

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Judiciary, to which was referred Senate Bill No. 63, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 2, between lines 25 and 26, begin a new paragraph and insert:
2 "**(c) If a member of the legislative body of a unit is related to the**
3 **local elected official as:**
4 **(1) father;**
5 **(2) mother;**
6 **(3) son;**
7 **(4) daughter;**
8 **(5) husband;**
9 **(6) wife;**
10 **(7) brother;**
11 **(8) sister;**
12 **(9) uncle;**
13 **(10) aunt;**
14 **(11) nephew;**
15 **(12) niece;**
16 **(13) father in law;**
17 **(14) mother in law;**
18 **(15) son in law;**
19 **(16) daughter in law;**
20 **(17) brother in law; or**

1 **(18) sister in law;**
 2 **the member is ineligible to vote on the resolution described in**
 3 **subsection (a)."**

4 Page 2, line 26, delete "(c)" and insert "(d)".

5 Page 2, line 26, after "number of" insert ":

6 **(1)".**

7 Page 2, line 27, after "offense" insert "; or

8 **(2) members of the legislative body of the unit who are**
 9 **ineligible to vote under subsection (b);"**

10 Page 2, line 28, beginning with "results" begin a new line blocked
 11 left.

12 Page 2, between lines 31 and 32, begin a new paragraph and insert:

13 **"Sec. 8. (a) A local elected official who has been suspended**
 14 **under section 7 of this chapter may seek judicial review of the**
 15 **suspension by filing a petition for review with a circuit court**
 16 **located:**

17 **(1) in the county where the local elected official served; or**

18 **(2) in a county adjacent to the county where the local elected**
 19 **official served;**

20 **not later than thirty (30) days after the date on which the local**
 21 **elected official was suspended. The official shall serve a copy of the**
 22 **petition on the prosecuting attorney and on the legislative body.**

23 **(b) A petition for review filed under this section must be verified**
 24 **and set forth specific facts to demonstrate:**

25 **(1) that the prosecuting attorney did not charge the local**
 26 **elected official with an eligible offense;**

27 **(2) that a court did not find probable cause to believe that the**
 28 **offense was committed;**

29 **(3) that the appropriate legislative body abused its discretion**
 30 **in determining that the offense is relevant to the official's**
 31 **suitability for office; or**

32 **(4) that the appropriate legislative body abused its discretion**
 33 **in determining it is in the best interests of the unit that the**
 34 **local elected official be suspended from office.**

35 **(c) The court shall set a hearing on the suspension of the local**
 36 **elected official not later than thirty (30) days after the petition for**
 37 **judicial review is filed. Judicial review of the suspension of a local**
 38 **elected official shall be determined on an expedited basis.**

1 **(d) The petitioner, the prosecuting attorney, and one (1) or more**
 2 **members of the legislative body have the right to appear and**
 3 **present relevant evidence at the hearing, in person or by counsel.**

4 **(e) The court conducting judicial review of the suspension of a**
 5 **local elected official may stay the suspension pending the resolution**
 6 **of the judicial review.**

7 **(f) If the reviewing court finds that the petitioner has established**
 8 **one (1) of the elements described in subsection (b)(1) through**
 9 **(b)(4), the court shall order the petitioner immediately reinstated**
 10 **with back pay, if applicable.**

11 **(g) The court's determination granting or denying relief is a**
 12 **final judgment."**

13 Page 2, line 32, delete "Sec. 8." and insert "**Sec. 9.**".

14 Page 2, line 40, delete "Sec. 9." and insert "**Sec. 10.**".

15 Page 3, line 6, delete "Sec. 10." and insert "**Sec. 11.**".

16 Page 3, line 10, delete "Sec. 11." and insert "**Sec. 12.**".

17 Page 3, delete lines 39 through 42.

18 Page 4, delete lines 1 through 10.

19 Page 4, delete lines 34 through 35.

20 Re-number all SECTIONS consecutively.

(Reference is to SB 63 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

Bray

Chairperson