

# HB1640



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1640

Introduced 2/17/2021, by Rep. Emanuel Chris Welch

### SYNOPSIS AS INTRODUCED:

20 ILCS 2910/1

from Ch. 127 1/2, par. 501

Amends the Peace Officer Fire Investigation Act. Makes a technical change in a Section concerning peace officer status.

LRB102 03693 CPF 13706 b

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Peace Officer Fire Investigation Act is  
5 amended by changing Section 1 as follows:

6 (20 ILCS 2910/1) (from Ch. 127 1/2, par. 501)

7 Sec. 1. Peace officer status.

8 (a) Any person who is a sworn member of any organized and  
9 ~~and~~ paid fire department of a political subdivision of this  
10 State and is authorized to investigate fires or explosions for  
11 such political subdivision and to determine the cause, origin  
12 and circumstances of fires or explosions that are suspected to  
13 be arson or arson-related crimes, may be classified as a peace  
14 officer by the political subdivision or agency employing such  
15 person. A person so classified shall possess the same powers  
16 of arrest, search and seizure and the securing and service of  
17 warrants as sheriffs of counties, and police officers within  
18 the jurisdiction of their political subdivision. While in the  
19 actual investigation and matters incident thereto, such person  
20 may carry weapons as may be necessary, but only if that person  
21 has satisfactorily completed (1) a training program offered or  
22 approved by the Illinois Law Enforcement Training Standards  
23 Board which substantially conforms to standards promulgated

1 pursuant to the Illinois Police Training Act and the Peace  
2 Officer and Probation Officer Firearm Training Act; and (2) a  
3 course in fire and arson investigation approved by the Office  
4 of the State Fire Marshal pursuant to the Illinois Fire  
5 Protection Training Act. Such training need not include  
6 exposure to vehicle and traffic law, traffic control and  
7 accident investigation, or first aid, but shall include  
8 training in the law relating to the rights of persons  
9 suspected of involvement in criminal activities.

10 Any person granted the powers enumerated in this  
11 subsection (a) may exercise such powers only during the actual  
12 investigation of the cause, origin and circumstances of such  
13 fires or explosions that are suspected to be arson or  
14 arson-related crimes.

15 (b) Persons employed by the Office of the State Fire  
16 Marshal to conduct arson investigations shall be designated  
17 State Fire Marshal Arson Investigator Special Agents and shall  
18 be peace officers with all of the powers of peace officers in  
19 cities and sheriffs in counties, except that they may exercise  
20 those powers throughout the State. These Special Agents may  
21 exercise these powers only when engaging in official duties  
22 during the actual investigation of the cause, origin, and  
23 circumstances of such fires or explosions that are suspected  
24 to be arson or arson-related crimes and may carry weapons at  
25 all times, but only if they have satisfactorily completed (1)  
26 a training course approved by the Illinois Law Enforcement

1 Training Standards Board that substantially conforms to the  
2 standards promulgated pursuant to the Peace Officer and  
3 Probation Officer Firearm Training Act and (2) a course in  
4 fire and arson investigation approved by the Office of the  
5 State Fire Marshal pursuant to the Illinois Fire Protection  
6 Training Act. Such training need not include exposure to  
7 vehicle and traffic law, traffic control and accident  
8 investigation, or first aid, but shall include training in the  
9 law relating to the rights of persons suspected of involvement  
10 in criminal activities.

11 For purposes of this subsection (b), a "State Fire Marshal  
12 Arson Investigator Special Agent" does not include any fire  
13 investigator, fireman, police officer, or other employee of  
14 the federal government; any fire investigator, fireman, police  
15 officer, or other employee of any unit of local government; or  
16 any fire investigator, fireman, police officer, or other  
17 employee of the State of Illinois other than an employee of the  
18 Office of the State Fire Marshal assigned to investigate  
19 arson.

20 The State Fire Marshal must authorize to each employee of  
21 the Office of the State Fire Marshal who is exercising the  
22 powers of a peace officer a distinct badge that, on its face,  
23 (i) clearly states that the badge is authorized by the Office  
24 of the State Fire Marshal and (ii) contains a unique  
25 identifying number. No other badge shall be authorized by the  
26 Office of the State Fire Marshal, except that a badge,

1 different from the badge issued to peace officers, may be  
2 authorized by the Office of the State Fire Marshal for the use  
3 of fire prevention inspectors employed by that Office. Nothing  
4 in this subsection prohibits the State Fire Marshal from  
5 issuing shields or other distinctive identification to  
6 employees not exercising the powers of a peace officer if the  
7 State Fire Marshal determines that a shield or distinctive  
8 identification is needed by the employee to carry out his or  
9 her responsibilities.

10 (c) The Office of the State Fire Marshal shall establish a  
11 policy to allow a State Fire Marshal Arson Investigator  
12 Special Agent who is honorably retiring or separating in good  
13 standing to purchase either one or both of the following: (i)  
14 any badge previously issued to that State Fire Marshal Arson  
15 Investigator Special Agent; or (ii) if the State Fire Marshal  
16 Arson Investigator Special Agent has a currently valid Firearm  
17 Owner's Identification Card, the service firearm issued or  
18 previously issued to the State Fire Marshal Arson Investigator  
19 Special Agent by the Office of the State Fire Marshal. The cost  
20 of the firearm purchased shall be the replacement value of the  
21 firearm and not the firearm's fair market value. All funds  
22 received by the agency under this program shall be deposited  
23 into the Fire Prevention Fund.

24 (Source: P.A. 100-931, eff. 8-17-18.)