

1 AN ACT concerning State government.

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

4 Section 5. The State Police Act is amended by changing  
5 Section 14 as follows:

6 (20 ILCS 2610/14) (from Ch. 121, par. 307.14)

7 Sec. 14. Except as is otherwise provided in this Act, no  
8 Department of State Police officer shall be removed, demoted or  
9 suspended except for cause, upon written charges filed with the  
10 Board by the Director and a hearing before the Board thereon  
11 upon not less than 10 days' notice at a place to be designated  
12 by the chairman thereof. At such hearing, the accused shall be  
13 afforded full opportunity to be heard in his or her own defense  
14 and to produce proof in his or her defense. Anyone filing a  
15 complaint against a State Police Officer must have the  
16 complaint supported by a sworn affidavit. Any such complaint,  
17 having been supported by a sworn affidavit, and having been  
18 found, in total or in part, to contain false information, shall  
19 be presented to the appropriate State's Attorney's office for a  
20 determination of prosecution. Notwithstanding any other  
21 rulemaking authority that may exist, neither the Governor nor  
22 any agency or agency head under the jurisdiction of the  
23 Governor has any authority to make or promulgate rules to

1 implement or enforce the provisions of this amendatory Act of  
2 the 95th General Assembly. If, however, the Governor believes  
3 that rules are necessary to implement or enforce the provisions  
4 of this amendatory Act of the 95th General Assembly, the  
5 Governor may suggest rules to the General Assembly by filing  
6 them with the Clerk of the House and the Secretary of the  
7 Senate and by requesting that the General Assembly authorize  
8 such rulemaking by law, enact those suggested rules into law,  
9 or take any other appropriate action in the General Assembly's  
10 discretion. Nothing contained in this amendatory Act of the  
11 95th General Assembly shall be interpreted to grant rulemaking  
12 authority under any other Illinois statute where such authority  
13 is not otherwise explicitly given. For the purposes of this  
14 paragraph, "rules" is given the meaning contained in Section  
15 1-70 of the Illinois Administrative Procedure Act, and "agency"  
16 and "agency head" are given the meanings contained in Sections  
17 1-20 and 1-25 of the Illinois Administrative Procedure Act to  
18 the extent that such definitions apply to agencies or agency  
19 heads under the jurisdiction of the Governor.

20 Before any such officer may be interrogated or examined by  
21 or before the Board, or by a departmental agent or investigator  
22 specifically assigned to conduct an internal investigation,  
23 the results of which hearing, interrogation or examination may  
24 be the basis for filing charges seeking his or her suspension  
25 for more than 15 days or his or her removal or discharge, he or  
26 she shall be advised in writing as to what specific improper or

1 illegal act he or she is alleged to have committed; he or she  
2 shall be advised in writing that his or her admissions made in  
3 the course of the hearing, interrogation or examination may be  
4 used as the basis for charges seeking his or her suspension,  
5 removal or discharge; and he or she shall be advised in writing  
6 that he or she has a right to counsel of his or her choosing,  
7 who may be present to advise him or her at any hearing,  
8 interrogation or examination. A complete record of any hearing,  
9 interrogation or examination shall be made, and a complete  
10 transcript or electronic recording thereof shall be made  
11 available to such officer without charge and without delay.

12 The Board shall have the power to secure by its subpoena  
13 both the attendance and testimony of witnesses and the  
14 production of books and papers in support of the charges and  
15 for the defense. Each member of the Board or a designated  
16 hearing officer shall have the power to administer oaths or  
17 affirmations. If the charges against an accused are established  
18 by a preponderance of evidence, the Board shall make a finding  
19 of guilty and order either removal, demotion, suspension for a  
20 period of not more than 180 days, or such other disciplinary  
21 punishment as may be prescribed by the rules and regulations of  
22 the Board which, in the opinion of the members thereof, the  
23 offense merits. Thereupon the Director shall direct such  
24 removal or other punishment as ordered by the Board and if the  
25 accused refuses to abide by any such disciplinary order, the  
26 Director shall remove him or her forthwith.

1           If the accused is found not guilty or has served a period  
2 of suspension greater than prescribed by the Board, the Board  
3 shall order that the officer receive compensation for the  
4 period involved. The award of compensation shall include  
5 interest at the rate of 7% per annum.

6           The Board may include in its order appropriate sanctions  
7 based upon the Board's rules and regulations. If the Board  
8 finds that a party has made allegations or denials without  
9 reasonable cause or has engaged in frivolous litigation for the  
10 purpose of delay or needless increase in the cost of  
11 litigation, it may order that party to pay the other party's  
12 reasonable expenses, including costs and reasonable attorney's  
13 fees. The State of Illinois and the Department shall be subject  
14 to these sanctions in the same manner as other parties.

15           In case of the neglect or refusal of any person to obey a  
16 subpoena issued by the Board, any circuit court, upon  
17 application of any member of the Board, may order such person  
18 to appear before the Board and give testimony or produce  
19 evidence, and any failure to obey such order is punishable by  
20 the court as a contempt thereof.

21           The provisions of the Administrative Review Law, and all  
22 amendments and modifications thereof, and the rules adopted  
23 pursuant thereto, shall apply to and govern all proceedings for  
24 the judicial review of any order of the Board rendered pursuant  
25 to the provisions of this Section.

26           Notwithstanding the provisions of this Section, a policy

1 making officer, as defined in the Employee Rights Violation  
2 Act, of the Department of State Police shall be discharged from  
3 the Department of State Police as provided in the Employee  
4 Rights Violation Act, enacted by the 85th General Assembly.  
5 (Source: P.A. 94-217, eff. 1-1-06.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.