



Rep. Justin Slaughter

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10300SB1754ham002

LRB103 25495 AWJ 61561 a

1 AMENDMENT TO SENATE BILL 1754

2 AMENDMENT NO. _____. Amend Senate Bill 1754 by replacing
3 everything after the enacting clause with the following:

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 Sections 8.1 and 8.2 of the Illinois Police Training Act,
11 emergency rules implementing the waiver process under Sections
12 8.1 and 8.2 of the Illinois Police Training Act may be adopted
13 in accordance with Section 5-45 by the Illinois Law
14 Enforcement Training Standards Board. The adoption of
15 emergency rules authorized by Section 5-45 and this Section is
16 deemed to be necessary for the public interest, safety, and

1 welfare.

2 This Section is repealed one year after the effective date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

4 Section 10. The Illinois Police Training Act is amended by
5 changing Sections 8.1 and 8.2 as follows:

6 (50 ILCS 705/8.1) (from Ch. 85, par. 508.1)

7 Sec. 8.1. Full-time law enforcement and county corrections
8 officers.

9 (a) No person shall receive a permanent appointment as a
10 law enforcement officer or a permanent appointment as a county
11 corrections officer unless that person has been awarded,
12 within 6 months of the officer's initial full-time employment,
13 a certificate attesting to the officer's successful completion
14 of the Minimum Standards Basic Law Enforcement or County
15 Correctional Training Course as prescribed by the Board; or
16 has been awarded a certificate attesting to the officer's
17 satisfactory completion of a training program of similar
18 content and number of hours and which course has been found
19 acceptable by the Board under the provisions of this Act; or a
20 training waiver by reason of ~~extensive~~ prior law enforcement
21 or county corrections experience, obtained in Illinois, in any
22 other state, or with an agency of the federal government, the
23 basic training requirement is determined by the Board to be
24 illogical and unreasonable. Agencies seeking a reciprocity

1 waiver for training completed outside of Illinois must conduct
2 a thorough background check and provide verification of the
3 officer's prior training. After review and satisfaction of all
4 requested conditions, the officer shall be awarded an
5 equivalency certificate satisfying the requirements of this
6 Section. Within 60 days after the effective date of this
7 amendatory Act of the 103rd General Assembly, the Board shall
8 adopt uniform rules providing for a waiver process for a
9 person previously employed and qualified as a law enforcement
10 or county corrections officer under federal law or the laws of
11 any other state, or who has completed a basic law enforcement
12 officer or correctional officer academy who would be qualified
13 to be employed as a law enforcement officer or correctional
14 officer by the federal government or any other state. These
15 rules shall address the process for evaluating prior training
16 credit, a description and list of the courses typically
17 required for reciprocity candidates to complete prior to
18 taking the exam, and a procedure for employers seeking a
19 pre-activation determination for a reciprocity training
20 waiver. The rules shall provide that any eligible person
21 previously trained as a law enforcement or county corrections
22 officer under federal law or the laws of any other state shall
23 successfully complete the following prior to the approval of a
24 waiver:

25 (1) a training program or set of coursework approved
26 by the Board on the laws of this State relevant to the

1 duties and training requirements of law enforcement and
2 county correctional officers;

3 (2) firearms training; and

4 (3) successful passage of the equivalency
5 certification examination.

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.)

19 (50 ILCS 705/8.2)

20 Sec. 8.2. Part-time law enforcement officers.

21 (a) A person hired to serve as a part-time law enforcement
22 officer must obtain from the Board a certificate (i) attesting
23 to the officer's successful completion of the part-time police
24 training course; (ii) attesting to the officer's satisfactory
25 completion of a training program of similar content and number

1 of hours that has been found acceptable by the Board under the
2 provisions of this Act; or (iii) a training waiver attesting
3 to the Board's determination that the part-time police
4 training course is unnecessary because of the person's
5 extensive prior law enforcement experience obtained in
6 Illinois, in any other state, or with an agency of the federal
7 government. A person hired on or after the effective date of
8 this amendatory Act of the 92nd General Assembly must obtain
9 this certificate within 18 months after the initial date of
10 hire as a probationary part-time law enforcement officer in
11 the State of Illinois. The probationary part-time law
12 enforcement officer must be enrolled and accepted into a
13 Board-approved course within 6 months after active employment
14 by any department in the State. A person hired on or after
15 January 1, 1996 and before the effective date of this
16 amendatory Act of the 92nd General Assembly must obtain this
17 certificate within 18 months after the date of hire. A person
18 hired before January 1, 1996 must obtain this certificate
19 within 24 months after the effective date of this amendatory
20 Act of 1995. Agencies seeking a reciprocity waiver for
21 training completed outside of Illinois must conduct a thorough
22 background check and provide verification of the officer's
23 prior training. After review and satisfaction of all requested
24 conditions, the officer shall be awarded an equivalency
25 certificate satisfying the requirements of this Section.
26 Within 60 days after the effective date of this amendatory Act

1 of the 103rd General Assembly, the Board shall adopt uniform
2 rules providing for a waiver process for a person previously
3 employed and qualified as a law enforcement or county
4 corrections officer under federal law or the laws of any other
5 state, or who has completed a basic law enforcement officer or
6 correctional officer academy who would be qualified to be
7 employed as a law enforcement officer or correctional officer
8 by the federal government or any other state. These rules
9 shall address the process for evaluating prior training
10 credit, a description and list of the courses typically
11 required for reciprocity candidates to complete prior to
12 taking the exam, and a procedure for employers seeking a
13 pre-activation determination for a reciprocity training
14 waiver. The rules shall provide that any eligible person
15 previously trained as a law enforcement or county corrections
16 officer under federal law or the laws of any other state shall
17 successfully complete the following prior to the approval of a
18 waiver:

19 (1) a training program or set of coursework approved
20 by the Board on the laws of this State relevant to the
21 duties and training requirements of law enforcement and
22 county correctional officers;

23 (2) firearms training; and

24 (3) successful passage of the equivalency
25 certification examination.

26 The employing agency may seek an extension waiver from the

1 Board extending the period for compliance. An extension waiver
2 shall be issued only for good and justifiable reasons, and the
3 probationary part-time law enforcement officer may not
4 practice as a part-time law enforcement officer during the
5 extension waiver period. If training is required and not
6 completed within the applicable time period, as extended by
7 any waiver that may be granted, then the officer must forfeit
8 the officer's position.

9 An individual who is not certified by the Board or whose
10 certified status is inactive shall not function as a law
11 enforcement officer, be assigned the duties of a law
12 enforcement officer by an agency, or be authorized to carry
13 firearms under the authority of the employer, except that
14 sheriffs who are elected are exempt from the requirement of
15 certified status. Failure to be in accordance with this Act
16 shall cause the officer to forfeit the officer's position.

17 (a-5) A part-time probationary law enforcement officer
18 shall be allowed to complete six months of a part-time police
19 training course and function as a law enforcement officer as
20 permitted by this subsection with a waiver from the Board,
21 provided the part-time law enforcement officer is still
22 enrolled in the training course. If the part-time probationary
23 law enforcement officer withdraws from the course for any
24 reason or does not complete the course within the applicable
25 time period, as extended by any waiver that may be granted,
26 then the officer must forfeit the officer's position. A

1 probationary law enforcement officer must function under the
2 following rules:

3 (1) A law enforcement agency may not grant a person
4 status as a law enforcement officer unless the person has
5 been granted an active law enforcement officer
6 certification by the Board.

7 (2) A part-time probationary law enforcement officer
8 shall not be used as a permanent replacement for a
9 full-time law enforcement.

10 (3) A part-time probationary law enforcement officer
11 shall be directly supervised at all times by a Board
12 certified law enforcement officer. Direct supervision
13 requires oversight and control with the supervisor having
14 final decision-making authority as to the actions of the
15 recruit during duty hours.

16 (b) Inactive status. A person who has an inactive law
17 enforcement officer certification has no law enforcement
18 authority.

19 (1) A law enforcement officer's certification becomes
20 inactive upon termination, resignation, retirement, or
21 separation from the employing agency for any reason. The
22 Board shall re-activate a certification upon written
23 application from the law enforcement officer's employing
24 agency that shows the law enforcement officer: (i) has
25 accepted a part-time law enforcement position with that a
26 law enforcement agency, (ii) is not the subject of a

1 decertification proceeding, and (iii) meets all other
2 criteria for re-activation required by the Board.

3 The Board may refuse to re-activate the certification
4 of a law enforcement officer who was involuntarily
5 terminated for good cause by the officer's employing
6 agency for conduct subject to decertification under this
7 Act or resigned or retired after receiving notice of a law
8 enforcement agency's investigation.

9 (2) A law enforcement agency may place an officer who
10 is currently certified on inactive status by sending a
11 written request to the Board. A law enforcement officer
12 whose certificate has been placed on inactive status shall
13 not function as a law enforcement officer until the
14 officer has completed any requirements for reactivating
15 the certificate as required by the Board. A request for
16 inactive status in this subsection shall be in writing,
17 accompanied by verifying documentation, and shall be
18 submitted to the Board by the law enforcement officer's
19 employing agency.

20 (3) Certification that has become inactive under
21 paragraph (2) of this subsection (b), shall be reactivated
22 by written notice from the law enforcement officer's law
23 enforcement agency upon a showing that the law enforcement
24 officer is: (i) employed in a part-time law enforcement
25 position with the same law enforcement agency, (ii) not
26 the subject of a decertification proceeding, and (iii)

1 meets all other criteria for re-activation required by the
2 Board. The Board may also establish special training
3 requirements to be completed as a condition for
4 re-activation.

5 The Board shall review a notice for reactivation from
6 a law enforcement agency and provide a response within 30
7 days. The Board may extend this review. A law enforcement
8 officer shall be allowed to be employed as a part-time law
9 enforcement officer while the law enforcement officer
10 reactivation waiver is under review.

11 A law enforcement officer who is refused reactivation
12 or an employing agency of a law enforcement officer who is
13 refused reactivation under this Section may request a
14 hearing in accordance with the hearing procedures as
15 outlined in subsection (h) of Section 6.3 of this Act.

16 (4) Notwithstanding paragraph (3) of this Section, a
17 law enforcement officer whose certification has become
18 inactive under paragraph (2) may have the officer's
19 employing agency submit a request for a waiver of training
20 requirements to the Board in writing and accompanied by
21 any verifying documentation. A grant of a waiver is within
22 the discretion of the Board. Within 7 days of receiving a
23 request for a waiver under this section, the Board shall
24 notify the law enforcement officer and the chief
25 administrator of the law enforcement officer's employing
26 agency, whether the request has been granted, denied, or

1 if the Board will take additional time for information. A
2 law enforcement agency or law enforcement officer, whose
3 request for a waiver under this subsection is denied, is
4 entitled to request a review of the denial by the Board.
5 The law enforcement agency must request a review within 20
6 days after the waiver being denied. The burden of proof
7 shall be on the law enforcement agency to show why the law
8 enforcement officer is entitled to a waiver of the
9 legislatively required training and eligibility
10 requirements.

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

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

24 (e) All law enforcement officers must report the
25 completion of the training requirements required in this Act
26 in compliance with Section 8.4 of this Act.

1 (e-1) Each employing agency shall allow and provide an
2 opportunity for a law enforcement officer to complete the
3 requirements in this Act. All mandated training shall be
4 provided for at no cost to the employees. Employees shall be
5 paid for all time spent attending mandated training.

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

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

18 (g) Notwithstanding any provision of law to the contrary,
19 the changes made to this Section by this amendatory Act of the
20 102nd General Assembly and Public Act 101-652 take effect July
21 1, 2022.

22 (Source: P.A. 101-652, eff. 1-1-22; 102-694, eff. 1-7-22.)".