



Rep. Jay C. Hoffman

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09400SB1684ham001

LRB094 09287 RSP 57830 a

1 AMENDMENT TO SENATE BILL 1684

2 AMENDMENT NO. _____. Amend Senate Bill 1684 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Fire Marshal Act is amended by
5 changing Section 2 as follows:

6 (20 ILCS 2905/2) (from Ch. 127 1/2, par. 2)

7 Sec. 2. The Office shall have the following powers and
8 duties:

9 1. To exercise the rights, powers and duties which have
10 been vested by law in the Department of State Police as the
11 successor of the Department of Public Safety, State Fire
12 Marshal, inspectors, officers and employees of the State Fire
13 Marshal, including arson investigation. Arson investigations
14 conducted by the State Fire Marshal's Office shall be conducted
15 by State Fire Marshal Special Agents, who shall be peace
16 officers as provided in the Peace Officer Fire Investigation
17 Act.

18 2. To keep a record, as may be required by law, of all
19 fires occurring in the State, together with all facts,
20 statistics and circumstances, including the origin of fires.

21 3. To exercise the rights, powers and duties which have
22 been vested in the Department of State Police by the "Boiler
23 and Pressure Vessel Safety Act", approved August 7, 1951, as
24 amended.

1 4. To administer the Illinois Fire Protection Training Act.

2 5. To aid in the establishment and maintenance of the
3 training facilities and programs of the Illinois Fire Service
4 Institute.

5 6. To disburse Federal grants for fire protection purposes
6 to units of local government.

7 7. To pay to or in behalf of the City of Chicago for the
8 maintenance, expenses, facilities and structures directly
9 incident to the Chicago Fire Department training program. Such
10 payments may be made either as reimbursements for expenditures
11 previously made by the City, or as payments at the time the
12 City has incurred an obligation which is then due and payable
13 for such expenditures. Payments for the Chicago Fire Department
14 training program shall be made only for those expenditures
15 which are not claimable by the City under "An Act relating to
16 fire protection training", certified November 9, 1971, as
17 amended.

18 8. To administer General Revenue Fund grants to areas not
19 located in a fire protection district or in a municipality
20 which provides fire protection services, to defray the
21 organizational expenses of forming a fire protection district.

22 9. In cooperation with the Illinois Environmental
23 Protection Agency, to administer the Illinois Leaking
24 Underground Storage Tank program in accordance with Section 4
25 of this Act and Section 22.12 of the Environmental Protection
26 Act.

27 10. To expend state and federal funds as appropriated by
28 the General Assembly.

29 11. To provide technical assistance, to areas not located
30 in a fire protection district or in a municipality which
31 provides fire protection service, to form a fire protection
32 district, to join an existing district, or to establish a
33 municipal fire department, whichever is applicable.

34 12. To exercise such other powers and duties as may be

1 vested in the Office by law.

2 (Source: P.A. 94-178, eff. 1-1-06.)

3 Section 10. The Peace Officer Fire Investigation Act is
4 amended by changing Section 1 as follows:

5 (20 ILCS 2910/1) (from Ch. 127 1/2, par. 501)

6 Sec. 1. Peace Officer Status.

7 (a) Any person who is a sworn member of any organized and
8 paid fire department of a political subdivision of this State
9 and is authorized to investigate fires or explosions for such
10 political subdivision ~~and, or who is employed by the Office of~~
11 ~~the State Fire Marshal~~ to determine the cause, origin and
12 circumstances of ~~such~~ 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 of
16 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
24 pursuant to the Illinois Police Training Act and the Peace
25 Officer Firearm Training Act ~~"An Act in relation to firearms~~
26 ~~training for peace officers", approved August 29, 1975, as~~
27 ~~amended; or in the case of employees of the Office of the State~~
28 ~~Fire Marshal, a training course approved by the Department of~~
29 ~~State Police which also substantially conforms to standards~~
30 ~~promulgated pursuant to "An Act in relation to firearms~~
31 ~~training for peace officers", approved August 29, 1975, as~~
32 ~~amended;~~ and (2) a course in fire and arson investigation

1 approved by the Office of the State Fire Marshal pursuant to
2 the Illinois Fire Protection Training Act. Such training need
3 not include exposure to vehicle and traffic law, traffic
4 control and accident investigation, or first aid, but shall
5 include training in the law relating to the rights of persons
6 suspected of involvement in criminal activities.

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

12 (b) Persons employed by the Office of the State Fire
13 Marshal to conduct arson investigations shall be designated
14 State Fire Marshal Special Agents and shall be peace officers
15 with all of the powers of peace officers in cities and sheriffs
16 in counties, except that they may exercise those powers
17 throughout the State. These Special Agents may exercise these
18 powers only during the actual investigation of the cause,
19 origin and circumstances of such fires or explosions that are
20 suspected to be arson or arson-related crimes and may carry
21 weapons at all times, but only if they have satisfactorily
22 completed (1) a training course approved by the Illinois Law
23 Enforcement Training Standards Board that substantially
24 conforms to the standards promulgated pursuant to the Peace
25 Officer Firearm Training Act and (2) a course in fire and arson
26 investigation approved by the Office of the State Fire Marshal
27 pursuant to the Illinois Fire Protection Training Act. Such
28 training need not include exposure to vehicle and traffic law,
29 traffic control and accident investigation, or first aid, but
30 shall include training in the law relating to the rights of
31 persons suspected of involvement in criminal activities.

32 For purposes of this subsection (b), a "State Fire Marshal
33 Special Agent" does not include any fire investigator, fireman,
34 police officer, or other employee of the Federal government;

1 any fire investigator, fireman, police officer, or other
2 employee of any unit of local government; or any fire
3 investigator, fireman, police officer, or other employee of the
4 State of Illinois other than an employee of the Office of the
5 State Fire Marshal assigned to investigate arson.

6 The State Fire Marshal must authorize to each employee of
7 the Office of the State Fire Marshal who is exercising the
8 powers of a peace officer a distinct badge that, on its face,
9 (i) clearly states that the badge is authorized by the Office
10 of the State Fire Marshal and (ii) contains a unique
11 identifying number. No other badge shall be authorized by the
12 Office of the State Fire Marshal, except that a badge,
13 different from the badge issued to peace officers, may be
14 authorized by the Office of the State Fire Marshal for the use
15 of fire prevention inspectors employed by that Office. Nothing
16 in this subsection prohibits the State Fire Marshal from
17 issuing shields or other distinctive identification to
18 employees not exercising the powers of a peace officer if the
19 State Fire Marshal determines that a shield or distinctive
20 identification is needed by the employee to carry out his or
21 her responsibilities.

22 (Source: P.A. 92-339, eff. 8-10-01; 93-423, eff. 8-5-03.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law."