



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB5830

Introduced 11/10/2020, by Rep. Carol Ammons

#### SYNOPSIS AS INTRODUCED:

5 ILCS 315/20	from Ch. 48, par. 1620
20 ILCS 2610/14	from Ch. 121, par. 307.14
50 ILCS 725/3.8	from Ch. 85, par. 2561
50 ILCS 725/3.9	from Ch. 85, par. 2562
50 ILCS 725/3.10 rep.	
50 ILCS 725/3.11 rep.	

Amends the Illinois Public Labor Relations Act. Provides that on or after the effective date of the amendatory Act, any provision in a collective bargaining agreement applicable to peace officers, including, but not limited to, the Illinois State Police, that does not pertain directly to wages or benefits, or both, is declared to be against public policy and unenforceable. Amends the State Police Act and the Uniform Peace Officers' Disciplinary Act. Deletes provisions that anyone filing a complaint against a State Police Officer or a sworn peace officer must have the complaint supported by a sworn affidavit. Deletes provisions that any such complaint, having been supported by a sworn affidavit, and having been found, in total or in part, to contain false information, shall be presented to the appropriate State's Attorney for a determination of prosecution. In the Uniform Peace Officers' Disciplinary Act, deletes provision that if a collective bargaining agreement requires the presence of a representative of the collective bargaining unit during investigations, the representative shall be present during the interrogation, unless this requirement is waived by the officer being interrogated. Deletes provision that admissions or confessions obtained during the course of any interrogation not conducted in accordance with the Act may not be utilized in any subsequent disciplinary proceeding against the officer. Deletes provision that in the course of any interrogation no officer shall be required to submit to a polygraph test, or any other test questioning by means of any chemical substance, except with the officer's express written consent. Deletes provision that refusal to submit to such tests shall not result in any disciplinary action nor shall such refusal be made part of his or her record.

LRB101 21855 RLC 72814 b

1 AN ACT concerning peace officers.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Labor Relations Act is  
5 amended by changing Section 20 as follows:

6 (5 ILCS 315/20) (from Ch. 48, par. 1620)

7 Sec. 20. Prohibitions.

8 (a) Nothing in this Act shall be construed to require an  
9 individual employee to render labor or service without his  
10 consent, nor shall anything in this Act be construed to make  
11 the quitting of his labor by an individual employee an illegal  
12 act; nor shall any court issue any process to compel the  
13 performance by an individual employee of such labor or service,  
14 without his consent; nor shall the quitting of labor by an  
15 employee or employees in good faith because of abnormally  
16 dangerous conditions for work at the place of employment of  
17 such employee be deemed a strike under this Act.

18 (b) This Act shall not be applicable to units of local  
19 government employing less than 5 employees at the time the  
20 Petition for Certification or Representation is filed with the  
21 Board. This prohibition shall not apply to bargaining units in  
22 existence on the effective date of this Act and units of local  
23 government employing more than 5 employees where the total

1 number of employees falls below 5 after the Board has certified  
2 a bargaining unit.

3 (c) On or after the effective date of this amendatory Act  
4 of the 101st General Assembly, any provision in a collective  
5 bargaining agreement applicable to peace officers, including,  
6 but not limited to, the Illinois State Police, that does not  
7 pertain directly to wages or benefits, or both, is declared to  
8 be against public policy and unenforceable.

9 (Source: P.A. 93-442, eff. 1-1-04; 93-1080, eff. 6-1-05; 94-67,  
10 eff. 1-1-06.)

11 Section 10. The State Police Act is amended by changing  
12 Section 14 as follows:

13 (20 ILCS 2610/14) (from Ch. 121, par. 307.14)

14 Sec. 14. Except as is otherwise provided in this Act, no  
15 Department of State Police officer shall be removed, demoted or  
16 suspended except for cause, upon written charges filed with the  
17 Board by the Director and a hearing before the Board thereon  
18 upon not less than 10 days' notice at a place to be designated  
19 by the chairman thereof. At such hearing, the accused shall be  
20 afforded full opportunity to be heard in his or her own defense  
21 and to produce proof in his or her defense. ~~Anyone filing a~~  
22 ~~complaint against a State Police Officer must have the~~  
23 ~~complaint supported by a sworn affidavit. Any such complaint,~~  
24 ~~having been supported by a sworn affidavit, and having been~~

1 ~~found, in total or in part, to contain false information, shall~~  
2 ~~be presented to the appropriate State's Attorney for a~~  
3 ~~determination of prosecution.~~

4 Before any such officer may be interrogated or examined by  
5 or before the Board, or by a departmental agent or investigator  
6 specifically assigned to conduct an internal investigation,  
7 the results of which hearing, interrogation or examination may  
8 be the basis for filing charges seeking his or her suspension  
9 for more than 15 days or his or her removal or discharge, he or  
10 she shall be advised in writing as to what specific improper or  
11 illegal act he or she is alleged to have committed; he or she  
12 shall be advised in writing that his or her admissions made in  
13 the course of the hearing, interrogation or examination may be  
14 used as the basis for charges seeking his or her suspension,  
15 removal or discharge; and he or she shall be advised in writing  
16 that he or she has a right to counsel of his or her choosing,  
17 who may be present to advise him or her at any hearing,  
18 interrogation or examination. A complete record of any hearing,  
19 interrogation or examination shall be made, and a complete  
20 transcript or electronic recording thereof shall be made  
21 available to such officer without charge and without delay.

22 The Board shall have the power to secure by its subpoena  
23 both the attendance and testimony of witnesses and the  
24 production of books and papers in support of the charges and  
25 for the defense. Each member of the Board or a designated  
26 hearing officer shall have the power to administer oaths or

1 affirmations. If the charges against an accused are established  
2 by a preponderance of evidence, the Board shall make a finding  
3 of guilty and order either removal, demotion, suspension for a  
4 period of not more than 180 days, or such other disciplinary  
5 punishment as may be prescribed by the rules and regulations of  
6 the Board which, in the opinion of the members thereof, the  
7 offense merits. Thereupon the Director shall direct such  
8 removal or other punishment as ordered by the Board and if the  
9 accused refuses to abide by any such disciplinary order, the  
10 Director shall remove him or her forthwith.

11 If the accused is found not guilty or has served a period  
12 of suspension greater than prescribed by the Board, the Board  
13 shall order that the officer receive compensation for the  
14 period involved. The award of compensation shall include  
15 interest at the rate of 7% per annum.

16 The Board may include in its order appropriate sanctions  
17 based upon the Board's rules and regulations. If the Board  
18 finds that a party has made allegations or denials without  
19 reasonable cause or has engaged in frivolous litigation for the  
20 purpose of delay or needless increase in the cost of  
21 litigation, it may order that party to pay the other party's  
22 reasonable expenses, including costs and reasonable attorney's  
23 fees. The State of Illinois and the Department shall be subject  
24 to these sanctions in the same manner as other parties.

25 In case of the neglect or refusal of any person to obey a  
26 subpoena issued by the Board, any circuit court, upon

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

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

10 Notwithstanding the provisions of this Section, a policy  
11 making officer, as defined in the Employee Rights Violation  
12 Act, of the Department of State Police shall be discharged from  
13 the Department of State Police as provided in the Employee  
14 Rights Violation Act, enacted by the 85th General Assembly.  
15 (Source: P.A. 96-891, eff. 5-10-10.)

16 Section 15. The Uniform Peace Officers' Disciplinary Act is  
17 amended by changing Sections 3.8 and 3.9 as follows:

18 (50 ILCS 725/3.8) (from Ch. 85, par. 2561)

19 Sec. 3.8. Admissions; counsel; verified complaint.

20 (a) No officer shall be interrogated without first being  
21 advised in writing that admissions made in the course of the  
22 interrogation may be used as evidence of misconduct or as the  
23 basis for charges seeking suspension, removal, or discharge;  
24 and without first being advised in writing that he or she has

1 the right to counsel of his or her choosing who may be present  
2 to advise him or her at any stage of any interrogation.

3 (b) (Blank). ~~Anyone filing a complaint against a sworn~~  
4 ~~peace officer must have the complaint supported by a sworn~~  
5 ~~affidavit. Any complaint, having been supported by a sworn~~  
6 ~~affidavit, and having been found, in total or in part, to~~  
7 ~~contain knowingly false material information, shall be~~  
8 ~~presented to the appropriate State's Attorney for a~~  
9 ~~determination of prosecution.~~

10 (Source: P.A. 97-472, eff. 8-22-11.)

11 (50 ILCS 725/3.9) (from Ch. 85, par. 2562)

12 Sec. 3.9. The officer under investigation shall have the  
13 right to be represented by counsel of his or her choosing and  
14 may request counsel at any time before or during interrogation.  
15 When such request for counsel is made, no interrogation shall  
16 proceed until reasonable time and opportunity are provided the  
17 officer to obtain counsel.

18 ~~If a collective bargaining agreement requires the presence~~  
19 ~~of a representative of the collective bargaining unit during~~  
20 ~~investigations, such representative shall be present during~~  
21 ~~the interrogation, unless this requirement is waived by the~~  
22 ~~officer being interrogated.~~

23 (Source: P.A. 83-981.)

24 (50 ILCS 725/3.10 rep.)

1 (50 ILCS 725/3.11 rep.)

2 Section 20. The Uniform Peace Officers' Disciplinary Act is

3 amended by repealing Sections 3.10 and 3.11.