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LRB094 14553 RSP 56220 a

1 AMENDMENT TO SENATE BILL 2137

2 AMENDMENT NO. _____. Amend Senate Bill 2137, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 1. Short title. This Act may be cited as the
6 Illinois Public Safety Agency Network Act.

7 Section 5. Definitions. As used in this Act, unless the
8 context requires otherwise:

9 "ALECS" means the Automated Law Enforcement Communications
10 System.

11 "ALERTS" means the Area-wide Law Enforcement Radio
12 Terminal System.

13 "Authority" means the Illinois Criminal Justice
14 Information Authority.

15 "Board" means the Board of Directors of Illinois Public
16 Safety Agency Network, Inc.

17 "IPSAN" or "Partnership" means Illinois Public Safety
18 Agency Network, Inc., the not-for-profit entity incorporated
19 as provided in this Act.

20 "PIMS" means the Police Information Management System.

21 "Trust Fund" means the Criminal Justice Information
22 Systems Trust Fund.

23 Section 10. Findings; purpose. The General Assembly finds

1 that it is important to promote intergovernmental cooperation
2 between units of local government. Therefore, the purpose of
3 IPSAN is to continue the ALERTS, PIMS, and ALECS systems, which
4 have been developed by the Authority, through the
5 intergovernmental cooperation of local public safety agencies,
6 including sheriffs' offices, municipal police departments, and
7 firefighting agencies, which have been funded by local
8 taxpayers through user's fees since 1986. The General Assembly
9 also finds that development and future enhancements to public
10 safety communications and management systems and the promotion
11 of interoperability between all public safety disciplines are
12 in the best of interest of the people of the State of Illinois.

13 Section 15. Partnership established. A not-for-profit
14 corporation to be known as "Illinois Public Safety Agency
15 Network" shall be created. IPSAN shall be incorporated under
16 the General Not for Profit Corporation Act of 1986 and shall be
17 registered, incorporated, organized, and operated in
18 compliance with the laws of this State. IPSAN shall not be a
19 State agency. The General Assembly determines, however, that
20 public policy dictates that IPSAN operate in the most open and
21 accessible manner consistent with its public purpose. To this
22 end, the General Assembly specifically declares that IPSAN and
23 its Board and Advisory Committee shall adopt and adhere to the
24 provisions of the Open Meetings Act and the Freedom of
25 Information Act. IPSAN shall establish one or more corporate
26 offices as determined by the Board.

27 Section 20. Board of directors. IPSAN shall be governed by
28 a board of directors. The IPSAN Board shall consist of 14
29 members. Nine of the members shall be voting members, 3 of whom
30 shall be appointed by the Illinois Sheriffs' Association, 3 of
31 whom shall be appointed by the Illinois Association of Chiefs
32 of Police, and 3 of whom shall be appointed by the Illinois

1 Fire Chiefs Association, all of those Associations consisting
2 of representatives of criminal justice agencies that are the
3 users of criminal justice information systems developed and
4 operated for them by the Authority before the effective date of
5 this Act or by the IPSAN on or after the effective date of this
6 Act. Voting members shall be appointed in such a fashion as to
7 guarantee the representation of all 3 systems (ALERTS, ALECS,
8 and PIMS). The Director of Corrections, the Director of the
9 Illinois Emergency Management Agency, the Director of the
10 Illinois State Police, the Sheriff of Cook County, and the
11 Superintendent of the Chicago Police Department, or the
12 designee of each, shall be non-voting ex officio members.

13 Of the initial members appointed, 6 members shall serve
14 4-year terms and 3 members shall serve 2-year terms, as
15 designated by the respective Associations. Thereafter, members
16 appointed shall serve 4-year terms. A vacancy among members
17 appointed shall be filled by appointment for the remainder of
18 the vacated term.

19 Members of the Board shall receive no compensation but
20 shall be reimbursed for reasonable expenses incurred in the
21 performance of their duties.

22 The Board shall designate a temporary chair of the Board
23 from among the members, who shall serve until a permanent chair
24 is elected by the Board of Directors. The Board shall meet at
25 the call of the chair.

26 Not less than 90 days after a majority of the members of
27 the Board of Directors of the IPSAN are appointed, the Board
28 shall develop a policy adopted by resolution of the Board
29 stating the Board's plan for the use of services provided by
30 businesses owned by minorities, females, and persons with
31 disabilities, as defined under the Business Enterprise for
32 Minorities, Females, and Persons with Disabilities Act. The
33 Board shall provide a copy of this resolution to the Governor
34 and the General Assembly upon its adoption.

1 On December 31 of each year, the Board shall report to the
2 General Assembly and the Governor regarding the use of services
3 provided by businesses owned by minorities, females, and
4 persons with disabilities, as defined under the Business
5 Enterprise for Minorities, Females, and Persons with
6 Disabilities Act.

7 Section 30. Powers of the Board of Directors. The Board of
8 Directors shall have the power to:

9 (1) Secure funding for programs and activities of IPSAN
10 from federal, State, local, and private sources and from fees
11 charged for services and published materials; solicit,
12 receive, hold, invest, and administer any grant, payment, or
13 gift of funds or property; and make expenditures consistent
14 with the powers granted to it.

15 (2) Make and enter into contracts, agreements, and other
16 instruments necessary or convenient for the exercise of its
17 powers and to facilitate the use by the members of IPSAN of
18 other criminal justice information systems and networks.

19 (3) Sue and be sued, and appear and defend in all actions
20 and proceedings, in its corporate name to the same extent as a
21 natural person.

22 (4) Adopt, use, and alter a common corporate seal for
23 IPSAN.

24 (5) Elect, employ, or appoint officers and agents as its
25 affairs require and allow them reasonable compensation.

26 (6) Adopt, amend, and repeal bylaws and policies, not
27 inconsistent with the powers granted to it or the articles of
28 incorporation, for the administration of the affairs of IPSAN
29 and the exercise of its corporate powers.

30 (7) Acquire, enjoy, use, and dispose of patents,
31 copyrights, and trademarks and any licenses, radio
32 frequencies, royalties, and other rights or interests
33 thereunder or therein.

1 (8) Do all acts and things necessary or convenient to carry
2 out the powers granted to it.

3 (9) Appoint an Executive Director who shall serve as the
4 Chief Operations Officer of IPSAN and who shall direct and
5 supervise the administrative affairs and activities of the
6 Board and of IPSAN, in accordance with the Board's by-laws,
7 rules, and policies.

8 Section 35. Finances; audits; annual report.

9 (a) The current balance of the Criminal Justice Information
10 Systems Trust Fund upon the effective date of this Act and all
11 future moneys deposited into that Fund shall be promptly
12 transferred to the IPSAN operating fund by the State Treasurer
13 notwithstanding current obligations as determined by the IPSAN
14 Board in cooperation with the Authority.

15 (b) IPSAN may accept funds, grants, gifts, and services
16 from the government of the United States or its agencies, from
17 this State or its departments, agencies, or instrumentalities,
18 from any other governmental unit, and from private and civic
19 sources for the purpose of funding any projects authorized by
20 this Act.

21 (c) Services of personnel, use of equipment and office
22 space, and other necessary services may be accepted from
23 members of the Board as part of IPSAN's financial support.

24 (d) The Board shall arrange for the annual financial audit
25 of IPSAN by one or more independent certified public
26 accountants in accordance with generally accepted accounting
27 principles. The annual audit results shall be included in the
28 annual report required under subsection (e) of this Section.

29 (e) IPSAN shall report annually on its activities and
30 finances to the Governor and the members of the General
31 Assembly.

32 Section 40. Advisory Committee. An Advisory Committee is

1 established for the benefit of IPSAN and its Board of Directors
2 in the performance of their powers, duties, and functions under
3 this Act. The Board shall provide for the number,
4 qualifications, and appointment of members of the Advisory
5 Committee.

6 Section 50. Other State programs. State executive branch
7 agencies shall consult with IPSAN in order to ensure the
8 interoperability of existing and future public safety
9 communication systems and criminal justice database programs
10 or networks authorized by law as of or after the effective date
11 of this Act.

12 Section 90. The Illinois Criminal Justice Information Act
13 is amended by changing Sections 7 and 9 as follows:

14 (20 ILCS 3930/7) (from Ch. 38, par. 210-7)

15 Sec. 7. Powers and Duties. Subject to the provisions of the
16 Illinois Public Safety Agency Network Act, the ~~The~~ Authority
17 shall have the following powers, duties and responsibilities:

18 (a) To develop and operate comprehensive information
19 systems for the improvement and coordination of all aspects
20 of law enforcement, prosecution and corrections;

21 (b) To define, develop, evaluate and correlate State
22 and local programs and projects associated with the
23 improvement of law enforcement and the administration of
24 criminal justice;

25 (c) To act as a central repository and clearing house
26 for federal, state and local research studies, plans,
27 projects, proposals and other information relating to all
28 aspects of criminal justice system improvement and to
29 encourage educational programs for citizen support of
30 State and local efforts to make such improvements;

31 (d) To undertake research studies to aid in

1 accomplishing its purposes;

2 (e) To monitor the operation of existing criminal
3 justice information systems in order to protect the
4 constitutional rights and privacy of individuals about
5 whom criminal history record information has been
6 collected;

7 (f) To provide an effective administrative forum for
8 the protection of the rights of individuals concerning
9 criminal history record information;

10 (g) To issue regulations, guidelines and procedures
11 which ensure the privacy and security of criminal history
12 record information consistent with State and federal laws;

13 (h) To act as the sole administrative appeal body in
14 the State of Illinois to conduct hearings and make final
15 determinations concerning individual challenges to the
16 completeness and accuracy of criminal history record
17 information;

18 (i) To act as the sole, official, criminal justice body
19 in the State of Illinois to conduct annual and periodic
20 audits of the procedures, policies, and practices of the
21 State central repositories for criminal history record
22 information to verify compliance with federal and state
23 laws and regulations governing such information;

24 (j) To advise the Authority's Statistical Analysis
25 Center;

26 (k) To apply for, receive, establish priorities for,
27 allocate, disburse and spend grants of funds that are made
28 available by and received on or after January 1, 1983 from
29 private sources or from the United States pursuant to the
30 federal Crime Control Act of 1973, as amended, and similar
31 federal legislation, and to enter into agreements with the
32 United States government to further the purposes of this
33 Act, or as may be required as a condition of obtaining
34 federal funds;

1 (l) To receive, expend and account for such funds of
2 the State of Illinois as may be made available to further
3 the purposes of this Act;

4 (m) To enter into contracts and to cooperate with units
5 of general local government or combinations of such units,
6 State agencies, and criminal justice system agencies of
7 other states for the purpose of carrying out the duties of
8 the Authority imposed by this Act or by the federal Crime
9 Control Act of 1973, as amended;

10 (n) To enter into contracts and cooperate with units of
11 general local government outside of Illinois, other
12 states' agencies, and private organizations outside of
13 Illinois to provide computer software or design that has
14 been developed for the Illinois criminal justice system, or
15 to participate in the cooperative development or design of
16 new software or systems to be used by the Illinois criminal
17 justice system. Revenues received as a result of such
18 arrangements shall be deposited in the Criminal Justice
19 Information Systems Trust Fund.

20 (o) To establish general policies concerning criminal
21 justice information systems and to promulgate such rules,
22 regulations and procedures as are necessary to the
23 operation of the Authority and to the uniform consideration
24 of appeals and audits;

25 (p) To advise and to make recommendations to the
26 Governor and the General Assembly on policies relating to
27 criminal justice information systems;

28 (q) To direct all other agencies under the jurisdiction
29 of the Governor to provide whatever assistance and
30 information the Authority may lawfully require to carry out
31 its functions;

32 (r) To exercise any other powers that are reasonable
33 and necessary to fulfill the responsibilities of the
34 Authority under this Act and to comply with the

1 requirements of applicable federal law or regulation;

2 (s) To exercise the rights, powers and duties which
3 have been vested in the Authority by the "Illinois Uniform
4 Conviction Information Act", enacted by the 85th General
5 Assembly, as hereafter amended; and

6 (t) To exercise the rights, powers and duties which
7 have been vested in the Authority by the Illinois Motor
8 Vehicle Theft Prevention Act.

9 The requirement for reporting to the General Assembly shall
10 be satisfied by filing copies of the report with the Speaker,
11 the Minority Leader and the Clerk of the House of
12 Representatives and the President, the Minority Leader and the
13 Secretary of the Senate and the Legislative Research Unit, as
14 required by Section 3.1 of "An Act to revise the law in
15 relation to the General Assembly", approved February 25, 1874,
16 as amended, and filing such additional copies with the State
17 Government Report Distribution Center for the General Assembly
18 as is required under paragraph (t) of Section 7 of the State
19 Library Act.

20 (Source: P.A. 85-922; 86-1408.)

21 (20 ILCS 3930/9) (from Ch. 38, par. 210-9)

22 Sec. 9. Criminal Justice Information Systems Trust Fund.
23 The special fund in the State Treasury known as the Criminal
24 Justice Information Systems Trust Fund shall be funded in part
25 from users' fees collected from criminal justice agencies that
26 are the users of information systems developed and operated for
27 them by the Authority. The users' fees shall be based on pro
28 rated shares according to the share of operating cost that is
29 attributed to each agency, as determined by the Authority.
30 Prior to the effective date of the Illinois Public Safety
31 Agency Network Act, the ~~The~~ General Assembly shall make an
32 appropriation from the Criminal Justice Information Systems
33 Trust Fund for the operating expenses of the Authority incident

1 to providing the services described in this Section. On and
2 after the effective date of the Illinois Public Safety Agency
3 Network Act, distributions from the Fund shall be made as
4 provided in that Act.

5 (Source: P.A. 86-1227.)

6 Section 93. Severability. The provisions of this Act are
7 severable under Section 1.31 of the Statute on Statutes.

8 Section 95. The State Property Control Act is amended by
9 adding Section 7.6 as follows:

10 (30 ILCS 605/7.6 new)

11 Sec. 7.6. Illinois Public Safety Agency Network.
12 Notwithstanding any other provision of this Act or any other
13 law to the contrary, the administrator and the Illinois
14 Criminal Justice Information Authority are authorized under
15 this Section to transfer to the Illinois Public Safety Agency
16 Network, from the Illinois Criminal Justice Information
17 Authority, all contractual personnel, books, records, papers,
18 documents, property, both real and personal, and pending
19 business in any way pertaining to the operations of the ALERTS,
20 ALECS, and PIMS systems managed by the Authority including, but
21 not limited to, radio frequencies, licenses, software,
22 hardware, IP addresses, proprietary information, code, and
23 other required information and elements necessary for the
24 successful operation, future development, and transition of
25 the systems.

26 Section 99. Effective date. This Act takes effect July 1,
27 2007."