



Sen. James F. Clayborne, Jr.

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LRB097 06798 KMW 68952 a

1 AMENDMENT TO HOUSE BILL 1404

2 AMENDMENT NO. _____. Amend House Bill 1404 by replacing
3 everything after the enacting clause with the following:

4 Section 1. Short title. This Act may be cited as the Metro
5 East Police District Act.

6 Section 3. Definitions.

7 "Commission" means the Metro East Police District
8 Commission.

9 "District" means the Metro East Police District.

10 Section 5. Creation of district. There is created within
11 the County of St. Clair a special police district, named the
12 Metro East Police District. The boundaries of the District
13 shall include the corporate boundaries of the City of East
14 Saint Louis, the Village of Washington Park, the Village of
15 Alorton, and the Village of Brooklyn. The District is created

1 to advance the cause of public safety and law enforcement for
2 the residents of the District.

3 Section 10. Metro East Police District Commission.

4 (a) The governing and administrative powers of the Metro
5 East Police District shall be vested in a body politic and
6 corporate named the Metro East Police District Commission,
7 whose powers include but are not limited to, the following:

8 (1) to apply for, accept and expend grants, loans, or
9 appropriations from the State of Illinois, the federal
10 government, any State or federal agency or
11 instrumentality, any unit of local government, or any other
12 person or entity to be used for any of the purposes of the
13 District. The Commission may enter into any agreement with
14 the State of Illinois, the federal government, any State or
15 federal instrumentality, any unit of local government, or
16 any other person or entity in relation to grants, matching
17 grants, loans, or appropriations. The Commission may
18 provide grants, loans, or appropriations for law
19 enforcement purposes to any unit of local government within
20 the District.

21 (2) to enter into contracts or agreements with persons
22 or entities for the supply of goods or services as may be
23 necessary for the purposes of the District.

24 (3) acquire fee simple title to real property lying
25 within the District and personal property required for its

1 purposes, by gift, purchase, contract, or otherwise for law
2 enforcement purposes including evidence storage, records
3 storage, equipment storage, detainment facilities,
4 training facilities, office space and other purposes of the
5 District. Title shall be taken in the name of the
6 Commission. The Commission may acquire by lease any real
7 property located within the District and personal property
8 found by the Commission to be necessary for its purposes
9 and to which the Commission finds that it need not acquire
10 fee simple title for carrying out of those purposes. The
11 Commission has no eminent domain powers or quick-take
12 powers under this provision.

13 (4) to establish by ordinance the rules and regulations
14 of the police departments within the District concerning:
15 officer ethics; the carry and use of weapons; search and
16 seizure procedures; procedures for arrests with and
17 without warrants; alternatives to arrest; the use of
18 officer discretion; strip searches and body cavity
19 searches; profiling; use of reasonable force; use of deadly
20 force; use of authorized less than lethal weapons;
21 reporting uses of force; weapons and ammunition; weapons
22 proficiency and training; crime analysis; purchasing and
23 requisitions; department property; inventory and control;
24 issue and reissue; recruitment; training attendance;
25 lesson plans; remedial training; officer training record
26 maintenance; department animals; response procedures;

1 pursuit of motor vehicles; roadblocks and forcible stops;
2 missing persons, children, and mentally ill persons; use of
3 equipment; use of vehicle lights and sirens; equipment
4 specifications and maintenance; vehicle safety restraints;
5 authorized personal equipment; protective vests and high
6 risk situations; mobile data access; in-car video and
7 audio; case file management; investigative checklists;
8 informants; cold cases; polygraphs; shift briefings;
9 interviews of witnesses and suspects; line-ups and
10 show-ups; confidential information; juvenile operations;
11 offenders, custody, and interrogation; crime prevention
12 and community interface; critical incident response and
13 planning; hostage negotiation; search and rescue; special
14 events; personnel, equipment, and facility inspections;
15 victim/witness rights, preliminary contact, and follow up;
16 next of kin notification; traffic stops and approaches;
17 speed-measuring devices; DUI procedures; traffic collision
18 reporting and investigation; citation inventory, control
19 and administration; escorts; towing procedures; detainee
20 searches and transportation; search and inventory of
21 vehicles; escape prevention procedures and detainee
22 restraint; sick, injured, and disabled detainees; vehicle
23 safety; holding facility standards; collection and
24 preservation of evidence including but not limited to
25 photos, video, fingerprints, computers, records, DNA
26 samples, controlled substances, weapons, and physical

1 evidence; police report standards and format; submission
2 of evidence to laboratories; follow up of outstanding
3 cases; and application for charges with the State's
4 Attorney, United States Attorney, Attorney General, or
5 other prosecuting authority.

6 Any ordinance promulgated under this provision may be
7 effective no sooner than 6 months after the effective date
8 of this amendatory Act of the 97th General Assembly.

9 (5) no later than one year from the effective date of
10 this amendatory Act of the 97th General Assembly, to assume
11 and perform for police departments within the District the
12 powers, rights, and duties concerning police matters
13 prescribed to the board of fire and police commissioners,
14 as provided for in Division 10-2.1 of the Illinois
15 Municipal Code.

16 (6) to develop a comprehensive plan for improvement and
17 maintenance of law enforcement facilities within the
18 District.

19 (7) to advance police departments within the District
20 towards accreditation by the national Commission for the
21 Accreditation of Law Enforcement Agencies (CALEA) within 3
22 years after creation of the District.

23 (b) The Commission shall consist of 14 appointed members
24 and 3 ex-officio members. Seven members shall be appointed by
25 the Governor with his advice and consent of the Senate. Four
26 members shall be appointed by the Mayor of East St. Louis, with

1 the advise and consent of the city council. One member each
2 shall be appointed by the Village Presidents of Washington
3 Park, Alorton, and Brooklyn, with the advise and consent of the
4 respective village boards. All appointed members shall hold
5 office for a term of 2 years ending on December 31 and until
6 their successors are appointed and qualified. The Mayor of East
7 Saint Louis, with the approval of the city council, may serve
8 as one of the members appointed for East Saint Louis, and the
9 Village Presidents of Washington Park, Alorton, and Brooklyn,
10 with the approval of their respective boards, may serve as the
11 member for their respective municipalities.

12 The Director of the Illinois State Police, or his or her
13 designee, the State's Attorney of St. Clair County, or his or
14 her designee, and the Director of the Southern Illinois Law
15 Enforcement Commission, or his or her designee, shall serve as
16 ex-officio members. Ex-officio members may only vote on matters
17 before the Commission in the event of a tie vote.

18 (c) Any vacancy in the appointed membership of the
19 Commission occurring by reason of the death, resignation,
20 disqualification, removal, or inability or refusal to act of
21 any of the members of the Commission shall be filled by the
22 authority that had appointed the particular member, and for the
23 unexpired term of office of that particular member.

24 (d) The Commission shall hold regular meetings annually for
25 the election of a chair, vice-chair, secretary, and treasurer,
26 for the adoption of a budget, and monthly for other business as

1 may be necessary. The Commission shall establish the duties and
2 responsibilities of its officers by rule. The chair, or any 9
3 members of the Commission, may call special meetings of the
4 Commission. Each member shall take an oath of office for the
5 faithful performance of his or her duties. The Commission may
6 not transact business at a meeting of the Commission unless
7 there is present at the meeting a quorum consisting of at least
8 9 members. Meetings may be held by telephone conference or
9 other communications equipment by means of which all persons
10 participating in the meeting can communicate with each other
11 consistent with the Open Meetings Act.

12 (e) The Commission shall submit to the General Assembly, no
13 later than March 1 of each odd-numbered year, a detailed report
14 covering its operations for the 2 preceding calendar years and
15 a statement of its program for the next 2 years. The
16 requirement for reporting to the General Assembly shall be
17 satisfied by filing copies of the report with the Speaker, the
18 Minority Leader, and the Clerk of the House of Representatives
19 and the President, the Minority Leader, and the Secretary of
20 the Senate and with the Legislative Research Unit, as required
21 by Section 3.1 of the General Assembly Organization Act, and by
22 filing additional copies with the State Government Report
23 Distribution Center for the General Assembly as is required
24 under paragraph (t) of Section 7 of the State Library Act.

25 (f) The Auditor General shall conduct audits of the
26 Commission in the same manner as the Auditor General conducts

1 audits of State agencies under the Illinois State Auditing Act.

2 (g) The Commission is a public body for purposes of the
3 Open Meetings Act and the Freedom of Information Act.

4 (h) This Section is a limitation under subsection (i) of
5 Section 6 of Article VII of the Illinois Constitution on the
6 concurrent exercise by home rule units of powers and functions
7 exercised by the State.

8 Section 15. Disposition of money; income fund. There is
9 created in the State Treasury the Metro East Police District
10 Fund. All moneys received by the Commission shall be deposited
11 into the Fund. Subject to appropriation, the Commission is
12 authorized to use all money received for all purposes and
13 powers set forth in this Act. The Auditor General shall, at
14 least biennially, audit or cause to be audited all records and
15 accounts of the Commission pertaining to the operation of the
16 District.

17 Section 20. Intergovernmental agreements. In addition to
18 the powers granted to municipalities under Section 11-1-2.1 of
19 the Illinois Municipal Code for police mutual aid and
20 assistance, municipalities within the District may enter into
21 intergovernmental agreements with other municipalities within
22 or contiguous to the District, the Commission, or St. Clair
23 County, for purposes of providing police protection and police
24 services within those municipalities, including but not

1 limited to communications, patrols, investigations, special
2 units, and juvenile services.

3 Section 25. The State Finance Act is amended by adding
4 Section 5.811 as follows:

5 (30 ILCS 105/5.811 new)

6 Sec. 5.811. The Metro East Police District Fund.

7 Section 30. The Counties Code is amended by changing
8 Section 5-1101 as follows:

9 (55 ILCS 5/5-1101) (from Ch. 34, par. 5-1101)

10 Sec. 5-1101. Additional fees and fines to finance court
11 system. A county board may enact by ordinance or resolution the
12 following fees:

13 (a) A \$5 fee to be paid by the defendant on a judgment of
14 guilty or a grant of supervision for violation of the Illinois
15 Vehicle Code other than Section 11-501 or violations of similar
16 provisions contained in county or municipal ordinances
17 committed in the county, and up to a \$30 fee to be paid by the
18 defendant on a judgment of guilty or a grant of supervision for
19 violation of Section 11-501 of the Illinois Vehicle Code or a
20 violation of a similar provision contained in county or
21 municipal ordinances committed in the county.

22 (b) In the case of a county having a population of

1 1,000,000 or less, a \$5 fee to be collected in all civil cases
2 by the clerk of the circuit court.

3 (c) A fee to be paid by the defendant on a judgment of
4 guilty or a grant of supervision, as follows:

5 (1) for a felony, \$50;

6 (2) for a class A misdemeanor, \$25;

7 (3) for a class B or class C misdemeanor, \$15;

8 (4) for a petty offense, \$10;

9 (5) for a business offense, \$10.

10 (d) A \$100 fee for the second and subsequent violations of
11 Section 11-501 of the Illinois Vehicle Code or violations of
12 similar provisions contained in county or municipal ordinances
13 committed in the county. The proceeds of this fee shall be
14 placed in the county general fund and used to finance education
15 programs related to driving under the influence of alcohol or
16 drugs.

17 (d-5) A \$10 fee to be paid by the defendant on a judgment
18 of guilty or a grant of supervision under Section 5-9-1 of the
19 Unified Code of Corrections to be placed in the county general
20 fund and used to finance the county mental health court, the
21 county drug court, the Veterans and Servicemembers Court, or
22 any or all of the above.

23 (e) In each county in which a teen court, peer court, peer
24 jury, youth court, or other youth diversion program has been
25 created, a county may adopt a mandatory fee of up to \$5 to be
26 assessed as provided in this subsection. Assessments collected

1 by the clerk of the circuit court pursuant to this subsection
2 must be deposited into an account specifically for the
3 operation and administration of a teen court, peer court, peer
4 jury, youth court, or other youth diversion program. The clerk
5 of the circuit court shall collect the fees established in this
6 subsection and must remit the fees to the teen court, peer
7 court, peer jury, youth court, or other youth diversion program
8 monthly, less 5%, which is to be retained as fee income to the
9 office of the clerk of the circuit court. The fees are to be
10 paid as follows:

11 (1) a fee of up to \$5 paid by the defendant on a
12 judgment of guilty or grant of supervision for violation of
13 the Illinois Vehicle Code or violations of similar
14 provisions contained in county or municipal ordinances
15 committed in the county;

16 (2) a fee of up to \$5 paid by the defendant on a
17 judgment of guilty or grant of supervision under Section
18 5-9-1 of the Unified Code of Corrections for a felony; for
19 a Class A, Class B, or Class C misdemeanor; for a petty
20 offense; and for a business offense.

21 (f) In each county in which a drug court has been created,
22 the county may adopt a mandatory fee of up to \$5 to be assessed
23 as provided in this subsection. Assessments collected by the
24 clerk of the circuit court pursuant to this subsection must be
25 deposited into an account specifically for the operation and
26 administration of the drug court. The clerk of the circuit

1 court shall collect the fees established in this subsection and
2 must remit the fees to the drug court, less 5%, which is to be
3 retained as fee income to the office of the clerk of the
4 circuit court. The fees are to be paid as follows:

5 (1) a fee of up to \$5 paid by the defendant on a
6 judgment of guilty or grant of supervision for a violation
7 of the Illinois Vehicle Code or a violation of a similar
8 provision contained in a county or municipal ordinance
9 committed in the county; or

10 (2) a fee of up to \$5 paid by the defendant on a
11 judgment of guilty or a grant of supervision under Section
12 5-9-1 of the Unified Code of Corrections for a felony; for
13 a Class A, Class B, or Class C misdemeanor; for a petty
14 offense; and for a business offense.

15 The clerk of the circuit court shall deposit the 5%
16 retained under this subsection into the Circuit Court Clerk
17 Operation and Administrative Fund to be used to defray the
18 costs of collection and disbursement of the drug court fee.

19 (f-5) In each county in which a Children's Advocacy Center
20 provides services, the county board may adopt a mandatory fee
21 of between \$5 and \$30 to be paid by the defendant on a judgment
22 of guilty or a grant of supervision under Section 5-9-1 of the
23 Unified Code of Corrections for a felony; for a Class A, Class
24 B, or Class C misdemeanor; for a petty offense; and for a
25 business offense. Assessments shall be collected by the clerk
26 of the circuit court and must be deposited into an account

1 specifically for the operation and administration of the
2 Children's Advocacy Center. The clerk of the circuit court
3 shall collect the fees as provided in this subsection, and must
4 remit the fees to the Children's Advocacy Center.

5 (f-10) In addition to any fine imposed under Section 5-9-1
6 of the Unified Code of Corrections, a county may adopt a
7 mandatory fine of \$100 to be paid by the defendant on a
8 judgment of guilty or a grant of supervision for a felony or a
9 violation of Section 11-501 of the Illinois Vehicle Code, when
10 the offense was committed within the corporate limits of a
11 municipality that is located within a special police district.
12 Assessments shall be collected by the clerk of the circuit
13 court and must be deposited into an account specifically for
14 the operations of the police district. The clerk of the circuit
15 court shall collect the fines as provided in this subsection
16 and must remit the fines to the special fund created in the
17 State Treasury for the police district, and from which the
18 police district shall make grants to support the operations of
19 the police district within that county.

20 (g) The proceeds of all fees enacted under this Section
21 must, except as provided in subsections (d), (d-5), (e), and
22 (f), be placed in the county general fund and used to finance
23 the court system in the county, unless the fee is subject to
24 disbursement by the circuit clerk as provided under Section
25 27.5 of the Clerks of Courts Act.

26 (Source: P.A. 95-103, eff. 1-1-08; 95-331, eff. 8-21-07;

1 96-328, eff. 8-11-09; 96-924, eff. 6-14-10.)

2 Section 35. The Illinois Municipal Code is amended by
3 adding Section 10-2.1-32 as follows:

4 (65 ILCS 5/10-2.1-32 new)

5 Sec. 10-2.1-32. Metro East Police District Commission.
6 Notwithstanding any other provision of this Division, the Metro
7 East Police District Commission may assume and perform for
8 police districts within its boundaries the powers, rights, and
9 duties concerning police matters of a board of fire and police
10 commissioners, pursuant to the Metro East Police District Act.
11 However, the Metro East Police District Commission may not
12 assume those powers listed under Sections 10-2.1-1, 10-2.1-2,
13 10-2.1-3, 10-2.1-5, 10-2.1-6.3, 10-2.1-6.4, 10-2.1-7.1,
14 10-2.1-18, 10-2.1-21, 10-2.1-22, 10-2.1-25, 10-2.1-27,
15 10-2.1-28, 10-2.1-29, 10-2.1-30, or 10-2.1-31 of this
16 Division.

17 Section 99. Effective date. This Act takes effect January
18 1, 2013."