



Rep. Thomas Holbrook

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09500HB5159ham003

LRB095 18226 WGH 49520 a

1 AMENDMENT TO HOUSE BILL 5159

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5159, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Railroad Police Act is amended by changing  
6 Section 2 as follows:

7 (610 ILCS 80/2) (from Ch. 114, par. 98)

8 Sec. 2. Conductors of all railroad trains, and the captain  
9 or master of any boat carrying passengers within the  
10 jurisdiction of this state, is vested with police powers while  
11 on duty on their respective trains and boats, and may wear an  
12 appropriate badge indicative of such authority.

13 In the policing of its properties any registered rail  
14 carrier, as defined in Section 18c-7201 of the Illinois Vehicle  
15 Code, may provide for the appointment and maintenance of such  
16 police force as it may find necessary and practicable to aid

1 and supplement the police forces of any municipality in the  
2 protection of its property and the protection of the persons  
3 and property of its passengers and employees, or otherwise in  
4 furtherance of the purposes for which such railroad was  
5 organized. While engaged in the conduct of their employment,  
6 the members of such railroad police force have and may exercise  
7 like police powers as those conferred upon any peace officer  
8 employed by a law enforcement agency of this State.

9 Any registered rail carrier that appoints and maintains a  
10 police force shall comply with the following requirements:

11 (1) Establish an internal policy that includes  
12 procedures to ensure objective oversight in addressing  
13 allegations of abuse of authority or other misconduct on  
14 the part of its police officers.

15 (2) Adopt appropriate policies and guidelines for  
16 employee investigations by police officers. These policies  
17 and guidelines shall provide for initiating employee  
18 investigations only under the following conditions:

19 (A) There is reason to believe criminal misconduct  
20 has occurred.

21 (B) In response to an employee accident.

22 (C) There is reason to believe that the interview  
23 of an employee could result in workplace violence.

24 (D) There is a legitimate concern for the personal  
25 safety of one or more employees.

26 These policies and guidelines shall provide for the

1 right of an employee to request a representative to be  
2 present during any interview concerning a non-criminal  
3 matter.

4 (3) File copies of the policies and guidelines adopted  
5 under paragraphs (1) and (2) with the Illinois Law  
6 Enforcement Training Standards Board, which shall make  
7 them available for public inspection. The Board shall  
8 review the policies and guidelines, and approve them if  
9 they comply with the Act. In addition, the Board shall  
10 investigate violations of said policies and guidelines and  
11 abuse of authority by railroad police officers. Such  
12 investigations shall be conducted in accordance with the  
13 procedures set forth in Section 6.1 of the Illinois Police  
14 Training Act.

15 (4) Nothing in this Act, nor the Illinois Police  
16 Training Act, shall be construed to give a railroad police  
17 officer authority, or to perform any functions, relating to  
18 or affecting an employee exercising his or her rights  
19 pursuant to a collective bargaining agreement or the  
20 Railway Labor Act.

21 Notwithstanding any other rulemaking authority that may  
22 exist, neither the Governor nor any agency or agency head under  
23 the jurisdiction of the Governor has any authority to make or  
24 promulgate rules to implement or enforce the provisions of this  
25 amendatory Act of the 95th General Assembly. If, however, the  
26 Governor believes that rules are necessary to implement or

1 enforce the provisions of this amendatory Act of the 95th  
2 General Assembly, the Governor may suggest rules to the General  
3 Assembly by filing them with the Clerk of the House and  
4 Secretary of the Senate and by requesting that the General  
5 Assembly authorize such rulemaking by law, enact those  
6 suggested rules into law, or take any other appropriate action  
7 in the General Assembly's discretion. Nothing contained in this  
8 amendatory Act of the 95th General Assembly shall be  
9 interpreted to grant rulemaking authority under any other  
10 Illinois statute where such authority is not otherwise  
11 explicitly given. For the purposes of this Section, "rules" is  
12 given the meaning contained in Section 1-70 of the Illinois  
13 Administrative Procedure Act, and "agency" and "agency head"  
14 are given the meanings contained in Sections 1-20 and 1-25 of  
15 the Illinois Administrative Procedure Act to the extent that  
16 such definitions apply to agencies or agency heads under the  
17 jurisdiction of the Governor.

18 (Source: P.A. 94-846, eff. 1-1-07.)".