



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5814

Introduced 11/10/2020, by Rep. Lamont J. Robinson, Jr. -
Kambium Buckner

SYNOPSIS AS INTRODUCED:

See Index

Amends the Department of State Police Law of the Civil Administrative Code of Illinois. Provides that the provisions of the Illinois Police Training Act are applicable to the training, certification, licensing, decertification, and revocation of licenses of State Police officers. Amends the Illinois Police Training Act. Adds 6 public members and 6 retired police officers, appointed by the Governor, to the Illinois Law Enforcement Training Standards Board. Requires full-time and part-time police officers to be licensed rather than certified. Provides that the Illinois Law Enforcement Training Standards Board has the power to require local governmental units to furnish personnel rosters, employment status reports, and annual training plans to the Board. Provides that the revocation of a license or certification of a police officer is permanent. Provides that the Board shall, by rule, provide for the decertification or revocation of a license of a police officer who commits non-criminal misconduct that results in disciplinary action against the police officer. Provides that the types of misconduct that are grounds for decertification or revocation of a police officer's license shall be determined by the Board by rule. Establishes hearing procedures on decertification. Provides that the provisions are operative no later than one year after the Act's effective date. Amends the Local Governmental and Governmental Employees Tort Immunity Act. Provides that notwithstanding any other provision of law to the contrary, the Act does not apply to a peace officer as defined in the Criminal Code of 2012. Contains other provisions. Amends various other Acts to make conforming changes. Effective immediately.

LRB101 21714 RLC 72659 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning police.

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

4 Section 5. The Law Enforcement Criminal Sexual Assault
5 Investigation Act is amended by changing Section 10 as follows:

6 (5 ILCS 815/10)

7 Sec. 10. Investigation of officer-involved criminal
8 assault; requirements.

9 (a) Each law enforcement agency shall have a written policy
10 regarding the investigation of officer-involved criminal
11 sexual assault that involves a law enforcement officer employed
12 by that law enforcement agency.

13 (b) Each officer-involved criminal sexual assault
14 investigation shall be conducted by at least 2 investigators or
15 an entity comprised of at least 2 investigators, one of whom
16 shall be the lead investigator. The investigators shall have
17 completed a specialized sexual assault and sexual abuse
18 investigation training program approved by the Illinois Law
19 Enforcement Training Standards Board ~~or similar training~~
20 ~~approved by the Department of State Police~~. No investigator
21 involved in the investigation may be employed by the law
22 enforcement agency that employs the officer involved in the
23 officer-involved criminal sexual assault, unless the

1 investigator is employed by the Department of State Police or a
2 municipality with a population over 1,000,000 and is not
3 assigned to the same division or unit as the officer involved
4 in the criminal sexual assault.

5 (c) Upon receipt of an allegation or complaint of an
6 officer-involved criminal sexual assault, a municipality with
7 a population over 1,000,000 shall promptly notify an
8 independent agency, created by ordinance of the municipality,
9 tasked with investigating incidents of police misconduct.

10 (Source: P.A. 100-515, eff. 1-1-18.)

11 Section 10. The Department of State Police Law of the Civil
12 Administrative Code of Illinois is amended by changing Sections
13 2605-5, 2605-54, 2605-85, 2605-90, 2605-96, 2605-97, and
14 2605-98, and 2605-375 and by adding Section 2605-53.5 as
15 follows:

16 (20 ILCS 2605/2605-5)

17 Sec. 2605-5. Definitions. In this Law:

18 "Board" means the Illinois Law Enforcement Training
19 Standards Board.

20 "Department" means the Department of State Police.

21 "Director" means the Director of State Police.

22 "Missing endangered senior" means an individual 65 years of
23 age or older or a person with Alzheimer's disease or related
24 dementias who is reported missing to a law enforcement agency

1 and is, or is believed to be:

2 (1) a temporary or permanent resident of Illinois;

3 (2) at a location that cannot be determined by an
4 individual familiar with the missing individual; and

5 (3) incapable of returning to the individual's
6 residence without assistance.

7 (Source: P.A. 96-442, eff. 1-1-10.)

8 (20 ILCS 2605/2605-53.5 new)

9 Sec. 2605-53.5. Applicability of the Illinois Police
10 Training Act. The provisions of the Illinois Police Training Act
11 are applicable to the training, certification, licensing,
12 decertification, and revocation of licenses of State Police
13 officers.

14 (20 ILCS 2605/2605-54)

15 Sec. 2605-54. Training policy; persons arrested while
16 under the influence of alcohol or drugs. The Board ~~Department~~
17 shall adopt a policy and provide training to State Police
18 officers concerning response and care for persons under the
19 influence of alcohol or drugs. The policy shall be consistent
20 with the Substance Use Disorder Act and shall provide guidance
21 for the arrest of persons under the influence of alcohol or
22 drugs, proper medical attention if warranted, and care and
23 release of those persons from custody. The policy shall provide
24 guidance concerning the release of persons arrested under the

1 influence of alcohol or drugs who are under the age of 21 years
2 of age which shall include, but not be limited to, language
3 requiring the arresting officer to make a reasonable attempt to
4 contact a responsible adult who is willing to take custody of
5 the person who is under the influence of alcohol or drugs.

6 (Source: P.A. 100-537, eff. 6-1-18; 100-759, eff. 1-1-19.)

7 (20 ILCS 2605/2605-85)

8 Sec. 2605-85. Training; cultural diversity. The Board
9 ~~Department~~ shall provide training and continuing education to
10 State Police officers concerning cultural diversity, including
11 sensitivity toward racial and ethnic differences. This
12 training and continuing education shall include, but not be
13 limited to, an emphasis on the fact that the primary purpose of
14 enforcement of the Illinois Vehicle Code is safety and equal
15 and uniform enforcement under the law.

16 (Source: P.A. 93-209, eff. 7-18-03.)

17 (20 ILCS 2605/2605-90)

18 Sec. 2605-90. Training; death and homicide investigations.
19 The Board ~~Department~~ shall provide training in death and
20 homicide investigation for State police officers. Only State
21 police officers who successfully complete the training may be
22 assigned as lead investigators in death and homicide
23 investigations. Satisfactory completion of the training shall
24 be evidenced by a certificate issued to the officer by the

1 Department.

2 The Board ~~Director~~ shall develop a process for waiver
3 applications for those officers whose prior training and
4 experience as homicide investigators may qualify them for a
5 waiver. The Board ~~Director~~ may issue a waiver at his or her
6 discretion, based solely on the prior training and experience
7 of an officer as a homicide investigator.

8 (Source: P.A. 96-1111, eff. 1-1-12; 97-553, eff. 1-1-12.)

9 (20 ILCS 2605/2605-96)

10 Sec. 2605-96. Training; Post-Traumatic Stress Disorder
11 (PTSD). The Board ~~Department~~ shall conduct or approve a
12 training program in Post-Traumatic Stress Disorder (PTSD) for
13 State police officers. The purpose of that training shall be to
14 equip State police officers to identify the symptoms of PTSD
15 and to respond appropriately to individuals exhibiting those
16 symptoms.

17 (Source: P.A. 97-1040, eff. 1-1-13.)

18 (20 ILCS 2605/2605-97)

19 Sec. 2605-97. Training; opioid antagonists. The Board
20 ~~Department~~ shall conduct or approve a training program for
21 State police officers in the administration of opioid
22 antagonists as defined in paragraph (1) of subsection (e) of
23 Section 5-23 of the Substance Use Disorder Act that is in
24 accordance with that Section. As used in this Section 2605-97,

1 the term "State police officers" includes full-time or
2 part-time State troopers, police officers, investigators, or
3 any other employee of the Department exercising the powers of a
4 peace officer.

5 (Source: P.A. 99-480, eff. 9-9-15; 100-759, eff. 1-1-19.)

6 (20 ILCS 2605/2605-98)

7 Sec. 2605-98. Training; sexual assault and sexual abuse.

8 (a) The Board ~~Department of State Police~~ shall conduct or
9 approve training programs in trauma-informed responses and
10 investigations of sexual assault and sexual abuse, which
11 include, but is not limited to, the following:

12 (1) recognizing the symptoms of trauma;

13 (2) understanding the role trauma has played in a
14 victim's life;

15 (3) responding to the needs and concerns of a victim;

16 (4) delivering services in a compassionate, sensitive,
17 and nonjudgmental manner;

18 (5) interviewing techniques in accordance with the
19 curriculum standards in subsection (f) of this Section;

20 (6) understanding cultural perceptions and common
21 myths of sexual assault and sexual abuse; and

22 (7) report writing techniques in accordance with the
23 curriculum standards in subsection (f) of this Section.

24 (b) This training must be presented in all full and
25 part-time basic law enforcement academies on or before July 1,

1 2018.

2 (c) The Board ~~Department~~ must present this training to all
3 State police officers within 3 years after the effective date
4 of this amendatory Act of the 99th General Assembly and must
5 present in-service training on sexual assault and sexual abuse
6 response and report writing training requirements every 3
7 years.

8 (d) The Board ~~Department~~ must provide to all State police
9 officers who conduct sexual assault and sexual abuse
10 investigations, specialized training on sexual assault and
11 sexual abuse investigations within 2 years after the effective
12 date of this amendatory Act of the 99th General Assembly and
13 must present in-service training on sexual assault and sexual
14 abuse investigations to these officers every 3 years.

15 (e) Instructors providing this training shall have
16 successfully completed training on evidence-based,
17 trauma-informed, victim-centered responses to cases of sexual
18 assault and sexual abuse and have experience responding to
19 sexual assault and sexual abuse cases.

20 (f) The Board ~~Department~~ shall adopt rules, in consultation
21 with the Office of the Illinois Attorney General and the
22 Illinois Law Enforcement Training Standards Board, to
23 determine the specific training requirements for these
24 courses, including, but not limited to, the following:

25 (1) evidence-based curriculum standards for report
26 writing and immediate response to sexual assault and sexual

1 abuse, including trauma-informed, victim-centered
2 interview techniques, which have been demonstrated to
3 minimize retraumatization, for all State police officers;
4 and

5 (2) evidence-based curriculum standards for
6 trauma-informed, victim-centered investigation and
7 interviewing techniques, which have been demonstrated to
8 minimize retraumatization, for cases of sexual assault and
9 sexual abuse for all State Police officers who conduct
10 sexual assault and sexual abuse investigations.

11 (Source: P.A. 99-801, eff. 1-1-17.)

12 (20 ILCS 2605/2605-375) (was 20 ILCS 2605/55a in part)

13 Sec. 2605-375. Missing persons; Law Enforcement Agencies
14 Data System (LEADS).

15 (a) To establish and maintain a statewide Law Enforcement
16 Agencies Data System (LEADS) for the purpose of providing
17 electronic access by authorized entities to criminal justice
18 data repositories and effecting an immediate law enforcement
19 response to reports of missing persons, including lost, missing
20 or runaway minors, lost or missing individuals with
21 developmental or intellectual disabilities, and missing
22 endangered seniors. The Department shall implement an
23 automatic data exchange system to compile, to maintain, and to
24 make available to other law enforcement agencies for immediate
25 dissemination data that can assist appropriate agencies in

1 recovering missing persons and provide access by authorized
2 entities to various data repositories available through LEADS
3 for criminal justice and related purposes. To assist the
4 Department in this effort, funds may be appropriated from the
5 LEADS Maintenance Fund. Funds may be appropriated from the
6 LEADS Maintenance Fund to the Department to finance any of its
7 lawful purposes or functions in relation to defraying the
8 expenses associated with establishing, maintaining, and
9 supporting the issuance of electronic citations.

10 (b) In exercising its duties under this Section, the
11 Department shall provide a uniform reporting format (LEADS) for
12 the entry of pertinent information regarding the report of a
13 missing person into LEADS. The report must include all of the
14 following:

15 (1) Relevant information obtained from the
16 notification concerning the missing person, including all
17 of the following:

18 (A) a physical description of the missing person;

19 (B) the date, time, and place that the missing
20 person was last seen; and

21 (C) the missing person's address.

22 (2) Information gathered by a preliminary
23 investigation, if one was made.

24 (3) A statement by the law enforcement officer in
25 charge stating the officer's assessment of the case based
26 on the evidence and information received.

1 (b-5) The Department of State Police shall:

2 (1) Develop and implement a policy whereby a statewide
3 or regional alert would be used in situations relating to
4 the disappearances of individuals, based on criteria and in
5 a format established by the Department. Such a format shall
6 include, but not be limited to, the age of the missing
7 person and the suspected circumstance of the
8 disappearance.

9 (2) Notify all law enforcement agencies that reports of
10 missing persons shall be entered as soon as the minimum
11 level of data specified by the Department is available to
12 the reporting agency and that no waiting period for the
13 entry of the data exists.

14 (3) Compile and retain information regarding lost,
15 abducted, missing, or runaway minors in a separate data
16 file, in a manner that allows that information to be used
17 by law enforcement and other agencies deemed appropriate by
18 the Director, for investigative purposes. The information
19 shall include the disposition of all reported lost,
20 abducted, missing, or runaway minor cases.

21 (4) Compile and maintain an historic data repository
22 relating to lost, abducted, missing, or runaway minors and
23 other missing persons, including, but not limited to, lost
24 or missing individuals with developmental or intellectual
25 disabilities and missing endangered seniors, in order to
26 develop and improve techniques utilized by law enforcement

1 agencies when responding to reports of missing persons.

2 (5) Create a quality control program regarding
3 confirmation of missing person data, timeliness of entries
4 of missing person reports into LEADS, and performance
5 audits of all entering agencies.

6 (c) The Illinois Law Enforcement Training Standards Board
7 shall conduct a training program for law enforcement personnel
8 of State and local governmental agencies in the Missing Persons
9 Identification Act.

10 (d) The Department of State Police shall perform the duties
11 prescribed in the Missing Persons Identification Act, subject
12 to appropriation.

13 (Source: P.A. 100-662, eff. 1-1-19.)

14 Section 15. The State Police Act is amended by changing
15 Sections 8, 40, and 45 as follows:

16 (20 ILCS 2610/8) (from Ch. 121, par. 307.8)

17 Sec. 8. Except as otherwise provided in the Illinois Police
18 Training Act, the ~~The~~ Board shall exercise jurisdiction over
19 the certification for appointment and promotion, and over the
20 discipline, removal, demotion and suspension of Department of
21 State Police officers. Pursuant to recognized merit principles
22 of public employment, the Board shall formulate, adopt, and put
23 into effect rules, regulations and procedures for its operation
24 and the transaction of its business. The Board shall establish

1 a classification of ranks of persons subject to its
2 jurisdiction and shall set standards and qualifications for
3 each rank. Each Department of State Police officer appointed by
4 the Director shall be classified as a State Police officer as
5 follows: trooper, sergeant, master sergeant, lieutenant,
6 captain, major, or Special Agent. In case of a conflict between
7 this Act and the Illinois Police Training Act, the provisions
8 of the Illinois Police Training Act shall prevail.

9 (Source: P.A. 100-49, eff. 1-1-18.)

10 (20 ILCS 2610/40)

11 Sec. 40. Training; administration of epinephrine.

12 (a) This Section, along with Section 10.19 of the Illinois
13 Police Training Act, may be referred to as the Annie LeGere
14 Law.

15 (b) For the purposes of this Section, "epinephrine
16 auto-injector" means a single-use device used for the automatic
17 injection of a pre-measured dose of epinephrine into the human
18 body prescribed in the name of the Department.

19 (c) The Illinois Law Enforcement Training Standards Board
20 ~~Department~~ may conduct or approve a training program for State
21 Police officers to recognize and respond to anaphylaxis,
22 including, but not limited to:

23 (1) how to recognize symptoms of an allergic reaction;

24 (2) how to respond to an emergency involving an
25 allergic reaction;

- 1 (3) how to administer an epinephrine auto-injector;
- 2 (4) how to respond to an individual with a known
3 allergy as well as an individual with a previously unknown
4 allergy;
- 5 (5) a test demonstrating competency of the knowledge
6 required to recognize anaphylaxis and administer an
7 epinephrine auto-injector; and
- 8 (6) other criteria as determined in rules adopted by
9 the Illinois Law Enforcement Training Standards Board
10 ~~Department~~.

11 (d) The Department may authorize a State Police officer who
12 has completed the training program under subsection (c) to
13 carry, administer, or assist with the administration of
14 epinephrine auto-injectors whenever he or she is performing
15 official duties.

16 (e) The Department must establish a written policy to
17 control the acquisition, storage, transportation,
18 administration, and disposal of epinephrine auto-injectors
19 before it allows any State Police officer to carry and
20 administer epinephrine auto-injectors.

21 (f) A physician, physician ~~physician's~~ assistant with
22 prescriptive authority, or advanced practice registered nurse
23 with prescriptive authority may provide a standing protocol or
24 prescription for epinephrine auto-injectors in the name of the
25 Department to be maintained for use when necessary.

26 (g) When a State Police officer administers an epinephrine

1 auto-injector in good faith, the officer and the Department,
2 and its employees and agents, including a physician, physician
3 ~~physician's~~ assistant with prescriptive authority, or advanced
4 practice registered nurse with prescriptive authority who
5 provides a standing order or prescription for an epinephrine
6 auto-injector, incur no civil or professional liability,
7 except for willful and wanton conduct, as a result of any
8 injury or death arising from the use of an epinephrine
9 auto-injector.

10 (Source: P.A. 99-711, eff. 1-1-17; 100-201, eff. 8-18-17;
11 100-648, eff. 7-31-18; revised 1-14-20.)

12 (20 ILCS 2610/45)

13 Sec. 45. Compliance with the Health Care Violence
14 Prevention Act; training. The Department shall comply with the
15 Health Care Violence Prevention Act. The Illinois Law
16 Enforcement Training Standards Board ~~and~~ shall provide an
17 appropriate level of training for its officers concerning the
18 Health Care Violence Prevention Act.

19 (Source: P.A. 100-1051, eff. 1-1-19; 100-1186, eff. 4-5-19.)

20 Section 20. The Illinois Police Training Act is amended by
21 changing Sections 2, 3, 6, 6.1, 8.1, and 8.2 and adding Section
22 6.3 as follows:

23 (50 ILCS 705/2) (from Ch. 85, par. 502)

1 Sec. 2. Definitions. As used in this Act, unless the
2 context otherwise requires:

3 "Board" means the Illinois Law Enforcement Training
4 Standards Board.

5 "Local governmental agency" means any local governmental
6 unit or municipal corporation in this State. It does not
7 include the State of Illinois or any office, officer,
8 department, division, bureau, board, commission, or agency of
9 the State, except that it does include a State-controlled
10 university, college or public community college.

11 "Police training school" means any school located within
12 the State of Illinois whether privately or publicly owned which
13 offers a course in police or county corrections training and
14 has been approved by the Board.

15 "Probationary police officer" means a recruit law
16 enforcement officer required to successfully complete initial
17 minimum basic training requirements at a police training school
18 to be eligible for permanent full-time employment as a local
19 law enforcement officer.

20 "Probationary part-time police officer" means a recruit
21 part-time law enforcement officer required to successfully
22 complete initial minimum part-time training requirements to be
23 eligible for employment on a part-time basis as a local law
24 enforcement officer.

25 "Permanent police officer" means a law enforcement officer
26 who has completed his or her probationary period and is

1 permanently employed on a full-time basis as a local law
2 enforcement officer by a participating local governmental unit
3 or as a security officer or campus policeman permanently
4 employed by a participating State-controlled university,
5 college, or public community college.

6 "Part-time police officer" means a law enforcement officer
7 who has completed his or her probationary period and is
8 employed on a part-time basis as a law enforcement officer by a
9 participating unit of local government or as a campus policeman
10 by a participating State-controlled university, college, or
11 public community college.

12 "Law enforcement officer" means (i) any police officer of a
13 State or local governmental agency who is primarily responsible
14 for prevention or detection of crime and the enforcement of the
15 criminal code, traffic, or highway laws of this State or any
16 political subdivision of this State or (ii) any member of a
17 police force appointed and maintained as provided in Section 2
18 of the Railroad Police Act.

19 "Recruit" means any full-time or part-time law enforcement
20 officer or full-time county corrections officer who is enrolled
21 in an approved training course.

22 "Probationary county corrections officer" means a recruit
23 county corrections officer required to successfully complete
24 initial minimum basic training requirements at a police
25 training school to be eligible for permanent employment on a
26 full-time basis as a county corrections officer.

1 "Permanent county corrections officer" means a county
2 corrections officer who has completed his probationary period
3 and is permanently employed on a full-time basis as a county
4 corrections officer by a participating local governmental
5 unit.

6 "County corrections officer" means any sworn officer of the
7 sheriff who is primarily responsible for the control and
8 custody of offenders, detainees or inmates.

9 "Probationary court security officer" means a recruit
10 court security officer required to successfully complete
11 initial minimum basic training requirements at a designated
12 training school to be eligible for employment as a court
13 security officer.

14 "Permanent court security officer" means a court security
15 officer who has completed his or her probationary period and is
16 employed as a court security officer by a participating local
17 governmental unit.

18 "Court security officer" has the meaning ascribed to it in
19 Section 3-6012.1 of the Counties Code.

20 (Source: P.A. 94-846, eff. 1-1-07.)

21 (50 ILCS 705/3) (from Ch. 85, par. 503)

22 Sec. 3. Board - composition - appointments - tenure -
23 vacancies. The Board shall be composed of 30 ~~18~~ members
24 selected as follows: The Attorney General of the State of
25 Illinois, the Director of State Police, the Director of

1 Corrections, the Superintendent of the Chicago Police
2 Department, the Sheriff of Cook County, the Clerk of the
3 Circuit Court of Cook County, and the following to be appointed
4 by the Governor: 2 mayors or village presidents of Illinois
5 municipalities, 2 Illinois county sheriffs from counties other
6 than Cook County, 2 managers of Illinois municipalities, 2
7 chiefs of municipal police departments in Illinois having no
8 Superintendent of the Police Department on the Board, 2
9 citizens of Illinois who shall be members of an organized
10 enforcement officers' association, one active member of a
11 statewide association representing sheriffs, ~~and~~ one active
12 member of a statewide association representing municipal
13 police chiefs, 6 retired police officers, and 6 public members.

14 The appointments of the Governor shall be made on the first
15 Monday of August in 1965 with 3 of the appointments to be for a
16 period of one year, 3 for 2 years, and 3 for 3 years. Their
17 successors shall be appointed in like manner for terms to
18 expire the first Monday of August each 3 years thereafter. All
19 members shall serve until their respective successors are
20 appointed and qualify. Vacancies shall be filled by the
21 Governor for the unexpired terms.

22 (Source: P.A. 99-651, eff. 7-28-16; 100-995, eff. 8-20-18.)

23 (50 ILCS 705/6) (from Ch. 85, par. 506)

24 Sec. 6. Powers and duties of the Board; selection and
25 certification of schools. The Board shall select and certify

1 schools within the State of Illinois for the purpose of
2 providing basic training for probationary police officers,
3 probationary county corrections officers, and court security
4 officers and of providing advanced or in-service training for
5 permanent police officers or permanent county corrections
6 officers, which schools may be either publicly or privately
7 owned and operated. In addition, the Board has the following
8 power and duties:

9 a. To require local governmental units to furnish such
10 reports and information as the Board deems necessary to
11 fully implement this Act, including, but not limited to,
12 personnel rosters, employment status reports, and annual
13 training plans.

14 b. To establish appropriate mandatory minimum
15 standards relating to the training of probationary local
16 law enforcement officers or probationary county
17 corrections officers, and in-service training of permanent
18 police officers.

19 c. To provide appropriate licensure or certification
20 to those probationary officers who successfully complete
21 the prescribed minimum standard basic training course.

22 d. To review and approve annual training curriculum for
23 county sheriffs.

24 e. To review and approve applicants to ensure that no
25 applicant is admitted to a certified academy unless the
26 applicant is a person of good character and has not been

1 convicted of, or entered a plea of guilty to, a felony
2 offense, any of the misdemeanors in Sections 11-1.50, 11-6,
3 11-9.1, 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1, 17-2,
4 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7 of the
5 Criminal Code of 1961 or the Criminal Code of 2012,
6 subdivision (a) (1) or (a) (2) (C) of Section 11-14.3 of the
7 Criminal Code of 1961 or the Criminal Code of 2012, or
8 subsection (a) of Section 17-32 of the Criminal Code of
9 1961 or the Criminal Code of 2012, or Section 5 or 5.2 of
10 the Cannabis Control Act, or a crime involving moral
11 turpitude under the laws of this State or any other state
12 which if committed in this State would be punishable as a
13 felony or a crime of moral turpitude. The Board may appoint
14 investigators who shall enforce the duties conferred upon
15 the Board by this Act.

16 f. To be the licensing authority for all police
17 officers employed by the State or a unit of local
18 government.

19 (Source: P.A. 101-187, eff. 1-1-20.)

20 (50 ILCS 705/6.1)

21 Sec. 6.1. Revocation of license or decertification
22 ~~Decertification~~ of full-time and part-time police officers.

23 (a) The Board must review police officer conduct and
24 records to ensure that no police officer is licensed ~~certified~~
25 or provided a valid waiver if that police officer has been

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

19 (a-5) The Board shall, by rule, provide for the
20 decertification or revocation of a license of a police officer
21 who commits non-criminal misconduct that results in
22 disciplinary action against the police officer. The types of
23 misconduct that are grounds for decertification or revocation
24 of a police officer's license shall be determined by the Board
25 by rule.

26 (b) It is the responsibility of the sheriff or the chief

1 executive officer of every local law enforcement agency or
2 department within this State to report to the Board any arrest,
3 conviction, or plea of guilty of any officer for an offense
4 identified in this Section.

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

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

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

1 ~~a matter of law.~~ Failure of a convicted person to report to the
2 Board his or her conviction as described in this Section or any
3 continued law enforcement practice after receiving a
4 conviction is a Class 4 felony.

5 (f) The Board's investigators are peace officers and have
6 all the powers possessed by policemen in cities and by
7 sheriff's, and these investigators may exercise those powers
8 anywhere in the State. An investigator shall not have peace
9 officer status or exercise police powers unless he or she
10 successfully completes the basic police training course
11 mandated and approved by the Board or the Board waives the
12 training requirement by reason of the investigator's prior law
13 enforcement experience, training, or both. The Board shall not
14 waive 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, licensed, or
12 granted a valid waiver shall also be decertified, have his or
13 her license revoked, or have his or her waiver revoked upon a
14 determination by the Illinois Labor Relations Board State Panel
15 that he or she, while under oath, has knowingly and willfully
16 made false statements as to a material fact going to an element
17 of the offense of murder. If an appeal is filed, the
18 determination shall be stayed.

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

21 (A) by the defendant; or

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

24 The complaint must allege that a police officer, while
25 under oath, knowingly and willfully made false statements
26 as to a material fact going to an element of the offense of

1 murder. The verified complaint must be filed with the
2 Executive Director of the Illinois Law Enforcement
3 Training Standards Board within 2 years of the judgment of
4 acquittal.

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

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

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

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

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

1 conducted, the complaint shall be dismissed. This decision is
2 in the Executive Director's sole discretion, and this dismissal
3 may not be appealed.

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

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

1 shall be assigned to an administrative law judge within 30 days
2 so that a hearing can be scheduled.

3 At the hearing, the accused officer shall be afforded the
4 opportunity to:

5 (1) Be represented by counsel of his or her own
6 choosing;

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

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

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

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

1 oaths.

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

25 (1) An officer named in any complaint filed pursuant to
26 this Act shall be indemnified for his or her reasonable

1 attorney's fees and costs by his or her employer. These fees
2 shall be paid in a regular and timely manner. The State, upon
3 application by the public employer, shall reimburse the public
4 employer for the accused officer's reasonable attorney's fees
5 and costs. At no time and under no circumstances will the
6 accused officer be required to pay his or her own reasonable
7 attorney's fees or costs.

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

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

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

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

24 (p) A party aggrieved by the final order of the Illinois
25 Labor Relations Board State Panel may apply for and obtain
26 judicial review of an order of the Illinois Labor Relations

1 Board State Panel, in accordance with the provisions of the
2 Administrative Review Law, except that such judicial review
3 shall be afforded directly in the Appellate Court for the
4 district in which the accused officer resides. Any direct
5 appeal to the Appellate Court shall be filed within 35 days
6 from the date that a copy of the decision sought to be reviewed
7 was served upon the party affected by the decision.

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

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

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

26 (2) the number of investigations initiated since the

1 date of the last report;

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

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

6 (5) the number of hearings held since the date of the
7 last report; and

8 (6) the number of officers decertified or whose
9 licenses have been revoked since the date of the last
10 report.

11 (s) A police officer who has been licensed, certified, or
12 granted a valid waiver shall also be decertified or have his or
13 her license or waiver revoked upon a determination by the
14 Illinois Labor Relations Board State Panel that he or she, on
15 or after the operative date of this amendatory Act of the 101st
16 General Assembly, while serving as a police officer with a
17 department or agency, has knowingly and willfully violated a
18 rule or regulation of the department or agency that has as a
19 penalty the discharge or dismissal of the officer from the
20 department or agency.

21 In the case of an officer who resigned or retired from the
22 department or agency before a formal determination, pursuant to
23 department or agency rules and regulations, is made on the
24 alleged violation, a verified complaint may be filed with the
25 Board alleging that the officer, on or after the operative date
26 of this amendatory Act of the 101st General Assembly, knowingly

1 and willfully violated a rule or regulation of his or her
2 former department or agency that results or may result in the
3 officer's discharge or dismissal from the department or agency.

4 (1) A verified complaint may be filed under this
5 subsection (s) by the department or agency that employed
6 the officer, but only if the complaint is signed by all of
7 following:

8 (A) For a former police officer of a municipality:

9 (i) the chief executive of the municipality;

10 (ii) the head of the municipality's police
11 commission, if applicable;

12 (iii) the police department chief of police or
13 chief executive officer;

14 (iv) the labor representative, if applicable;

15 and

16 (v) the State's Attorney for the county in
17 which the officer was employed.

18 (B) For a former county sheriff or deputy sheriff:

19 (i) the county board chairperson;

20 (ii) the sheriff;

21 (iii) the labor representative, if applicable;

22 and

23 (iv) the State's Attorney for the county in
24 which the officer was employed.

25 (C) For a former State Police officer by the
26 Director of the Illinois State Police.

1 The verified complaint must be filed with the Executive
2 Director within 2 years after the officer's resignation or
3 retirement.

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

21 (3) If the Executive Director of the Illinois Law
22 Enforcement Training Standards Board determines that the
23 verified complaint warrants further investigation, then he
24 or she shall refer the matter to a task force of
25 investigators created for this purpose. This task force
26 shall consist of 8 sworn police officers: 2 from the

1 Illinois State Police, 2 from the City of Chicago Police
2 Department, 2 from county police departments, and 2 from
3 municipal police departments. These investigators shall
4 have a minimum of 5 years of experience in conducting
5 investigations. The investigators shall be appointed by
6 the Executive Director of the Illinois Law Enforcement
7 Training Standards Board. Any officer or officers acting in
8 this capacity pursuant to this paragraph shall have
9 statewide police authority while acting in this
10 investigative capacity. Their salaries and expenses for
11 the time spent conducting investigations under this
12 paragraph shall be reimbursed by the Illinois Law
13 Enforcement Training Standards Board.

14 (4) The task force investigators shall conduct an
15 investigation of the verified complaint and shall file a
16 written report of their findings. The report shall be
17 submitted to the Executive Director of the Illinois Labor
18 Relations Board State Panel.

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

1 conducted, the complaint shall be dismissed. This decision
2 is in the Executive Director's sole discretion, and a
3 dismissal may not be appealed.

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

19 (5) In the case of a formal determination by the
20 department or agency, pursuant to department or agency
21 rules and regulations, that the officer be discharged or
22 dismissed for knowingly and willfully violating a rule or
23 regulation of the department or agency on or after the
24 operative date of this amendatory Act of the 101st General
25 Assembly, the Illinois Labor Relations Board State Panel
26 shall hold a hearing to determine whether the officer shall

1 be decertified or have his or her license or waiver
2 revoked. The department or agency must file a verified
3 complaint within 2 years after the officer's discharge or
4 dismissal for the Illinois Labor Relations Board State
5 Panel to hold a hearing. The complaint shall be assigned to
6 an administrative law judge within 30 days so that a
7 hearing can be scheduled.

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

25 At the hearing, the accused officer shall be afforded
26 the opportunity to:

1 (A) be represented by counsel of his or her own
2 choosing;

3 (B) be heard in his or her own defense;

4 (C) produce evidence in his or her defense; and

5 (D) request that the Illinois Labor Relations
6 Board State Panel compel the attendance of witnesses
7 and production of related documents including, but not
8 limited to, court documents and records.

9 (7) The administrative law judge shall have the
10 responsibility of receiving into evidence relevant
11 testimony and documents, including court records, to
12 support or disprove the allegations made by the department
13 or agency filing the verified complaint and, at the close
14 of the case, hearing arguments. If the administrative law
15 judge finds that there is not clear and convincing evidence
16 to support the verified complaint that the police officer,
17 on or after the operative date of this amendatory Act of
18 the 101st General Assembly, knowingly and willfully
19 violated a rule or regulation of his or her department or
20 agency that results or may result in the discharge or
21 dismissal of the officer from the department or agency, the
22 administrative law judge shall make a written
23 recommendation of dismissal to the Illinois Labor
24 Relations Board State Panel. If the administrative law
25 judge finds that there is clear and convincing evidence
26 that the police officer, on or after the operative date of

1 this amendatory Act of the 101st General Assembly,
2 knowingly and willfully violated a rule or regulation of
3 his or her department or agency that results or may result
4 in the discharge or dismissal of the officer from the
5 department or agency, the administrative law judge shall
6 make a written recommendation so concluding to the Illinois
7 Labor Relations Board State Panel. The hearings shall be
8 transcribed. The Executive Director of the Illinois Law
9 Enforcement Training Standards Board shall be informed of
10 the administrative law judge's recommended findings and
11 decision and the Illinois Labor Relations Board State
12 Panel's subsequent review of the recommendation.

13 (8) The Illinois Labor Relations Board State Panel
14 shall review the administrative law judge's recommended
15 decision and order and determine by a majority vote whether
16 or not there was clear and convincing evidence that the
17 accused officer, on or after the operative date of this
18 amendatory Act of the 101st General Assembly, knowingly and
19 willfully violated a rule or regulation of his or her
20 department or agency that results or may result in the
21 discharge or dismissal of the officer from the department
22 or agency. Within 30 days after service of the
23 administrative law judge's recommended decision and order,
24 the parties may file exceptions to the recommended decision
25 and order and briefs in support of their exceptions with
26 the Illinois Labor Relations Board State Panel. The parties

1 may file responses to the exceptions and briefs in support
2 of the responses no later than 15 days after the service of
3 the exceptions. If exceptions are filed by any of the
4 parties, the Illinois Labor Relations Board State Panel
5 shall review the matter and make a finding to uphold,
6 vacate, or modify the recommended decision and order.

7 If the Illinois Labor Relations Board State Panel
8 concludes that there is clear and convincing evidence that
9 the accused officer, on or after the operative date of this
10 amendatory Act of the 101st General Assembly, knowingly and
11 willfully violated a rule or regulation of his or her
12 department or agency that results or may result in the
13 discharge or dismissal of the officer from the department
14 or agency, the Illinois Labor Relations Board State Panel
15 shall inform the Illinois Law Enforcement Training
16 Standards Board and the Illinois Law Enforcement Training
17 Standards Board shall revoke the accused officer's
18 certification, license, or waiver. If the accused officer
19 appeals that determination to the Appellate Court, as
20 provided by this Act, he or she may petition the Appellate
21 Court to stay the revocation of his or her certification,
22 license, or waiver pending the court's review of the
23 matter.

24 (9) The accused officer shall not be placed on unpaid
25 status in any currently held police officer position
26 because of the filing or processing of a verified complaint

1 until there is a final non-appealable order sustaining his
2 or her guilt and his or her license or certification is
3 revoked.

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

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

20 (12) It is the duty and responsibility of the sheriff
21 or the chief executive officer of a local law enforcement
22 agency or department within this State to report to the
23 Board any discharge or dismissal of any officer for a
24 violation identified in this subsection (s). It is the duty
25 and responsibility of a full-time or part-time police
26 officer in this State to report to the Board within 30 days

1 after his or her discharge or dismissal for a violation
2 identified in this subsection (s).

3 (13) Any full-time or part-time police officer who
4 knowingly makes, submits, causes to be submitted, or files
5 a false or untruthful report to the Board, under this
6 subsection (s), must have his or her license, certificate,
7 or waiver immediately decertified or revoked.

8 (14) Any person, or a local or State agency, or the
9 Board is immune from liability for submitting, disclosing,
10 or releasing information of violations pursuant to this
11 subsection (s) as long as the information is submitted,
12 disclosed, or released in good faith and without malice.
13 The Board has qualified immunity for the release of the
14 information.

15 (15) The revocation of a certification or license under
16 this Act shall be permanent.

17 The provisions of this amendatory Act of the 101st General
18 Assembly shall be operative no later than one year after the
19 effective date of this amendatory Act of the 101st General
20 Assembly.

21 (Source: P.A. 101-187, eff. 1-1-20.)

22 (50 ILCS 705/6.3 new)

23 Sec. 6.3. Conversion of certificates to licenses.

24 (a) Beginning on the operative date of this amendatory Act
25 of the 101st General Assembly, the Board's recognition of

1 persons who have successfully completed the prescribed minimum
2 standard basic training course for police officers shall be
3 known as licensure rather than certification.

4 (b) If a person has successfully completed the prescribed
5 minimum standard basic training course for police officers and
6 holds a valid certification to that effect on the operative
7 date of this amendatory Act of the 101st General Assembly, that
8 certification shall be deemed to be a license for the purposes
9 of this Act.

10 (c) If, on the operative date of this amendatory Act of the
11 101st General Assembly, a person holds a valid waiver from one
12 of the certification requirements of this Act for police
13 officers, that waiver shall be deemed a waiver from the
14 corresponding licensure requirement of this Act.

15 (d) The Board shall replace the certificates or other
16 evidences of certification or waiver for police officers in use
17 on the operative date of this amendatory Act of the 101st
18 General Assembly with new credentials reflecting the change in
19 nomenclature instituted by this amendatory Act of the 101st
20 General Assembly.

21 (e) This Section is operative no later than one year after
22 the effective date of this amendatory Act of the 101st General
23 Assembly.

24 (50 ILCS 705/8.1) (from Ch. 85, par. 508.1)

25 Sec. 8.1. Full-time police and county corrections

1 officers.

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

19 If such training is required and not completed within the
20 applicable 6 months, then the officer must forfeit his or her
21 position, or the employing agency must obtain a waiver from the
22 Board extending the period for compliance. Such waiver shall be
23 issued only for good and justifiable reasons, and in no case
24 shall extend more than 90 days beyond the initial 6 months. Any
25 hiring agency that fails to train a law enforcement officer
26 within this period shall be prohibited from employing this

1 individual in a law enforcement capacity for one year from the
2 date training was to be completed. If an agency again fails to
3 train the individual a second time, the agency shall be
4 permanently barred from employing this individual in a law
5 enforcement capacity.

6 (b) No provision of this Section shall be construed to mean
7 that a law enforcement officer employed by a local governmental
8 agency at the time of the effective date of this amendatory
9 Act, either as a probationary police officer or as a permanent
10 police officer, shall require licensure or certification under
11 the provisions of this Section. No provision of this Section
12 shall be construed to mean that a county corrections officer
13 employed by a local governmental agency at the time of the
14 effective date of this amendatory Act of 1984, either as a
15 probationary county corrections or as a permanent county
16 corrections officer, shall require licensure or certification
17 under the provisions of this Section. No provision of this
18 Section shall be construed to apply to certification of elected
19 county sheriffs.

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

22 (Source: P.A. 101-187, eff. 1-1-20.)

23 (50 ILCS 705/8.2)

24 Sec. 8.2. Part-time police officers.

25 (a) A person hired to serve as a part-time police officer

1 must obtain from the Board a license or certificate (i)
2 attesting to his or her successful completion of the part-time
3 police training course; (ii) attesting to his or her
4 satisfactory completion of a training program of similar
5 content and number of hours that has been found acceptable by
6 the Board under the provisions of this Act; or (iii) attesting
7 to the Board's determination that the part-time police training
8 course is unnecessary because of the person's extensive prior
9 law enforcement experience. A person hired on or after the
10 effective date of this amendatory Act of the 92nd General
11 Assembly must obtain this license or certificate within 18
12 months after the initial date of hire as a probationary
13 part-time police officer in the State of Illinois. The
14 probationary part-time police officer must be enrolled and
15 accepted into a Board-approved course within 6 months after
16 active employment by any department in the State. A person
17 hired on or after January 1, 1996 and before the effective date
18 of this amendatory Act of the 92nd General Assembly must obtain
19 this license or certificate within 18 months after the date of
20 hire. A person hired before January 1, 1996 must obtain this
21 license or certificate within 24 months after the effective
22 date of this amendatory Act of 1995.

23 The employing agency may seek a waiver from the Board
24 extending the period for compliance. A waiver shall be issued
25 only for good and justifiable reasons, and the probationary
26 part-time police officer may not practice as a part-time police

1 officer during the waiver period. If training is required and
2 not completed within the applicable time period, as extended by
3 any waiver that may be granted, then the officer must forfeit
4 his or her position.

5 (b) (Blank).

6 (c) The part-time police training course referred to in
7 this Section shall be of similar content and the same number of
8 hours as the courses for full-time officers and shall be
9 provided by Mobile Team In-Service Training Units under the
10 Intergovernmental Law Enforcement Officer's In-Service
11 Training Act or by another approved program or facility in a
12 manner prescribed by the Board.

13 (d) For the purposes of this Section, the Board shall adopt
14 rules defining what constitutes employment on a part-time
15 basis.

16 (Source: P.A. 92-533, eff. 3-14-02.)

17 Section 25. The Local Governmental and Governmental
18 Employees Tort Immunity Act is amended by adding Section 1-103
19 as follows:

20 (745 ILCS 10/1-103 new)

21 Sec. 1-103. Non-applicability to peace officers.
22 Notwithstanding any other provision of law to the contrary,
23 this Act does not apply to a peace officer as defined in
24 Section 2-13 of the Criminal Code of 2012.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 5 ILCS 815/10

4 20 ILCS 2605/2605-5

5 20 ILCS 2605/2605-53.5 new

6 20 ILCS 2605/2605-54

7 20 ILCS 2605/2605-85

8 20 ILCS 2605/2605-90

9 20 ILCS 2605/2605-96

10 20 ILCS 2605/2605-97

11 20 ILCS 2605/2605-98

12 20 ILCS 2605/2605-375 was 20 ILCS 2605/55a in part

13 20 ILCS 2610/8 from Ch. 121, par. 307.8

14 20 ILCS 2610/40

15 20 ILCS 2610/45

16 50 ILCS 705/2 from Ch. 85, par. 502

17 50 ILCS 705/3 from Ch. 85, par. 503

18 50 ILCS 705/6 from Ch. 85, par. 506

19 50 ILCS 705/6.1

20 50 ILCS 705/6.3 new

21 50 ILCS 705/8.1 from Ch. 85, par. 508.1

22 50 ILCS 705/8.2

23 745 ILCS 10/1-103 new