



Sen. James F. Clayborne, Jr.

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09700HB1404sam003

LRB097 06798 JWD 69886 a

1 AMENDMENT TO HOUSE BILL 1404

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

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

7 Section 3. Definitions.

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

10 "District" means the Metro East Police District.

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

1 District is created to advance the cause of public safety and
2 law enforcement for 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 are 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) To 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 resolution rules and regulations
14 that the police departments within the District may adopt
15 concerning: officer ethics; the carry and use of weapons;
16 search and seizure procedures; procedures for arrests with
17 and 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 or mentally ill persons; use of equipment; use of
3 vehicle lights and sirens; equipment specifications and
4 maintenance; vehicle safety restraints; authorized
5 personal equipment; protective vests and high risk
6 situations; mobile data access; in-car video and audio;
7 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 police department located within the Metro East
7 Police District that does not adopt any rule or regulation
8 established by resolution by the Commission shall not be
9 eligible to receive funds from the Metro East Police
10 District Fund.

11 The adoption of any policies or procedures pursuant to
12 this Section shall not be inconsistent with any rights
13 under current collective bargaining agreements, the
14 Illinois Public Labor Relations Act or other laws governing
15 collective bargaining.

16 (5) No later than one year after the effective date of
17 this Act, to assume for police departments within the
18 District the authority to make application for and accept
19 financial grants or contributions of services from any
20 public or private source for law enforcement purposes.

21 (6) To develop a comprehensive plan for improvement and
22 maintenance of law enforcement facilities within the
23 District.

24 (7) To advance police departments within the District
25 towards accreditation by the national Commission for the
26 Accreditation of Law Enforcement Agencies (CALEA) within 3

1 years after creation of the District.

2 (b) The Commission shall consist of 14 appointed members
3 and 3 ex-officio members. Seven members shall be appointed by
4 the Governor with the advice and consent of the Senate, one of
5 whom shall represent an organization that represents the
6 largest number of police officers employed by the
7 municipalities described by Section 5 of this Act. Four members
8 shall be appointed by the Mayor of East Saint Louis, with the
9 advice and consent of the city council. One member each shall
10 be appointed by the Village Presidents of Washington Park,
11 Alorton, and Brooklyn, with the advice and consent of the
12 respective village boards. All appointed members shall hold
13 office for a term of 2 years ending on December 31 and until
14 their successors are appointed and qualified. The Mayor of East
15 Saint Louis, with the approval of the city council, may serve
16 as one of the members appointed for East Saint Louis, and the
17 Village Presidents of Washington Park, Alorton, and Brooklyn,
18 with the approval of their respective boards, may serve as the
19 member for their respective municipalities.

20 A member may be removed by his or her appointing authority
21 for incompetence, neglect of duty, or malfeasance in office.

22 The Director of the Illinois State Police, or his or her
23 designee, the State's Attorney of St. Clair County, or his or
24 her designee, and the Director of the Southern Illinois Law
25 Enforcement Commission, or his or her designee, shall serve as
26 ex-officio members. Ex-officio members may only vote on matters

1 before the Commission in the event of a tie vote.

2 (c) Any vacancy in the appointed membership of the
3 Commission occurring by reason of the death, resignation,
4 disqualification, removal, or inability or refusal to act of
5 any of the members of the Commission shall be filled by the
6 authority that had appointed the particular member, and for the
7 unexpired term of office of that particular member.

8 (d) The Commission shall hold regular meetings annually for
9 the election of a chair, vice-chair, secretary, and treasurer,
10 for the adoption of a budget, and monthly for other business as
11 may be necessary. The Commission shall establish the duties and
12 responsibilities of its officers by rule. The chair, or any 9
13 members of the Commission, may call special meetings of the
14 Commission. Each member shall take an oath of office for the
15 faithful performance of his or her duties. The Commission may
16 not transact business at a meeting of the Commission unless
17 there is present at the meeting a quorum consisting of at least
18 9 members. Meetings may be held by telephone conference or
19 other communications equipment by means of which all persons
20 participating in the meeting can communicate with each other
21 consistent with the Open Meetings Act.

22 (e) The Commission shall submit to the General Assembly, no
23 later than March 1 of each odd-numbered year, a detailed report
24 covering its operations for the 2 preceding calendar years and
25 a statement of its program for the next 2 years, as provided by
26 Section 3.1 of the General Assembly Organization Act.

1 (f) The Auditor General shall conduct audits of the
2 Commission in the same manner as the Auditor General conducts
3 audits of State agencies under the Illinois State Auditing Act.

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

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

10 Section 15. Disposition of money; income fund. There is
11 created in the custody of the Illinois Finance Authority the
12 Metro East Police District Fund. All moneys received by the
13 Commission shall be deposited in the Fund. The Commission is
14 authorized to use all money received for all purposes and
15 powers set forth in this Act, provided that the Commission and
16 the Illinois Finance Authority enter into an intergovernmental
17 agreement to use the moneys deposited into the Fund solely for
18 the purposes set forth in this Act. The Auditor General shall,
19 at least biennially, audit or cause to be audited all records
20 and accounts of the Commission pertaining to the operation of
21 the District.

22 Section 20. Repealer. This Act is repealed on December 31,
23 2019.

1 Section 50. The Illinois Finance Authority Act is amended
2 by adding Section 825-115 as follows:

3 (20 ILCS 3501/825-115 new)

4 Sec. 825-115. Metro East Police District Fund. The
5 Authority and the Metro East Police District Commission may
6 jointly administer the Metro East Police District Fund. All
7 moneys received by the Commission shall be deposited in the
8 Fund. Upon request of the Commission, the Authority shall
9 provide to the Commission moneys deposited in the Fund,
10 provided that the Commission and the Authority enter into an
11 intergovernmental agreement to use the moneys deposited into
12 the Fund solely for the purposes set forth in the Metro East
13 Police District Act. This Section is repealed on December 31,
14 2019.

15 Section 55. The Illinois State Auditing Act is amended by
16 adding Section 3-1.5 as follows:

17 (30 ILCS 5/3-1.5 new)

18 Sec. 3-1.5. Metro East Police District. The Auditor General
19 shall conduct audits as provided in Sections 10 and 15 of the
20 Metro East Police District Act. This Section is repealed on
21 December 31, 2019.

22 Section 60. The Counties Code is amended by adding Section

1 5-1101.5 as follows:

2 (55 ILCS 5/5-1101.5 new)

3 Sec. 5-1101.5. Metro East Police District. In addition to
4 any fine imposed under Section 5-9-1 of the Unified Code of
5 Corrections, St. Clair County may adopt a mandatory fine of
6 \$100 to be paid by the defendant on a judgment of guilty or a
7 grant of supervision for a felony or a violation of Section
8 11-501 of the Illinois Vehicle Code, when the offense was
9 committed within the corporate limits of a municipality that is
10 located within the Metro East Police District. The clerk of the
11 circuit court shall collect the fines as provided in this
12 subsection and must remit the fines to the Metro East Police
13 District Fund created under Section 15 of the Metro East Police
14 District Act. This Section is repealed on December 31, 2019.

15 Section 99. Effective date. This Act takes effect January
16 1, 2013."