

HB0410



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0410

Introduced 2/8/2021, by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

65 ILCS 5/1-2.1-4

Amends the Administrative Adjudications Division of the Illinois Municipal Code. Provides that a person who has served as a judge in Illinois is not required to complete specified formal training requirements in order to be an administrative hearing officer. Effective immediately.

LRB102 02728 AWJ 12731 b

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 5. The Illinois Municipal Code is amended by
5 changing Section 1-2.1-4 as follows:

6 (65 ILCS 5/1-2.1-4)

7 Sec. 1-2.1-4. Code hearing units; powers of hearing
8 officers.

9 (a) An ordinance establishing a system of administrative
10 adjudication, pursuant to this Division, shall provide for a
11 code hearing unit within an existing agency or as a separate
12 agency in the municipal government. The ordinance shall
13 establish the jurisdiction of a code hearing unit that is
14 consistent with this Division. The "jurisdiction" of a code
15 hearing unit refers to the particular code violations that it
16 may adjudicate.

17 (b) Adjudicatory hearings shall be presided over by
18 hearing officers. The powers and duties of a hearing officer
19 shall include:

20 (1) hearing testimony and accepting evidence that is
21 relevant to the existence of the code violation;

22 (2) issuing subpoenas directing witnesses to appear
23 and give relevant testimony at the hearing, upon the

1 request of the parties or their representatives;

2 (3) preserving and authenticating the record of the
3 hearing and all exhibits and evidence introduced at the
4 hearing;

5 (4) issuing a determination, based on the evidence
6 presented at the hearing, of whether a code violation
7 exists. The determination shall be in writing and shall
8 include a written finding of fact, decision, and order
9 including the fine, penalty, or action with which the
10 defendant must comply; and

11 (5) imposing penalties consistent with applicable code
12 provisions and assessing costs upon finding a party liable
13 for the charged violation, except, however, that in no
14 event shall the hearing officer have authority to (i)
15 impose a penalty of incarceration, or (ii) impose a fine
16 in excess of \$50,000, or at the option of the
17 municipality, such other amount not to exceed the maximum
18 amount established by the Mandatory Arbitration System as
19 prescribed by the Rules of the Illinois Supreme Court from
20 time to time for the judicial circuit in which the
21 municipality is located. The maximum monetary fine under
22 this item (5), shall be exclusive of costs of enforcement
23 or costs imposed to secure compliance with the
24 municipality's ordinances and shall not be applicable to
25 cases to enforce the collection of any tax imposed and
26 collected by the municipality.

1 (c) Prior to conducting administrative adjudication
2 proceedings, administrative hearing officers shall have
3 successfully completed a formal training program which
4 includes the following:

5 (1) instruction on the rules of procedure of the
6 administrative hearings which they will conduct;

7 (2) orientation to each subject area of the code
8 violations that they will adjudicate;

9 (3) observation of administrative hearings; and

10 (4) participation in hypothetical cases, including
11 ruling on evidence and issuing final orders.

12 In addition, every administrative hearing officer must be
13 an attorney licensed to practice law in the State of Illinois
14 for at least 3 years. A person who has served as a judge in
15 Illinois is not required to fulfill the requirements of items
16 (1) through (4) of this subsection.

17 (d) A proceeding before a code hearing unit shall be
18 instituted upon the filing of a written pleading by an
19 authorized official of the municipality.

20 (Source: P.A. 90-516, eff. 1-1-98.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.