



Rep. Jehan Gordon-Booth

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1 AMENDMENT TO SENATE BILL 1758

2 AMENDMENT NO. _____. Amend Senate Bill 1758 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Executive Reorganization Implementation
5 Act is amended by changing Section 3.1 as follows:

6 (15 ILCS 15/3.1) (from Ch. 127, par. 1803.1)

7 Sec. 3.1. "Agency directly responsible to the Governor" or
8 "agency" means any office, officer, division, or part thereof,
9 and any other office, nonelective officer, department,
10 division, bureau, board, or commission in the executive branch
11 of State government, except that it does not apply to any
12 agency whose primary function is service to the General
13 Assembly or the Judicial Branch of State government, or to any
14 agency administered by the Attorney General, Secretary of
15 State, State Comptroller or State Treasurer. In addition the
16 term does not apply to the following agencies created by law

1 with the primary responsibility of exercising regulatory or
2 adjudicatory functions independently of the Governor:

3 (1) the State Board of Elections;

4 (2) the State Board of Education;

5 (3) the Illinois Commerce Commission;

6 (4) the Illinois Workers' Compensation Commission;

7 (5) the Civil Service Commission;

8 (6) the Fair Employment Practices Commission;

9 (7) the Pollution Control Board;

10 (8) the Department of State Police Merit Board;

11 (9) the Illinois Racing Board;

12 (10) the Illinois Power Agency; and

13 (11) the Illinois Law Enforcement Training Standards
14 Board.

15 (Source: P.A. 96-796, eff. 10-29-09; 97-618, eff. 10-26-11.)

16 Section 10. The Illinois Police Training Act is amended by
17 changing Sections 3, 5, 6, and 6.1 as follows:

18 (50 ILCS 705/3) (from Ch. 85, par. 503)

19 Sec. 3. Board - composition - appointments - tenure -
20 vacancies. The Board shall be composed of 18 ~~19~~ members
21 selected as follows: The Attorney General of the State of
22 Illinois, the Director of State Police, the Director of
23 Corrections, the Superintendent of the Chicago Police
24 Department, the Sheriff of Cook County, ~~the Director of the~~

1 ~~Illinois Police Training Institute,~~ the Clerk of the Circuit
2 Court of Cook County, and the following to be appointed by the
3 Governor: 2 mayors or village presidents of Illinois
4 municipalities, 2 Illinois county sheriffs from counties other
5 than Cook County, 2 managers of Illinois municipalities, 2
6 chiefs of municipal police departments in Illinois having no
7 Superintendent of the Police Department on the Board, 2
8 citizens of Illinois who shall be members of an organized
9 enforcement officers' association, one active member of a
10 statewide association representing sheriffs, and one active
11 member of a statewide association representing municipal
12 police chiefs. The appointments of the Governor shall be made
13 on the first Monday of August in 1965 with 3 of the
14 appointments to be for a period of one year, 3 for 2 years, and
15 3 for 3 years. Their successors shall be appointed in like
16 manner for terms to expire the first Monday of August each 3
17 years thereafter. All members shall serve until their
18 respective successors are appointed and qualify. Vacancies
19 shall be filled by the Governor for the unexpired terms.

20 (Source: P.A. 99-651, eff. 7-28-16.)

21 (50 ILCS 705/5) (from Ch. 85, par. 505)

22 Sec. 5. The Board may own and lease property and may accept
23 contributions, capital grants, gifts, donations, real
24 property, services or other financial assistance from any
25 individual, association, corporation or other organization,

1 having a legitimate interest in police training, and from the
2 United States of America and any of its agencies or
3 instrumentalities, corporate or otherwise.

4 (Source: P.A. 81-1509.)

5 (50 ILCS 705/6) (from Ch. 85, par. 506)

6 Sec. 6. Powers and duties of the Board; selection and
7 certification of schools. The Board shall select and certify
8 schools within the State of Illinois for the purpose of
9 providing basic training for probationary police officers,
10 probationary county corrections officers, and court security
11 officers and of providing advanced or in-service training for
12 permanent police officers or permanent county corrections
13 officers, which schools may be either publicly or privately
14 owned and operated. In addition, the Board has the following
15 power and duties:

16 a. To require local governmental units to furnish such
17 reports and information as the Board deems necessary to
18 fully implement this Act.

19 b. To establish appropriate mandatory minimum
20 standards relating to the training of probationary local
21 law enforcement officers or probationary county
22 corrections officers, and in-service training of permanent
23 police officers.

24 c. To provide appropriate certification to those
25 probationary officers who successfully complete the

1 prescribed minimum standard basic training course.

2 d. To review and approve annual training curriculum for
3 county sheriffs.

4 e. To review and approve applicants to ensure that no
5 applicant is admitted to a certified academy unless the
6 applicant is a person of good character and has not been
7 convicted of a felony offense~~7~~, any of the misdemeanors in
8 Sections 11-1.50, 11-6, 11-9.1, 11-14, 11-17, 11-19, 12-2,
9 12-15, 16-1, 17-1, 17-2, 28-3, 29-1, 31-1, 31-6, 31-7,
10 32-4a, or 32-7 of the Criminal Code of 1961 or the Criminal
11 Code of 2012, subdivision (a)(1) or (a)(2)(C) of Section
12 11-14.3 of the Criminal Code of 1961 or the Criminal Code
13 of 2012, or subsection (a) of Section 17-32 of the Criminal
14 Code of 1961 or the Criminal Code of 2012, or Section 5 or
15 5.2 of the Cannabis Control Act, or a crime involving moral
16 turpitude under the laws of this State or any other state
17 which if committed in this State would be punishable as a
18 felony or a crime of moral turpitude. The Board may appoint
19 investigators who shall enforce the duties conferred upon
20 the Board by this Act. Appointed investigators under this
21 Section shall be vested with full police powers and
22 authorized to conduct criminal background inquiries using
23 a recognized national law enforcement database or an
24 independent background investigation.

25 (Source: P.A. 99-352, eff. 1-1-16.)

1 (50 ILCS 705/6.1)

2 Sec. 6.1. Decertification of full-time and part-time
3 police officers.

4 (a) The Board must review police officer conduct and
5 records to ensure that no police officer is certified or
6 provided a valid waiver if that police officer has been
7 convicted of a felony offense under the laws of this State or
8 any other state which if committed in this State would be
9 punishable as a felony. The Board must also ensure that no
10 police officer is certified or provided a valid waiver if that
11 police officer has been convicted on or after the effective
12 date of this amendatory Act of 1999 of any misdemeanor
13 specified in this Section or if committed in any other state
14 would be an offense similar to Section 11-1.50, 11-6, 11-9.1,
15 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1, 17-2, 28-3, 29-1,
16 31-1, 31-6, 31-7, 32-4a, or 32-7 of the Criminal Code of 1961
17 or the Criminal Code of 2012, to subdivision (a)(1) or
18 (a)(2)(C) of Section 11-14.3 of the Criminal Code of 1961 or
19 the Criminal Code of 2012, or subsection (a) of Section 17-32
20 of the Criminal Code of 1961 or the Criminal Code of 2012, or
21 to Section 5 or 5.2 of the Cannabis Control Act. The Board must
22 appoint investigators to enforce the duties conferred upon the
23 Board by this Act and the investigators shall be vested with
24 full police powers.

25 (b) It is the responsibility of the sheriff or the chief
26 executive officer of every local law enforcement agency or

1 department within this State to report to the Board any arrest
2 or conviction of any officer for an offense identified in this
3 Section.

4 (c) It is the duty and responsibility of every full-time
5 and part-time police officer in this State to report to the
6 Board within 30 days, and the officer's sheriff or chief
7 executive officer, of his or her arrest or conviction for an
8 offense identified in this Section. Any full-time or part-time
9 police officer who knowingly makes, submits, causes to be
10 submitted, or files a false or untruthful report to the Board
11 must have his or her certificate or waiver immediately
12 decertified or revoked.

13 (d) Any person, or a local or State agency, or the Board is
14 immune from liability for submitting, disclosing, or releasing
15 information of arrests or convictions in this Section as long
16 as the information is submitted, disclosed, or released in good
17 faith and without malice. The Board has qualified immunity for
18 the release of the information.

19 (e) Any full-time or part-time police officer with a
20 certificate or waiver issued by the Board who is convicted of
21 any offense described in this Section immediately becomes
22 decertified or no longer has a valid waiver. The
23 decertification and invalidity of waivers occurs as a matter of
24 law. Failure of a convicted person to report to the Board his
25 or her conviction as described in this Section or any continued
26 law enforcement practice after receiving a conviction is a

1 Class 4 felony.

2 (f) The Board's investigators are peace officers and have
3 all the powers possessed by policemen in cities and by
4 sheriff's ~~and, provided that the investigators~~ may exercise
5 those powers anywhere in the State, ~~only after contact and~~
6 ~~cooperation with the appropriate local law enforcement~~
7 ~~authorities.~~

8 (g) The Board ~~may~~ ~~must~~ request and receive information and
9 assistance from any federal, state, or local governmental
10 agency as part of the authorized criminal background
11 investigation. The Department of State Police must process,
12 retain, and additionally provide and disseminate information
13 to the Board concerning criminal charges, arrests,
14 convictions, and their disposition, that have been filed
15 before, on, or after the effective date of this amendatory Act
16 of the 91st General Assembly against a basic academy applicant,
17 law enforcement applicant, or law enforcement officer whose
18 fingerprint identification cards are on file or maintained by
19 the Department of State Police. The Federal Bureau of
20 Investigation must provide the Board any criminal history
21 record information contained in its files pertaining to law
22 enforcement officers or any applicant to a Board certified
23 basic law enforcement academy as described in this Act based on
24 fingerprint identification. The Board must make payment of fees
25 to the Department of State Police for each fingerprint card
26 submission in conformance with the requirements of paragraph 22

1 of Section 55a of the Civil Administrative Code of Illinois.

2 (h) A police officer who has been certified or granted a
3 valid waiver shall also be decertified or have his or her
4 waiver revoked upon a determination by the Illinois Labor
5 Relations Board State Panel that he or she, while under oath,
6 has knowingly and willfully made false statements as to a
7 material fact going to an element of the offense of murder. If
8 an appeal is filed, the determination shall be stayed.

9 (1) In the case of an acquittal on a charge of murder,
10 a verified complaint may be filed:

11 (A) by the defendant; or

12 (B) by a police officer with personal knowledge of
13 perjured testimony.

14 The complaint must allege that a police officer, while
15 under oath, knowingly and willfully made false statements
16 as to a material fact going to an element of the offense of
17 murder. The verified complaint must be filed with the
18 Executive Director of the Illinois Law Enforcement
19 Training Standards Board within 2 years of the judgment of
20 acquittal.

21 (2) Within 30 days, the Executive Director of the
22 Illinois Law Enforcement Training Standards Board shall
23 review the verified complaint and determine whether the
24 verified complaint is frivolous and without merit, or
25 whether further investigation is warranted. The Illinois
26 Law Enforcement Training Standards Board shall notify the

1 officer and the Executive Director of the Illinois Labor
2 Relations Board State Panel of the filing of the complaint
3 and any action taken thereon. If the Executive Director of
4 the Illinois Law Enforcement Training Standards Board
5 determines that the verified complaint is frivolous and
6 without merit, it shall be dismissed. The Executive
7 Director of the Illinois Law Enforcement Training
8 Standards Board has sole discretion to make this
9 determination and this decision is not subject to appeal.

10 (i) If the Executive Director of the Illinois Law
11 Enforcement Training Standards Board determines that the
12 verified complaint warrants further investigation, he or she
13 shall refer the matter to a task force of investigators created
14 for this purpose. This task force shall consist of 8 sworn
15 police officers: 2 from the Illinois State Police, 2 from the
16 City of Chicago Police Department, 2 from county police
17 departments, and 2 from municipal police departments. These
18 investigators shall have a minimum of 5 years of experience in
19 conducting criminal investigations. The investigators shall be
20 appointed by the Executive Director of the Illinois Law
21 Enforcement Training Standards Board. Any officer or officers
22 acting in this capacity pursuant to this statutory provision
23 will have statewide police authority while acting in this
24 investigative capacity. Their salaries and expenses for the
25 time spent conducting investigations under this paragraph
26 shall be reimbursed by the Illinois Law Enforcement Training

1 Standards Board.

2 (j) Once the Executive Director of the Illinois Law
3 Enforcement Training Standards Board has determined that an
4 investigation is warranted, the verified complaint shall be
5 assigned to an investigator or investigators. The investigator
6 or investigators shall conduct an investigation of the verified
7 complaint and shall write a report of his or her findings. This
8 report shall be submitted to the Executive Director of the
9 Illinois Labor Relations Board State Panel.

10 Within 30 days, the Executive Director of the Illinois
11 Labor Relations Board State Panel shall review the
12 investigative report and determine whether sufficient evidence
13 exists to conduct an evidentiary hearing on the verified
14 complaint. If the Executive Director of the Illinois Labor
15 Relations Board State Panel determines upon his or her review
16 of the investigatory report that a hearing should not be
17 conducted, the complaint shall be dismissed. This decision is
18 in the Executive Director's sole discretion, and this dismissal
19 may not be appealed.

20 If the Executive Director of the Illinois Labor Relations
21 Board State Panel determines that there is sufficient evidence
22 to warrant a hearing, a hearing shall be ordered on the
23 verified complaint, to be conducted by an administrative law
24 judge employed by the Illinois Labor Relations Board State
25 Panel. The Executive Director of the Illinois Labor Relations
26 Board State Panel shall inform the Executive Director of the

1 Illinois Law Enforcement Training Standards Board and the
2 person who filed the complaint of either the dismissal of the
3 complaint or the issuance of the complaint for hearing. The
4 Executive Director shall assign the complaint to the
5 administrative law judge within 30 days of the decision
6 granting a hearing.

7 (k) In the case of a finding of guilt on the offense of
8 murder, if a new trial is granted on direct appeal, or a state
9 post-conviction evidentiary hearing is ordered, based on a
10 claim that a police officer, under oath, knowingly and
11 willfully made false statements as to a material fact going to
12 an element of the offense of murder, the Illinois Labor
13 Relations Board State Panel shall hold a hearing to determine
14 whether the officer should be decertified if an interested
15 party requests such a hearing within 2 years of the court's
16 decision. The complaint shall be assigned to an administrative
17 law judge within 30 days so that a hearing can be scheduled.

18 At the hearing, the accused officer shall be afforded the
19 opportunity to:

20 (1) Be represented by counsel of his or her own
21 choosing;

22 (2) Be heard in his or her own defense;

23 (3) Produce evidence in his or her defense;

24 (4) Request that the Illinois Labor Relations Board
25 State Panel compel the attendance of witnesses and
26 production of related documents including but not limited

1 to court documents and records.

2 Once a case has been set for hearing, the verified
3 complaint shall be referred to the Department of Professional
4 Regulation. That office shall prosecute the verified complaint
5 at the hearing before the administrative law judge. The
6 Department of Professional Regulation shall have the
7 opportunity to produce evidence to support the verified
8 complaint and to request the Illinois Labor Relations Board
9 State Panel to compel the attendance of witnesses and the
10 production of related documents, including, but not limited to,
11 court documents and records. The Illinois Labor Relations Board
12 State Panel shall have the power to issue subpoenas requiring
13 the attendance of and testimony of witnesses and the production
14 of related documents including, but not limited to, court
15 documents and records and shall have the power to administer
16 oaths.

17 The administrative law judge shall have the responsibility
18 of receiving into evidence relevant testimony and documents,
19 including court records, to support or disprove the allegations
20 made by the person filing the verified complaint and, at the
21 close of the case, hear arguments. If the administrative law
22 judge finds that there is not clear and convincing evidence to
23 support the verified complaint that the police officer has,
24 while under oath, knowingly and willfully made false statements
25 as to a material fact going to an element of the offense of
26 murder, the administrative law judge shall make a written

1 recommendation of dismissal to the Illinois Labor Relations
2 Board State Panel. If the administrative law judge finds that
3 there is clear and convincing evidence that the police officer
4 has, while under oath, knowingly and willfully made false
5 statements as to a material fact that goes to an element of the
6 offense of murder, the administrative law judge shall make a
7 written recommendation so concluding to the Illinois Labor
8 Relations Board State Panel. The hearings shall be transcribed.
9 The Executive Director of the Illinois Law Enforcement Training
10 Standards Board shall be informed of the administrative law
11 judge's recommended findings and decision and the Illinois
12 Labor Relations Board State Panel's subsequent review of the
13 recommendation.

14 (l) An officer named in any complaint filed pursuant to
15 this Act shall be indemnified for his or her reasonable
16 attorney's fees and costs by his or her employer. These fees
17 shall be paid in a regular and timely manner. The State, upon
18 application by the public employer, shall reimburse the public
19 employer for the accused officer's reasonable attorney's fees
20 and costs. At no time and under no circumstances will the
21 accused officer be required to pay his or her own reasonable
22 attorney's fees or costs.

23 (m) The accused officer shall not be placed on unpaid
24 status because of the filing or processing of the verified
25 complaint until there is a final non-appealable order
26 sustaining his or her guilt and his or her certification is

1 revoked. Nothing in this Act, however, restricts the public
2 employer from pursuing discipline against the officer in the
3 normal course and under procedures then in place.

4 (n) The Illinois Labor Relations Board State Panel shall
5 review the administrative law judge's recommended decision and
6 order and determine by a majority vote whether or not there was
7 clear and convincing evidence that the accused officer, while
8 under oath, knowingly and willfully made false statements as to
9 a material fact going to the offense of murder. Within 30 days
10 of service of the administrative law judge's recommended
11 decision and order, the parties may file exceptions to the
12 recommended decision and order and briefs in support of their
13 exceptions with the Illinois Labor Relations Board State Panel.
14 The parties may file responses to the exceptions and briefs in
15 support of the responses no later than 15 days after the
16 service of the exceptions. If exceptions are filed by any of
17 the parties, the Illinois Labor Relations Board State Panel
18 shall review the matter and make a finding to uphold, vacate,
19 or modify the recommended decision and order. If the Illinois
20 Labor Relations Board State Panel concludes that there is clear
21 and convincing evidence that the accused officer, while under
22 oath, knowingly and willfully made false statements as to a
23 material fact going to an element of the offense murder, the
24 Illinois Labor Relations Board State Panel shall inform the
25 Illinois Law Enforcement Training Standards Board and the
26 Illinois Law Enforcement Training Standards Board shall revoke

1 the accused officer's certification. If the accused officer
2 appeals that determination to the Appellate Court, as provided
3 by this Act, he or she may petition the Appellate Court to stay
4 the revocation of his or her certification pending the court's
5 review of the matter.

6 (o) None of the Illinois Labor Relations Board State
7 Panel's findings or determinations shall set any precedent in
8 any of its decisions decided pursuant to the Illinois Public
9 Labor Relations Act by the Illinois Labor Relations Board State
10 Panel or the courts.

11 (p) A party aggrieved by the final order of the Illinois
12 Labor Relations Board State Panel may apply for and obtain
13 judicial review of an order of the Illinois Labor Relations
14 Board State Panel, in accordance with the provisions of the
15 Administrative Review Law, except that such judicial review
16 shall be afforded directly in the Appellate Court for the
17 district in which the accused officer resides. Any direct
18 appeal to the Appellate Court shall be filed within 35 days
19 from the date that a copy of the decision sought to be reviewed
20 was served upon the party affected by the decision.

21 (q) Interested parties. Only interested parties to the
22 criminal prosecution in which the police officer allegedly,
23 while under oath, knowingly and willfully made false statements
24 as to a material fact going to an element of the offense of
25 murder may file a verified complaint pursuant to this Section.
26 For purposes of this Section, "interested parties" shall be

1 limited to the defendant and any police officer who has
2 personal knowledge that the police officer who is the subject
3 of the complaint has, while under oath, knowingly and willfully
4 made false statements as to a material fact going to an element
5 of the offense of murder.

6 (r) Semi-annual reports. The Executive Director of the
7 Illinois Labor Relations Board shall submit semi-annual
8 reports to the Governor, President, and Minority Leader of the
9 Senate, and to the Speaker and Minority Leader of the House of
10 Representatives beginning on June 30, 2004, indicating:

11 (1) the number of verified complaints received since
12 the date of the last report;

13 (2) the number of investigations initiated since the
14 date of the last report;

15 (3) the number of investigations concluded since the
16 date of the last report;

17 (4) the number of investigations pending as of the
18 reporting date;

19 (5) the number of hearings held since the date of the
20 last report; and

21 (6) the number of officers decertified since the date
22 of the last report.

23 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law."