

1 AN ACT concerning local government.

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

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:

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

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

1 police officers.

2 c. To provide appropriate certification to those
3 probationary officers who successfully complete the
4 prescribed minimum standard basic training course.

5 d. To review and approve annual training curriculum for
6 county sheriffs.

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

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

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, or plea of guilty of any officer for an offense
3 identified in this 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, or plea
8 of guilty for an offense identified in this Section. Any
9 full-time or part-time police officer who knowingly makes,
10 submits, causes to be submitted, or files a false or untruthful
11 report to the Board must have his or her certificate or waiver
12 immediately 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, or pleas of guilty in
16 this Section as long as the information is submitted,
17 disclosed, or released in good faith and without malice. The
18 Board has qualified immunity for the release of the
19 information.

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

1 Section or any continued law enforcement practice after
2 receiving a conviction is a Class 4 felony.

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

17 (g) The Board must request and receive information and
18 assistance from any federal, state, or local governmental
19 agency as part of the authorized criminal background
20 investigation. The Department of State Police must process,
21 retain, and additionally provide and disseminate information
22 to the Board concerning criminal charges, arrests,
23 convictions, and their disposition, that have been filed
24 before, on, or after the effective date of this amendatory Act
25 of the 91st General Assembly against a basic academy applicant,
26 law enforcement applicant, or law enforcement officer whose

1 fingerprint identification cards are on file or maintained by
2 the Department of State Police. The Federal Bureau of
3 Investigation must provide the Board any criminal history
4 record information contained in its files pertaining to law
5 enforcement officers or any applicant to a Board certified
6 basic law enforcement academy as described in this Act based on
7 fingerprint identification. The Board must make payment of fees
8 to the Department of State Police for each fingerprint card
9 submission in conformance with the requirements of paragraph 22
10 of Section 55a of the Civil Administrative Code of Illinois.

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

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

20 (A) by the defendant; or

21 (B) by a police officer with personal knowledge of
22 perjured testimony.

23 The complaint must allege that a police officer, while
24 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 verified complaint must be filed with the

1 Executive Director of the Illinois Law Enforcement
2 Training Standards Board within 2 years of the judgment of
3 acquittal.

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

19 (i) If the Executive Director of the Illinois Law
20 Enforcement Training Standards Board determines that the
21 verified complaint warrants further investigation, he or she
22 shall refer the matter to a task force of investigators created
23 for this purpose. This task force shall consist of 8 sworn
24 police officers: 2 from the Illinois State Police, 2 from the
25 City of Chicago Police Department, 2 from county police
26 departments, and 2 from municipal police departments. These

1 investigators shall have a minimum of 5 years of experience in
2 conducting criminal investigations. The investigators shall be
3 appointed by the Executive Director of the Illinois Law
4 Enforcement Training Standards Board. Any officer or officers
5 acting in this capacity pursuant to this statutory provision
6 will have statewide police authority while acting in this
7 investigative capacity. Their salaries and expenses for the
8 time spent conducting investigations under this paragraph
9 shall be reimbursed by the Illinois Law Enforcement Training
10 Standards Board.

11 (j) Once the Executive Director of the Illinois Law
12 Enforcement Training Standards Board has determined that an
13 investigation is warranted, the verified complaint shall be
14 assigned to an investigator or investigators. The investigator
15 or investigators shall conduct an investigation of the verified
16 complaint and shall write a report of his or her findings. This
17 report shall be submitted to the Executive Director of the
18 Illinois Labor Relations Board State Panel.

19 Within 30 days, the Executive Director of the Illinois
20 Labor Relations Board State Panel shall review the
21 investigative report and determine whether sufficient evidence
22 exists to conduct an evidentiary hearing on the verified
23 complaint. If the Executive Director of the Illinois Labor
24 Relations Board State Panel determines upon his or her review
25 of the investigatory report that a hearing should not be
26 conducted, the complaint shall be dismissed. This decision is

1 in the Executive Director's sole discretion, and this dismissal
2 may not be appealed.

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

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

1 At the hearing, the accused officer shall be afforded the
2 opportunity to:

3 (1) Be represented by counsel of his or her own
4 choosing;

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

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

7 (4) Request that the Illinois Labor Relations Board
8 State Panel compel the attendance of witnesses and
9 production of related documents including but not limited
10 to court documents and records.

11 Once a case has been set for hearing, the verified
12 complaint shall be referred to the Department of Professional
13 Regulation. That office shall prosecute the verified complaint
14 at the hearing before the administrative law judge. The
15 Department of Professional Regulation shall have the
16 opportunity to produce evidence to support the verified
17 complaint and to request the Illinois Labor Relations Board
18 State Panel to compel the attendance of witnesses and the
19 production of related documents, including, but not limited to,
20 court documents and records. The Illinois Labor Relations Board
21 State Panel shall have the power to issue subpoenas requiring
22 the attendance of and testimony of witnesses and the production
23 of related documents including, but not limited to, court
24 documents and records and shall have the power to administer
25 oaths.

26 The administrative law judge shall have the responsibility

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

23 (1) An officer named in any complaint filed pursuant to
24 this Act shall be indemnified for his or her reasonable
25 attorney's fees and costs by his or her employer. These fees
26 shall be paid in a regular and timely manner. The State, upon

1 application by the public employer, shall reimburse the public
2 employer for the accused officer's reasonable attorney's fees
3 and costs. At no time and under no circumstances will the
4 accused officer be required to pay his or her own reasonable
5 attorney's fees or costs.

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

13 (n) The Illinois Labor Relations Board State Panel shall
14 review the administrative law judge's recommended decision and
15 order and determine by a majority vote whether or not there was
16 clear and convincing evidence that the accused officer, while
17 under oath, knowingly and willfully made false statements as to
18 a material fact going to the offense of murder. Within 30 days
19 of service of the administrative law judge's recommended
20 decision and order, the parties may file exceptions to the
21 recommended decision and order and briefs in support of their
22 exceptions with the Illinois Labor Relations Board State Panel.
23 The parties may file responses to the exceptions and briefs in
24 support of the responses no later than 15 days after the
25 service of the exceptions. If exceptions are filed by any of
26 the parties, the Illinois Labor Relations Board State Panel

1 shall review the matter and make a finding to uphold, vacate,
2 or modify the recommended decision and order. If the Illinois
3 Labor Relations Board State Panel concludes that there is clear
4 and convincing evidence that the accused officer, while under
5 oath, knowingly and willfully made false statements as to a
6 material fact going to an element of the offense murder, the
7 Illinois Labor Relations Board State Panel shall inform the
8 Illinois Law Enforcement Training Standards Board and the
9 Illinois Law Enforcement Training Standards Board shall revoke
10 the accused officer's certification. If the accused officer
11 appeals that determination to the Appellate Court, as provided
12 by this Act, he or she may petition the Appellate Court to stay
13 the revocation of his or her certification pending the court's
14 review of the matter.

15 (o) None of the Illinois Labor Relations Board State
16 Panel's findings or determinations shall set any precedent in
17 any of its decisions decided pursuant to the Illinois Public
18 Labor Relations Act by the Illinois Labor Relations Board State
19 Panel or the courts.

20 (p) A party aggrieved by the final order of the Illinois
21 Labor Relations Board State Panel may apply for and obtain
22 judicial review of an order of the Illinois Labor Relations
23 Board State Panel, in accordance with the provisions of the
24 Administrative Review Law, except that such judicial review
25 shall be afforded directly in the Appellate Court for the
26 district in which the accused officer resides. Any direct

1 appeal to the Appellate Court shall be filed within 35 days
2 from the date that a copy of the decision sought to be reviewed
3 was served upon the party affected by the decision.

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

15 (r) Semi-annual reports. The Executive Director of the
16 Illinois Labor Relations Board shall submit semi-annual
17 reports to the Governor, President, and Minority Leader of the
18 Senate, and to the Speaker and Minority Leader of the House of
19 Representatives beginning on June 30, 2004, indicating:

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

22 (2) the number of investigations initiated since the
23 date of the last report;

24 (3) the number of investigations concluded since the
25 date of the last report;

26 (4) the number of investigations pending as of the

1 reporting date;

2 (5) the number of hearings held since the date of the
3 last report; and

4 (6) the number of officers decertified since the date
5 of the last report.

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

7 (50 ILCS 705/8.1) (from Ch. 85, par. 508.1)

8 Sec. 8.1. Full-time police and county corrections
9 officers.

10 (a) After January 1, 1976, no person shall receive a
11 permanent appointment as a law enforcement officer as defined
12 in this Act nor shall any person receive, after the effective
13 date of this amendatory Act of 1984, a permanent appointment as
14 a county corrections officer unless that person has been
15 awarded, within 6 ~~six~~ months of his or her initial full-time
16 employment, a certificate attesting to his or her successful
17 completion of the Minimum Standards Basic Law Enforcement and
18 County Correctional Training Course as prescribed by the Board;
19 or has been awarded a certificate attesting to his or her
20 satisfactory completion of a training program of similar
21 content and number of hours and which course has been found
22 acceptable by the Board under the provisions of this Act; or by
23 reason of extensive prior law enforcement or county corrections
24 experience the basic training requirement is determined by the
25 Board to be illogical and unreasonable.

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

14 (b) No provision of this Section shall be construed to mean
15 that a law enforcement officer employed by a local governmental
16 agency at the time of the effective date of this amendatory
17 Act, either as a probationary police officer or as a permanent
18 police officer, shall require certification under the
19 provisions of this Section. No provision of this Section shall
20 be construed to mean that a county corrections officer employed
21 by a local governmental agency at the time of the effective
22 date of this amendatory Act of 1984, either as a probationary
23 county corrections or as a permanent county corrections
24 officer, shall require certification under the provisions of
25 this Section. No provision of this Section shall be construed
26 to apply to certification of elected county sheriffs.

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

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

4 (50 ILCS 705/10.2)

5 Sec. 10.2. Criminal background investigations.

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

14 (b) No law enforcement agency may knowingly employ a
15 person, or certify a retired law enforcement officer qualified
16 under federal law to carry a concealed weapon, unless (i) a
17 criminal background investigation of that person has been
18 completed and (ii) that investigation reveals no convictions or
19 pleas of guilty of offenses specified in subsection (a) of
20 Section 6.1 of this Act.

21 (Source: P.A. 94-103, eff. 7-1-05.)