



Rep. John M. Cabello

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10100HB2591ham001

LRB101 07708 SLF 58999 a

1 AMENDMENT TO HOUSE BILL 2591

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2591 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Police Training Act is amended by  
5 changing Sections 6, 6.1, 8.1, and 10.2 as follows:

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

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

1           a. To require local governmental units to furnish such  
2 reports and information as the Board deems necessary to  
3 fully implement this Act.

4           b. To establish appropriate mandatory minimum  
5 standards relating to the training of probationary local  
6 law enforcement officers or probationary county  
7 corrections officers, and in-service training of permanent  
8 police officers.

9           c. To provide appropriate certification to those  
10 probationary officers who successfully complete the  
11 prescribed minimum standard basic training course.

12           d. To review and approve annual training curriculum for  
13 county sheriffs.

14           e. To review and approve applicants to ensure that no  
15 applicant is admitted to a certified academy unless the  
16 applicant is a person of good character and has not been  
17 convicted of, or entered a plea of guilty to, a felony  
18 offense, any of the misdemeanors in Sections 11-1.50, 11-6,  
19 11-9.1, 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1, 17-2,  
20 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7 of the  
21 Criminal Code of 1961 or the Criminal Code of 2012,  
22 subdivision (a) (1) or (a) (2) (C) of Section 11-14.3 of the  
23 Criminal Code of 1961 or the Criminal Code of 2012, or  
24 subsection (a) of Section 17-32 of the Criminal Code of  
25 1961 or the Criminal Code of 2012, or Section 5 or 5.2 of  
26 the Cannabis Control Act, or a crime involving moral

1 turpitude under the laws of this State or any other state  
2 which if committed in this State would be punishable as a  
3 felony or a crime of moral turpitude. The Board may appoint  
4 investigators who shall enforce the duties conferred upon  
5 the Board by this Act.

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

7 (50 ILCS 705/6.1)

8 Sec. 6.1. Decertification of full-time and part-time  
9 police officers.

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

1 Criminal Code of 1961 or the Criminal Code of 2012, or  
2 subsection (a) of Section 17-32 of the Criminal Code of 1961 or  
3 the Criminal Code of 2012, or to Section 5 or 5.2 of the  
4 Cannabis Control Act. The Board must appoint investigators to  
5 enforce the duties conferred upon the Board by this Act.

6 (b) It is the responsibility of the sheriff or the chief  
7 executive officer of every local law enforcement agency or  
8 department within this State to report to the Board any arrest,  
9 ~~or~~ conviction, or plea of guilty of any officer for an offense  
10 identified in this Section.

11 (c) It is the duty and responsibility of every full-time  
12 and part-time police officer in this State to report to the  
13 Board within 30 days, and the officer's sheriff or chief  
14 executive officer, of his or her arrest, ~~or~~ conviction, or plea  
15 of guilty for an offense identified in this Section. Any  
16 full-time or part-time police officer who knowingly makes,  
17 submits, causes to be submitted, or files a false or untruthful  
18 report to the Board must have his or her certificate or waiver  
19 immediately decertified or revoked.

20 (d) Any person, or a local or State agency, or the Board is  
21 immune from liability for submitting, disclosing, or releasing  
22 information of arrests, ~~or~~ convictions, or pleas of guilty in  
23 this Section as long as the information is submitted,  
24 disclosed, or released in good faith and without malice. The  
25 Board has qualified immunity for the release of the  
26 information.

1 (e) Any full-time or part-time police officer with a  
2 certificate or waiver issued by the Board who is convicted of,  
3 or entered a plea of guilty to, any offense described in this  
4 Section immediately becomes decertified or no longer has a  
5 valid waiver. The decertification and invalidity of waivers  
6 occurs as a matter of law. Failure of a convicted person to  
7 report to the Board his or her conviction as described in this  
8 Section or any continued law enforcement practice after  
9 receiving a conviction is a Class 4 felony.

10 (f) The Board's investigators are peace officers and have  
11 all the powers possessed by policemen in cities and by  
12 sheriff's, and these ~~provided that the~~ investigators may  
13 exercise those powers anywhere in the State, ~~only after contact~~  
14 ~~and cooperation with the appropriate local law enforcement~~  
15 ~~authorities.~~ An investigator shall not have peace officer  
16 status or exercise police powers unless he or she successfully  
17 completes the basic police training course mandated and  
18 approved by the Board or the Board waives the training  
19 requirement by reason of the investigator's prior law  
20 enforcement experience, training, or both. The Board shall not  
21 wave the training requirement unless the investigator has had  
22 a minimum of 5 years experience as a sworn officer of a local,  
23 State, or federal law enforcement agency.

24 (g) The Board must request and receive information and  
25 assistance from any federal, state, or local governmental  
26 agency as part of the authorized criminal background

1 investigation. The Department of State Police must process,  
2 retain, and additionally provide and disseminate information  
3 to the Board concerning criminal charges, arrests,  
4 convictions, and their disposition, that have been filed  
5 before, on, or after the effective date of this amendatory Act  
6 of the 91st General Assembly against a basic academy applicant,  
7 law enforcement applicant, or law enforcement officer whose  
8 fingerprint identification cards are on file or maintained by  
9 the Department of State Police. The Federal Bureau of  
10 Investigation must provide the Board any criminal history  
11 record information contained in its files pertaining to law  
12 enforcement officers or any applicant to a Board certified  
13 basic law enforcement academy as described in this Act based on  
14 fingerprint identification. The Board must make payment of fees  
15 to the Department of State Police for each fingerprint card  
16 submission in conformance with the requirements of paragraph 22  
17 of Section 55a of the Civil Administrative Code of Illinois.

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

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

1 (A) by the defendant; or

2 (B) by a police officer with personal knowledge of  
3 perjured testimony.

4 The complaint must allege that a police officer, while  
5 under oath, knowingly and willfully made false statements  
6 as to a material fact going to an element of the offense of  
7 murder. The verified complaint must be filed with the  
8 Executive Director of the Illinois Law Enforcement  
9 Training Standards Board within 2 years of the judgment of  
10 acquittal.

11 (2) Within 30 days, the Executive Director of the  
12 Illinois Law Enforcement Training Standards Board shall  
13 review the verified complaint and determine whether the  
14 verified complaint is frivolous and without merit, or  
15 whether further investigation is warranted. The Illinois  
16 Law Enforcement Training Standards Board shall notify the  
17 officer and the Executive Director of the Illinois Labor  
18 Relations Board State Panel of the filing of the complaint  
19 and any action taken thereon. If the Executive Director of  
20 the Illinois Law Enforcement Training Standards Board  
21 determines that the verified complaint is frivolous and  
22 without merit, it shall be dismissed. The Executive  
23 Director of the Illinois Law Enforcement Training  
24 Standards Board has sole discretion to make this  
25 determination and this decision is not subject to appeal.

26 (i) If the Executive Director of the Illinois Law

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

18 (j) Once the Executive Director of the Illinois Law  
19 Enforcement Training Standards Board has determined that an  
20 investigation is warranted, the verified complaint shall be  
21 assigned to an investigator or investigators. The investigator  
22 or investigators shall conduct an investigation of the verified  
23 complaint and shall write a report of his or her findings. This  
24 report shall be submitted to the Executive Director of the  
25 Illinois Labor Relations Board State Panel.

26 Within 30 days, the Executive Director of the Illinois



1 Labor Relations Board State Panel shall review the  
2 investigative report and determine whether sufficient evidence  
3 exists to conduct an evidentiary hearing on the verified  
4 complaint. If the Executive Director of the Illinois Labor  
5 Relations Board State Panel determines upon his or her review  
6 of the investigatory report that a hearing should not be  
7 conducted, the complaint shall be dismissed. This decision is  
8 in the Executive Director's sole discretion, and this dismissal  
9 may not be appealed.

10 If the Executive Director of the Illinois Labor Relations  
11 Board State Panel determines that there is sufficient evidence  
12 to warrant a hearing, a hearing shall be ordered on the  
13 verified complaint, to be conducted by an administrative law  
14 judge employed by the Illinois Labor Relations Board State  
15 Panel. The Executive Director of the Illinois Labor Relations  
16 Board State Panel shall inform the Executive Director of the  
17 Illinois Law Enforcement Training Standards Board and the  
18 person who filed the complaint of either the dismissal of the  
19 complaint or the issuance of the complaint for hearing. The  
20 Executive Director shall assign the complaint to the  
21 administrative law judge within 30 days of the decision  
22 granting a hearing.

23 (k) In the case of a finding of guilt on the offense of  
24 murder, if a new trial is granted on direct appeal, or a state  
25 post-conviction evidentiary hearing is ordered, based on a  
26 claim that a police officer, under oath, knowingly and

1 willfully made false statements as to a material fact going to  
2 an element of the offense of murder, the Illinois Labor  
3 Relations Board State Panel shall hold a hearing to determine  
4 whether the officer should be decertified if an interested  
5 party requests such a hearing within 2 years of the court's  
6 decision. The complaint shall be assigned to an administrative  
7 law judge within 30 days so that a hearing can be scheduled.

8 At the hearing, the accused officer shall be afforded the  
9 opportunity to:

10 (1) Be represented by counsel of his or her own  
11 choosing;

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

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

14 (4) Request that the Illinois Labor Relations Board  
15 State Panel compel the attendance of witnesses and  
16 production of related documents including but not limited  
17 to court documents and records.

18 Once a case has been set for hearing, the verified  
19 complaint shall be referred to the Department of Professional  
20 Regulation. That office shall prosecute the verified complaint  
21 at the hearing before the administrative law judge. The  
22 Department of Professional Regulation shall have the  
23 opportunity to produce evidence to support the verified  
24 complaint and to request the Illinois Labor Relations Board  
25 State Panel to compel the attendance of witnesses and the  
26 production of related documents, including, but not limited to,

1 court documents and records. The Illinois Labor Relations Board  
2 State Panel shall have the power to issue subpoenas requiring  
3 the attendance of and testimony of witnesses and the production  
4 of related documents including, but not limited to, court  
5 documents and records and shall have the power to administer  
6 oaths.

7 The administrative law judge shall have the responsibility  
8 of receiving into evidence relevant testimony and documents,  
9 including court records, to support or disprove the allegations  
10 made by the person filing the verified complaint and, at the  
11 close of the case, hear arguments. If the administrative law  
12 judge finds that there is not clear and convincing evidence to  
13 support the verified complaint that the police officer has,  
14 while under oath, knowingly and willfully made false statements  
15 as to a material fact going to an element of the offense of  
16 murder, the administrative law judge shall make a written  
17 recommendation of dismissal to the Illinois Labor Relations  
18 Board State Panel. If the administrative law judge finds that  
19 there is clear and convincing evidence that the police officer  
20 has, while under oath, knowingly and willfully made false  
21 statements as to a material fact that goes to an element of the  
22 offense of murder, the administrative law judge shall make a  
23 written recommendation so concluding to the Illinois Labor  
24 Relations Board State Panel. The hearings shall be transcribed.  
25 The Executive Director of the Illinois Law Enforcement Training  
26 Standards Board shall be informed of the administrative law

1 judge's recommended findings and decision and the Illinois  
2 Labor Relations Board State Panel's subsequent review of the  
3 recommendation.

4 (l) An officer named in any complaint filed pursuant to  
5 this Act shall be indemnified for his or her reasonable  
6 attorney's fees and costs by his or her employer. These fees  
7 shall be paid in a regular and timely manner. The State, upon  
8 application by the public employer, shall reimburse the public  
9 employer for the accused officer's reasonable attorney's fees  
10 and costs. At no time and under no circumstances will the  
11 accused officer be required to pay his or her own reasonable  
12 attorney's fees or costs.

13 (m) The accused officer shall not be placed on unpaid  
14 status because of the filing or processing of the verified  
15 complaint until there is a final non-appealable order  
16 sustaining his or her guilt and his or her certification is  
17 revoked. Nothing in this Act, however, restricts the public  
18 employer from pursuing discipline against the officer in the  
19 normal course and under procedures then in place.

20 (n) The Illinois Labor Relations Board State Panel shall  
21 review the administrative law judge's recommended decision and  
22 order and determine by a majority vote whether or not there was  
23 clear and convincing evidence that the accused officer, while  
24 under oath, knowingly and willfully made false statements as to  
25 a material fact going to the offense of murder. Within 30 days  
26 of service of the administrative law judge's recommended

1 decision and order, the parties may file exceptions to the  
2 recommended decision and order and briefs in support of their  
3 exceptions with the Illinois Labor Relations Board State Panel.  
4 The parties may file responses to the exceptions and briefs in  
5 support of the responses no later than 15 days after the  
6 service of the exceptions. If exceptions are filed by any of  
7 the parties, the Illinois Labor Relations Board State Panel  
8 shall review the matter and make a finding to uphold, vacate,  
9 or modify the recommended decision and order. If the Illinois  
10 Labor Relations Board State Panel concludes that there is clear  
11 and convincing evidence that the accused officer, while under  
12 oath, knowingly and willfully made false statements as to a  
13 material fact going to an element of the offense murder, the  
14 Illinois Labor Relations Board State Panel shall inform the  
15 Illinois Law Enforcement Training Standards Board and the  
16 Illinois Law Enforcement Training Standards Board shall revoke  
17 the accused officer's certification. If the accused officer  
18 appeals that determination to the Appellate Court, as provided  
19 by this Act, he or she may petition the Appellate Court to stay  
20 the revocation of his or her certification pending the court's  
21 review of the matter.

22 (o) None of the Illinois Labor Relations Board State  
23 Panel's findings or determinations shall set any precedent in  
24 any of its decisions decided pursuant to the Illinois Public  
25 Labor Relations Act by the Illinois Labor Relations Board State  
26 Panel or the courts.

1 (p) A party aggrieved by the final order of the Illinois  
2 Labor Relations Board State Panel may apply for and obtain  
3 judicial review of an order of the Illinois Labor Relations  
4 Board State Panel, in accordance with the provisions of the  
5 Administrative Review Law, except that such judicial review  
6 shall be afforded directly in the Appellate Court for the  
7 district in which the accused officer resides. Any direct  
8 appeal to the Appellate Court shall be filed within 35 days  
9 from the date that a copy of the decision sought to be reviewed  
10 was served upon the party affected by the decision.

11 (q) Interested parties. Only interested parties to the  
12 criminal prosecution in which the police officer allegedly,  
13 while under oath, knowingly and willfully made false statements  
14 as to a material fact going to an element of the offense of  
15 murder may file a verified complaint pursuant to this Section.  
16 For purposes of this Section, "interested parties" shall be  
17 limited to the defendant and any police officer who has  
18 personal knowledge that the police officer who is the subject  
19 of the complaint has, while under oath, knowingly and willfully  
20 made false statements as to a material fact going to an element  
21 of the offense of murder.

22 (r) Semi-annual reports. The Executive Director of the  
23 Illinois Labor Relations Board shall submit semi-annual  
24 reports to the Governor, President, and Minority Leader of the  
25 Senate, and to the Speaker and Minority Leader of the House of  
26 Representatives beginning on June 30, 2004, indicating:

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

3 (2) the number of investigations initiated since the  
4 date of the last report;

5 (3) the number of investigations concluded since the  
6 date of the last report;

7 (4) the number of investigations pending as of the  
8 reporting date;

9 (5) the number of hearings held since the date of the  
10 last report; and

11 (6) the number of officers decertified since the date  
12 of the last report.

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

14 (50 ILCS 705/8.1) (from Ch. 85, par. 508.1)

15 Sec. 8.1. Full-time police and county corrections  
16 officers.

17 (a) After January 1, 1976, no person shall receive a  
18 permanent appointment as a law enforcement officer as defined  
19 in this Act nor shall any person receive, after the effective  
20 date of this amendatory Act of 1984, a permanent appointment as  
21 a county corrections officer unless that person has been  
22 awarded, within 6 ~~six~~ months of his or her initial full-time  
23 employment, a certificate attesting to his or her successful  
24 completion of the Minimum Standards Basic Law Enforcement and  
25 County Correctional Training Course as prescribed by the Board;

1 or has been awarded a certificate attesting to his or her  
2 satisfactory completion of a training program of similar  
3 content and number of hours and which course has been found  
4 acceptable by the Board under the provisions of this Act; or by  
5 reason of extensive prior law enforcement or county corrections  
6 experience the basic training requirement is determined by the  
7 Board to be illogical and unreasonable.

8 If such training is required and not completed within the  
9 applicable 6 ~~six~~ months, then the officer must forfeit his or  
10 her position, or the employing agency must obtain a waiver from  
11 the Board extending the period for compliance. Such waiver  
12 shall be issued only for good and justifiable reasons, and in  
13 no case shall extend more than 90 days beyond the initial 6 ~~six~~  
14 months. Any hiring agency that fails to train a law enforcement  
15 officer within this period shall be prohibited from employing  
16 this individual in a law enforcement capacity for one year from  
17 the date training was to be completed. If an agency again fails  
18 to train the individual a second time, the agency shall be  
19 permanently barred from employing this individual in a law  
20 enforcement capacity.

21 (b) No provision of this Section shall be construed to mean  
22 that a law enforcement officer employed by a local governmental  
23 agency at the time of the effective date of this amendatory  
24 Act, either as a probationary police officer or as a permanent  
25 police officer, shall require certification under the  
26 provisions of this Section. No provision of this Section shall



1 be construed to mean that a county corrections officer employed  
2 by a local governmental agency at the time of the effective  
3 date of this amendatory Act of 1984, either as a probationary  
4 county corrections or as a permanent county corrections  
5 officer, shall require certification under the provisions of  
6 this Section. No provision of this Section shall be construed  
7 to apply to certification of elected county sheriffs.

8 (c) This Section does not apply to part-time police  
9 officers or probationary part-time police officers.

10 (Source: P.A. 89-170, eff. 1-1-96; 90-271, eff. 7-30-97.)

11 (50 ILCS 705/10.2)

12 Sec. 10.2. Criminal background investigations.

13 (a) On and after the effective date of this amendatory Act  
14 of the 92nd General Assembly, an applicant for employment as a  
15 peace officer, or for annual certification as a retired law  
16 enforcement officer qualified under federal law to carry a  
17 concealed weapon, shall authorize an investigation to  
18 determine if the applicant has been convicted of, or entered a  
19 plea of guilty to, any criminal offense that disqualifies the  
20 person as a peace officer.

21 (b) No law enforcement agency may knowingly employ a  
22 person, or certify a retired law enforcement officer qualified  
23 under federal law to carry a concealed weapon, unless (i) a  
24 criminal background investigation of that person has been  
25 completed and (ii) that investigation reveals no convictions or

1 pleas of guilty of offenses specified in subsection (a) of  
2 Section 6.1 of this Act.  
3 (Source: P.A. 94-103, eff. 7-1-05.)".