



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB1898

Introduced 2/15/2019, by Sen. Thomas Cullerton

#### SYNOPSIS AS INTRODUCED:

20 ILCS 801/1-31 new  
20 ILCS 2605/2605-610 new  
50 ILCS 725/7.2  
55 ILCS 5/3-6050 new  
730 ILCS 110/19 new

Amends the Department of Natural Resources Act, Department of State Police Law of the Civil Administrative Code of Illinois, the Counties Code, and the Probation and Probation Officers Act. Provides that the employer of a Conservation Police officer, State Police officer, law enforcement officer, or probation officer shall not make possession of a Firearm Owner's Identification Card a condition of continued employment if the officer's Firearm Owner's Identification Card is revoked or seized because the officer has been a patient of a mental health facility and the officer has not been determined to pose a clear and present danger to himself, herself, or others as determined by a physician, clinical psychologist, or qualified examiner. Provides that a collective bargaining agreement already in effect on this issue on the effective date of the amendatory Act cannot be modified, but on or after the effective date of the amendatory Act, the employer cannot require a Firearm Owner's Identification Card as a condition of continued employment in a collective bargaining agreement. Amends the Uniform Peace Officers' Disciplinary Act. Provides that the employer shall document if and why an officer has been determined to pose a clear and present danger.

LRB101 09755 SLF 54856 b

1 AN ACT concerning employment.

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

4 Section 5. The Department of Natural Resources Act is  
5 amended by adding Section 1-31 as follows:

6 (20 ILCS 801/1-31 new)

7 Sec. 1-31. Possession of a Firearm Owner's Identification  
8 Card. The Department shall not make possession of a Firearm  
9 Owner's Identification Card a condition of continued  
10 employment if the Conservation Police officer's Firearm  
11 Owner's Identification Card is revoked or seized because the  
12 Conservation Police officer has been a patient of a mental  
13 health facility and the Conservation Police officer has not  
14 been determined to pose a clear and present danger to himself,  
15 herself, or others as determined by a physician, clinical  
16 psychologist, or qualified examiner. Nothing in this Section  
17 shall otherwise impair an employer's ability to determine a  
18 Conservation Police officer's fitness for duty. A collective  
19 bargaining agreement already in effect on this issue on the  
20 effective date of this amendatory Act of the 101st General  
21 Assembly cannot be modified, but on or after the effective date  
22 of this amendatory Act of the 101st General Assembly, the  
23 employer cannot require a Firearm Owner's Identification Card

1 as a condition of continued employment in a collective  
2 bargaining agreement. The employer shall document if and why a  
3 Conservation Police officer has been determined to pose a clear  
4 and present danger.

5 Section 10. The Department of State Police Law of the Civil  
6 Administrative Code of Illinois is amended by adding Section  
7 2605-610 as follows:

8 (20 ILCS 2605/2605-610 new)

9 Sec. 2605-610. Possession of a Firearm Owner's  
10 Identification Card. The Department shall not make possession  
11 of a Firearm Owner's Identification Card a condition of  
12 continued employment if the State Police officer Firearm  
13 Owner's Identification Card is revoked or seized because the  
14 State Police officer has been a patient of a mental health  
15 facility and the State Police officer has not been determined  
16 to pose a clear and present danger to himself, herself, or  
17 others as determined by a physician, clinical psychologist, or  
18 qualified examiner. Nothing in this Section shall otherwise  
19 impair an employer's ability to determine a State Police  
20 officer's fitness for duty. A collective bargaining agreement  
21 already in effect on this issue on the effective date of this  
22 amendatory Act of the 101st General Assembly cannot be  
23 modified, but on or after the effective date of this amendatory  
24 Act of the 101st General Assembly, the employer cannot require

1 a Firearm Owner's Identification Card as a condition of  
2 continued employment in a collective bargaining agreement. The  
3 employer shall document if and why a State Police officer has  
4 been determined to pose a clear and present danger.

5 Section 15. The Uniform Peace Officers' Disciplinary Act is  
6 amended by changing Section 7.2 as follows:

7 (50 ILCS 725/7.2)

8 Sec. 7.2. Possession of a Firearm Owner's Identification  
9 Card. An employer of an officer shall not make possession of a  
10 Firearm Owner's Identification Card a condition of continued  
11 employment if the officer's Firearm Owner's Identification  
12 Card is revoked or seized because the officer has been a  
13 patient of a mental health facility and the officer has not  
14 been determined to pose a clear and present danger to himself,  
15 herself, or others as determined by a physician, clinical  
16 psychologist, or qualified examiner. Nothing in this Section  
17 shall otherwise impair an employer's ability to determine an  
18 officer's fitness for duty. On and after the effective date of  
19 this amendatory Act of the 100th General Assembly, Section 6 of  
20 this Act shall not apply to the prohibition requiring a Firearm  
21 Owner's Identification Card as a condition of continued  
22 employment, but a collective bargaining agreement already in  
23 effect on that issue on the effective date of this amendatory  
24 Act of the 100th General Assembly cannot be modified. The

1 employer shall document if and why an officer has been  
2 determined to pose a clear and present danger.

3 (Source: P.A. 100-911, eff. 8-17-18.)

4 Section 20. The Counties Code is amended by adding Section  
5 3-6050 as follows:

6 (55 ILCS 5/3-6050 new)

7 Sec. 3-6050. Possession of a Firearm Owner's  
8 Identification Card. An employer of an law enforcement officer  
9 shall not make possession of a Firearm Owner's Identification  
10 Card a condition of continued employment if the law enforcement  
11 officer's Firearm Owner's Identification Card is revoked or  
12 seized because the law enforcement officer has been a patient  
13 of a mental health facility and the law enforcement officer has  
14 not been determined to pose a clear and present danger to  
15 himself, herself, or others as determined by a physician,  
16 clinical psychologist, or qualified examiner. Nothing in this  
17 Section shall otherwise impair an employer's ability to  
18 determine an law enforcement officer's fitness for duty. A  
19 collective bargaining agreement already in effect on this issue  
20 on the effective date of this amendatory Act of the 101st  
21 General Assembly cannot be modified, but on or after the  
22 effective date of this amendatory Act of the 101st General  
23 Assembly, the employer cannot require a Firearm Owner's  
24 Identification Card as a condition of continued employment in a

1 collective bargaining agreement. The employer shall document  
2 if and why a law enforcement officer has been determined to  
3 pose a clear and present danger.

4 Section 25. The Probation and Probation Officers Act is  
5 amended by adding Section 19 as follows:

6 (730 ILCS 110/19 new)

7 Sec. 19. Possession of a Firearm Owner's Identification  
8 Card. An employer of a probation officer shall not make  
9 possession of a Firearm Owner's Identification Card a condition  
10 of continued employment if the probation officer's Firearm  
11 Owner's Identification Card is revoked or seized because the  
12 probation officer has been a patient of a mental health  
13 facility and the officer has not been determined to pose a  
14 clear and present danger to himself, herself, or others as  
15 determined by a physician, clinical psychologist, or qualified  
16 examiner. Nothing in this Section shall otherwise impair an  
17 employer's ability to determine a probation officer's fitness  
18 for duty. A collective bargaining agreement already in effect  
19 on this issue on the effective date of this amendatory Act of  
20 the 101st General Assembly cannot be modified, but on or after  
21 the effective date of this amendatory Act of the 101st General  
22 Assembly, the employer cannot require a Firearm Owner's  
23 Identification Card as a condition of continued employment in a  
24 collective bargaining agreement. The employer shall document

1 if and why an probation officer has been determined to pose a  
2 clear and present danger.