

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 Administrative Procedure Act is
5 amended by adding Section 5-45.35 as follows:

6 (5 ILCS 100/5-45.35 new)

7 Sec. 5-45.35. Emergency rulemaking; Illinois Law
8 Enforcement Training Standards Board. To provide for the
9 expeditious and timely implementation of the changes made in
10 Section 8.1 of the Illinois Police Training Act, emergency
11 rules implementing the waiver process under Section 8.1 of the
12 Illinois Police Training Act may be adopted in accordance with
13 Section 5-45 by the Illinois Law Enforcement Training
14 Standards Board. The adoption of emergency rules authorized by
15 Section 5-45 and this Section is deemed to be necessary for the
16 public interest, safety, and welfare.

17 This Section is repealed one year after the effective date
18 of this amendatory Act of the 103rd General Assembly.

19 Section 10. The Illinois Police Training Act is amended by
20 changing Section 8.1 as follows:

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

1 Sec. 8.1. Full-time law enforcement and county corrections
2 officers.

3 (a) No person shall receive a permanent appointment as a
4 law enforcement officer or a permanent appointment as a county
5 corrections officer unless that person has been awarded,
6 within 6 months of the officer's initial full-time employment,
7 a certificate attesting to the officer's successful completion
8 of the Minimum Standards Basic Law Enforcement or County
9 Correctional Training Course as prescribed by the Board; or
10 has been awarded a certificate attesting to the officer's
11 satisfactory completion of a training program of similar
12 content and number of hours and which course has been found
13 acceptable by the Board under the provisions of this Act; or a
14 training waiver by reason of extensive prior law enforcement
15 or county corrections experience obtained by employment with
16 any law enforcement agency in any state and, therefore, the
17 basic training requirement is determined by the Board to be
18 illogical and unreasonable. Within 60 days after the effective
19 date of this amendatory Act of the 103rd General Assembly, the
20 Board shall adopt uniform rules providing for a waiver process
21 for a person previously employed and qualified as a law
22 enforcement or county corrections officer under federal law or
23 the laws of any other state. The rules shall provide that any
24 person previously employed or qualified as a law enforcement
25 or county corrections officer under federal law or the laws of
26 any other state shall successfully complete the following

1 prior to the approval of a waiver:

2 (1) a training program approved by the Board on the
3 laws of this State relevant to the duties of law
4 enforcement and county correctional officers; and

5 (2) firearms training.

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

19 An individual who is not certified by the Board or whose
20 certified status is inactive shall not function as a law
21 enforcement officer, be assigned the duties of a law
22 enforcement officer by an employing agency, or be authorized
23 to carry firearms under the authority of the employer, except
24 as otherwise authorized to carry a firearm under State or
25 federal law. Sheriffs who are elected as of January 1, 2022
26 (the effective date of Public Act 101-652) ~~this amendatory Act~~

1 ~~of the 101st General Assembly,~~ are exempt from the requirement
2 of certified status. Failure to be certified in accordance
3 with this Act shall cause the officer to forfeit the officer's
4 position.

5 An employing agency may not grant a person status as a law
6 enforcement officer unless the person has been granted an
7 active law enforcement officer certification by the Board.

8 (b) Inactive status. A person who has an inactive law
9 enforcement officer certification has no law enforcement
10 authority.

11 (1) A law enforcement officer's certification becomes
12 inactive upon termination, resignation, retirement, or
13 separation from the officer's employing law enforcement
14 agency for any reason. The Board shall re-activate a
15 certification upon written application from the law
16 enforcement officer's law enforcement agency that shows
17 the law enforcement officer: (i) has accepted a full-time
18 law enforcement position with that law enforcement agency,
19 (ii) is not the subject of a decertification proceeding,
20 and (iii) meets all other criteria for re-activation
21 required by the Board. The Board may also establish
22 special training requirements to be completed as a
23 condition for re-activation.

24 The Board shall review a notice for reactivation from
25 a law enforcement agency and provide a response within 30
26 days. The Board may extend this review. A law enforcement

1 officer shall be allowed to be employed as a full-time law
2 enforcement officer while the law enforcement officer
3 reactivation waiver is under review.

4 A law enforcement officer who is refused reactivation
5 or an employing agency of a law enforcement officer who is
6 refused reactivation under this Section may request a
7 hearing in accordance with the hearing procedures as
8 outlined in subsection (h) of Section 6.3 of this Act.

9 The Board may refuse to re-activate the certification
10 of a law enforcement officer who was involuntarily
11 terminated for good cause by an employing agency for
12 conduct subject to decertification under this Act or
13 resigned or retired after receiving notice of a law
14 enforcement agency's investigation.

15 (2) A law enforcement agency may place an officer who
16 is currently certified on inactive status by sending a
17 written request to the Board. A law enforcement officer
18 whose certificate has been placed on inactive status shall
19 not function as a law enforcement officer until the
20 officer has completed any requirements for reactivating
21 the certificate as required by the Board. A request for
22 inactive status in this subsection shall be in writing,
23 accompanied by verifying documentation, and shall be
24 submitted to the Board with a copy to the chief
25 administrator of the law enforcement officer's current or
26 new employing agency.

1 (3) Certification that has become inactive under
2 paragraph (2) of this subsection (b) shall be reactivated
3 by written notice from the law enforcement officer's
4 agency upon a showing that the law enforcement officer ~~is~~:
5 (i) is employed in a full-time law enforcement position
6 with the same law enforcement agency, (ii) is not the
7 subject of a decertification proceeding, and (iii) meets
8 all other criteria for re-activation required by the
9 Board.

10 (4) Notwithstanding paragraph (3) of this subsection
11 (b), a law enforcement officer whose certification has
12 become inactive under paragraph (2) may have the officer's
13 employing agency submit a request for a waiver of training
14 requirements to the Board in writing and accompanied by
15 any verifying documentation. A grant of a waiver is
16 within the discretion of the Board. Within 7 days of
17 receiving a request for a waiver under this Section
18 ~~section~~, the Board shall notify the law enforcement
19 officer and the chief administrator of the law enforcement
20 officer's employing agency, whether the request has been
21 granted, denied, or if the Board will take additional time
22 for information. A law enforcement agency whose request
23 for a waiver under this subsection is denied is entitled
24 to request a review of the denial by the Board. The law
25 enforcement agency must request a review within 20 days of
26 the waiver being denied. The burden of proof shall be on

1 the law enforcement agency to show why the law enforcement
2 officer is entitled to a waiver of the legislatively
3 required training and eligibility requirements.

4 (c) No provision of this Section shall be construed to
5 mean that a county corrections officer employed by a
6 governmental agency at the time of the effective date of this
7 amendatory Act, either as a probationary county corrections
8 officer or as a permanent county corrections officer, shall
9 require certification under the provisions of this Section. No
10 provision of this Section shall be construed to apply to
11 certification of elected county sheriffs.

12 (d) Within 14 days, a law enforcement officer shall report
13 to the Board: (1) any name change; (2) any change in
14 employment; or (3) the filing of any criminal indictment or
15 charges against the officer alleging that the officer
16 committed any offense as enumerated in Section 6.1 of this
17 Act.

18 (e) All law enforcement officers must report the
19 completion of the training requirements required in this Act
20 in compliance with Section 8.4 of this Act.

21 (e-1) Each employing law enforcement agency shall allow
22 and provide an opportunity for a law enforcement officer to
23 complete the mandated requirements in this Act. All mandated
24 training shall ~~will~~ be provided ~~for~~ at no cost to the
25 employees. Employees shall be paid for all time spent
26 attending mandated training.

1 (e-2) Each agency, academy, or training provider shall
2 maintain proof of a law enforcement officer's completion of
3 legislatively required training in a format designated by the
4 Board. The report of training shall be submitted to the Board
5 within 30 days following completion of the training. A copy of
6 the report shall be submitted to the law enforcement officer.
7 Upon receipt of a properly completed report of training, the
8 Board will make the appropriate entry into the training
9 records of the law enforcement officer.

10 (f) This Section does not apply to part-time law
11 enforcement officers or probationary part-time law enforcement
12 officers.

13 (g) Notwithstanding any provision of law to the contrary,
14 the changes made to this Section by ~~this amendatory Act of the~~
15 ~~102nd General Assembly,~~ Public Act 101-652, ~~and~~ Public Act
16 102-28, and Public Act 102-694 take effect July 1, 2022.

17 (Source: P.A. 101-187, eff. 1-1-20; 101-652, eff. 1-1-22;
18 102-28, eff. 6-25-21; 102-694, eff. 1-7-22; revised 2-3-22.)