by the Board. Such disciplinary measures may  
12 include suspension of any deputy sheriff in the County Police  
13 Department, any full-time deputy sheriff not employed as a  
14 county police officer or county corrections officer and any  
15 employee in the County Department of Corrections and any other  
16 discipline that does not constitute termination or demotion for  
17 a reasonable period, not exceeding 30 days, without complying  
18 with the provisions of Section 3-7012 hereof.

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

20 (55 ILCS 5/3-7012) (from Ch. 34, par. 3-7012)

21 Sec. 3-7012. Removal, demotion or suspension. Except as is  
22 otherwise provided in this Division, no deputy sheriff in the  
23 County Police Department, no full-time deputy sheriff not  
24 employed as a county police officer or county corrections

1 officer and no employee in the County Department of Corrections  
2 shall be removed, demoted or suspended except for cause, upon  
3 written charges filed with the Board by the Sheriff and a  
4 hearing before the Board thereon upon not less than 10 days'  
5 notice at a place to be designated by the chairman thereof. At  
6 such hearing, the accused deputy sheriff shall be afforded full  
7 opportunity to be heard in his or her own defense and to  
8 produce proof in his or her defense. The Board shall have the  
9 power to secure by its subpoena both the attendance and  
10 testimony of witnesses and the production of books and papers  
11 in support of the charges and for the defense. The fees of  
12 witnesses for attendance and travel shall be the same as the  
13 fees of witnesses before the circuit courts of this State, and  
14 shall be paid in the same manner as other expenses of the  
15 Board. Each member of the Board shall have the power to  
16 administer oaths or affirmations. If the charges against an  
17 accused deputy sheriff are established by a preponderance of  
18 evidence, the Board shall make a finding of guilty and order  
19 either removal, demotion, suspension for a period of not more  
20 than 180 days, or such other disciplinary punishment as may be  
21 prescribed by the rules and regulations of the Board which, in  
22 the opinion of the members thereof, the offense merits. The  
23 Board shall render its decision no later than 120 days  
24 following the conclusion of any hearings conducted under this  
25 Section. Thereupon the sheriff shall direct such removal or  
26 other punishment as ordered by the Board and if the accused

1 deputy sheriff refuses to abide by any such disciplinary order,  
2 the sheriff shall remove him or her forthwith. On and after  
3 June 1, 2018, for an appointed officer rank subject to hearing  
4 under this Section that is covered by a collective bargaining  
5 agreement, disciplinary measures and the method of review of  
6 those measures are subject to mandatory bargaining, including,  
7 but not limited to, the use of impartial arbitration as an  
8 alternative or supplemental form of due process and any of the  
9 procedures laid out in this Section.

10 Within 21 days after the conclusion of a hearing overseen  
11 by a hearing officer appointed under Section 3-7004, the  
12 hearing officer shall issue a recommended order in writing,  
13 which shall include findings of fact and a determination of  
14 whether cause for discipline has been established by the  
15 Sheriff. The hearing officer shall also recommend whether  
16 discipline should be imposed and the level of the discipline.  
17 Any hearing officer may issue the recommended order. Within 21  
18 days after receipt of service of the recommended order, the  
19 Sheriff and the respondent may file with the board written  
20 exceptions to any part of the order. Exceptions shall be  
21 supported by argument and served on all parties at the time  
22 they are filed. If no exceptions are filed, the recommended  
23 order shall become the order of the board without further  
24 review. The board may set any further rules in accordance with  
25 this Section.

26 In case of the neglect or refusal of any person to obey a

1 subpoena issued by the Board, any circuit court or a judge  
2 thereof, upon application of any member of the Board, may order  
3 such person to appear before the Board and give testimony or  
4 produce evidence, and any failure to obey such order is  
5 punishable by the court as a contempt thereof.

6 The provisions of the Administrative Review Law, and all  
7 amendments and modifications thereof, and the rules adopted  
8 pursuant thereto, shall apply to and govern all proceedings for  
9 the judicial review of any order of the Board rendered pursuant  
10 to the provisions of this Section.

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

12 (55 ILCS 5/3-7007 rep.)

13 Section 10. The Counties Code is amended by repealing  
14 Section 3-7007.

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.