

HB4987



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4987

Introduced 1/21/2010, by Rep. Thomas Holbrook

SYNOPSIS AS INTRODUCED:

610 ILCS 80/2

from Ch. 114, par. 98

Amends the Railroad Police Act. Requires allegations of abuse of authority or misconduct by members of a railroad police force to be investigated by the Illinois State Police.

LRB096 17720 AJT 33085 b

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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

6 (610 ILCS 80/2) (from Ch. 114, par. 98)

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

12 In the policing of its properties any registered rail
13 carrier, as defined in Section 18c-7201 of the Illinois Vehicle
14 Code, may provide for the appointment and maintenance of such
15 police force as it may find necessary and practicable to aid
16 and supplement the police forces of any municipality in the
17 protection of its property and the protection of the persons
18 and property of its passengers and employees, or otherwise in
19 furtherance of the purposes for which such railroad was
20 organized. While engaged in the conduct of their employment,
21 the members of such railroad police force have and may exercise
22 like police powers as those conferred upon any peace officer
23 employed by a law enforcement agency of this State.

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

3 (1) Establish an internal policy that includes
4 procedures to ensure objective oversight in addressing
5 allegations of abuse of authority or other misconduct on
6 the part of its police officers.

7 (2) Adopt appropriate policies and guidelines for
8 employee investigations by police officers. These policies
9 and guidelines shall provide for initiating employee
10 investigations only under the following conditions:

11 (A) There is reason to believe criminal misconduct
12 has occurred.

13 (B) In response to an employee accident.

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

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

18 These policies and guidelines shall provide for the
19 right of an employee to request a representative to be
20 present during any interview concerning a non-criminal
21 matter.

22 (3) File copies of the policies and guidelines adopted
23 under paragraphs (1) and (2) with the Illinois Law
24 Enforcement Training Standards Board, which shall make
25 them available for public inspection. The Board shall
26 review the policies and guidelines, and approve them if

1 they comply with the Act.

2 (4) Appeal of a rail carrier's decision. A person
3 adversely affected or aggrieved by a decision of a rail
4 carrier's internal investigation under this Act may appeal
5 the decision to the Illinois State Police. The appeal shall
6 be filed no later than 90 days after the issuance of the
7 decision. The State Police shall review the depth,
8 completeness, and objectivity of the rail carrier's
9 investigation, and may conduct its own investigation of the
10 complaint. The State Police may uphold, overturn, or modify
11 the rail carrier's decision by filing a report of its
12 findings and recommendations with the Illinois Commerce
13 Commission. Consistent with authority under Chapter 18C of
14 the Illinois Vehicle Code and the Commission rules of
15 practice, the Commission shall have the power to conduct
16 evidentiary hearings, make findings, and issue and enforce
17 orders, including sanctions under Section 18c-1704 of the
18 Illinois Vehicle Code.

19 Rulemaking authority to implement this amendatory Act of
20 the 95th General Assembly, if any, is conditioned on the rules
21 being adopted in accordance with all provisions of the Illinois
22 Administrative Procedure Act and all rules and procedures of
23 the Joint Committee on Administrative Rules; any purported rule
24 not so adopted, for whatever reason, is unauthorized.

25 Allegations of abuse of authority or misconduct by members
26 of a railroad police force authorized under this Section to

1 exercise police powers shall be investigated by the Illinois
2 State Police.

3 (Source: P.A. 94-846, eff. 1-1-07; 95-1010, eff. 6-1-09.)