



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB3294

Introduced 2/9/2010, by Sen. Tim Bivins

#### SYNOPSIS AS INTRODUCED:

50 ILCS 705/6	from Ch. 85, par. 506
50 ILCS 705/6.1	
50 ILCS 705/6.2 new	
50 ILCS 705/8.1	from Ch. 85, par. 508.1
50 ILCS 705/8.2	

Amends the Illinois Police Training Act. Requires full-time and part-time police officers to be licensed rather than certified. Makes related changes. Provides that the Board has the power to require local governmental units to furnish personnel rosters, employment status reports, and annual training plans to the Board. Provides that a police officer who has been licensed, certified, or granted a valid waiver shall be decertified or have his or her license or waiver revoked upon a determination by the Illinois Labor Relations Board State Panel that he or she knowingly and willfully violated a rule or regulation of his or her department or agency that has as a penalty the discharge or dismissal of the officer from the department or agency. Establishes hearing procedures on decertification. Contains other provisions. Effective immediately.

LRB096 20157 RLJ 35706 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning law enforcement training.

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

4 Section 5. The Illinois Police Training Act is amended by  
5 changing Sections 6, 6.1, 8.1, and 8.2 and adding Section 6.2  
6 as follows:

7 (50 ILCS 705/6) (from Ch. 85, par. 506)

8 Sec. 6. Powers and duties of the Board; selection and  
9 certification of schools. ~~selection and certification of~~  
10 ~~schools.~~ The Board shall select and certify schools within the  
11 State of Illinois for the purpose of providing basic training  
12 for probationary police officers, probationary county  
13 corrections officers, and court security officers and of  
14 providing advanced or in-service training for permanent police  
15 officers or permanent county corrections officers, which  
16 schools may be either publicly or privately owned and operated.  
17 In addition, the Board has the following power and duties:

18 a. To require local governmental units to furnish such  
19 reports and information as the Board deems necessary to  
20 fully implement this Act, including, but not limited to,  
21 personnel rosters, employment status reports, and annual  
22 training plans.

23 b. To establish appropriate mandatory minimum

1 standards relating to the training of probationary local  
2 law enforcement officers or probationary county  
3 corrections officers.

4 c. To provide appropriate licensure or certification  
5 to those probationary officers who successfully complete  
6 the prescribed minimum standard basic training course.

7 d. To review and approve annual training curriculum for  
8 county sheriffs.

9 e. To review and approve applicants to ensure that no  
10 applicant is admitted to a certified academy unless the  
11 applicant is a person of good character and has not been  
12 convicted of a felony offense, any of the misdemeanors in  
13 Sections 11-6, 11-9.1, 11-14, 11-17, 11-19, 12-2, 12-15,  
14 16-1, 17-1, 17-2, 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a, or  
15 32-7 of the Criminal Code of 1961 or Section 5 or 5.2 of  
16 the Cannabis Control Act, or a crime involving moral  
17 turpitude under the laws of this State or any other state  
18 which if committed in this State would be punishable as a  
19 felony or a crime of moral turpitude. The Board may appoint  
20 investigators who shall enforce the duties conferred upon  
21 the Board by this Act.

22 (Source: P.A. 91-495, eff. 1-1-00.)

23 (50 ILCS 705/6.1)

24 Sec. 6.1. Revocation of license or decertification  
25 ~~Decertification~~ of full-time and part-time police officers.

1           (a) The Board must review police officer conduct and  
2 records to ensure that no police officer is licensed ~~certified~~  
3 or provided a valid waiver if that police officer has been  
4 convicted of or has pled guilty to a felony offense under the  
5 laws of this State or any other state which if committed in  
6 this State would be punishable as a felony. The Board must also  
7 ensure that no police officer is licensed ~~certified~~ or provided  
8 a valid waiver if that police officer has been convicted on or  
9 after the effective date of this amendatory Act of 1999 of any  
10 misdemeanor specified in this Section or if committed in any  
11 other state would be an offense similar to Section 11-6,  
12 11-9.1, 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1, 17-2,  
13 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7 of the Criminal  
14 Code of 1961 or to Section 5 or 5.2 of the Cannabis Control  
15 Act. The Board must appoint investigators to enforce the duties  
16 conferred upon the Board by this Act.

17           (b) It is the responsibility of the sheriff or the chief  
18 executive officer of every local law enforcement agency or  
19 department within this State to report to the Board any arrest  
20 or conviction of any officer for an offense identified in this  
21 Section.

22           (c) It is the duty and responsibility of every full-time  
23 and part-time police officer in this State to report to the  
24 Board within 30 days, and the officer's sheriff or chief  
25 executive officer, of his or her arrest or conviction for an  
26 offense identified in this Section. Any full-time or part-time

1 police officer who knowingly makes, submits, causes to be  
2 submitted, or files a false or untruthful report to the Board  
3 must have his or her license ~~certificate~~ or waiver immediately  
4 ~~decertified or~~ revoked.

5 (d) Any person, or a local or State agency, or the Board is  
6 immune from liability for submitting, disclosing, or releasing  
7 information of arrests or convictions in this Section as long  
8 as the information is submitted, disclosed, or released in good  
9 faith and without malice. The Board has qualified immunity for  
10 the release of the information.

11 (e) Whenever a ~~Any~~ full-time or part-time police officer  
12 with a license ~~certificate~~ or waiver issued by the Board who is  
13 convicted of or pleads guilty to any offense described in this  
14 Section, his or her license or waiver is automatically revoked  
15 by operation of law ~~immediately becomes decertified or no~~  
16 ~~longer has a valid waiver~~. The decertification and invalidity  
17 of waivers occurs as a matter of law. Failure of a convicted  
18 person to report to the Board his or her conviction as  
19 described in this Section or any continued law enforcement  
20 practice after receiving a conviction is a Class 4 felony.

21 (f) The Board's investigators are peace officers and have  
22 all the powers possessed by policemen in cities and by  
23 sheriff's, provided that the investigators may exercise those  
24 powers anywhere in the State, only after contact and  
25 cooperation with the appropriate local law enforcement  
26 authorities.

1 (g) The Board must request and receive information and  
2 assistance from any federal, state, or local governmental  
3 agency as part of the authorized criminal background  
4 investigation. The Department of State Police must process,  
5 retain, and additionally provide and disseminate information  
6 to the Board concerning criminal charges, arrests,  
7 convictions, and their disposition, that have been filed  
8 before, on, or after the effective date of this amendatory Act  
9 of the 91st General Assembly against a basic academy applicant,  
10 law enforcement applicant, or law enforcement officer whose  
11 fingerprint identification cards are on file or maintained by  
12 the Department of State Police. The Federal Bureau of  
13 Investigation must provide the Board any criminal history  
14 record information contained in its files pertaining to law  
15 enforcement officers or any applicant to a Board certified  
16 basic law enforcement academy as described in this Act based on  
17 fingerprint identification. The Board must make payment of fees  
18 to the Department of State Police for each fingerprint card  
19 submission in conformance with the requirements of paragraph 22  
20 of Section 55a of the Civil Administrative Code of Illinois.

21 (h) A police officer who has been certified, licensed, or  
22 granted a valid waiver shall also be decertified, have his or  
23 her license revoked, or have his or her waiver revoked upon a  
24 determination by the Illinois Labor Relations Board State Panel  
25 that he or she, while under oath, has knowingly and willfully  
26 made false statements as to a material fact going to an element

1 of the offense of murder. If an appeal is filed, the  
2 determination shall be stayed.

3 (1) In the case of an acquittal on a charge of murder,  
4 a verified complaint may be filed:

5 (A) by the defendant; or

6 (B) by a police officer with personal knowledge of  
7 perjured testimony.

8 The complaint must allege that a police officer, while  
9 under oath, knowingly and willfully made false statements  
10 as to a material fact going to an element of the offense of  
11 murder. The verified complaint must be filed with the  
12 Executive Director of the Illinois Law Enforcement  
13 Training Standards Board within 2 years of the judgment of  
14 acquittal.

15 (2) Within 30 days, the Executive Director of the  
16 Illinois Law Enforcement Training Standards Board shall  
17 review the verified complaint and determine whether the  
18 verified complaint is frivolous and without merit, or  
19 whether further investigation is warranted. The Illinois  
20 Law Enforcement Training Standards Board shall notify the  
21 officer and the Executive Director of the Illinois Labor  
22 Relations Board State Panel of the filing of the complaint  
23 and any action taken thereon. If the Executive Director of  
24 the Illinois Law Enforcement Training Standards Board  
25 determines that the verified complaint is frivolous and  
26 without merit, it shall be dismissed. The Executive

1 Director of the Illinois Law Enforcement Training  
2 Standards Board has sole discretion to make this  
3 determination and this decision is not subject to appeal.

4 (i) If the Executive Director of the Illinois Law  
5 Enforcement Training Standards Board determines that the  
6 verified complaint warrants further investigation, he or she  
7 shall refer the matter to a task force of investigators created  
8 for this purpose. This task force shall consist of 8 sworn  
9 police officers: 2 from the Illinois State Police, 2 from the  
10 City of Chicago Police Department, 2 from county police  
11 departments, and 2 from municipal police departments. These  
12 investigators shall have a minimum of 5 years of experience in  
13 conducting criminal investigations. The investigators shall be  
14 appointed by the Executive Director of the Illinois Law  
15 Enforcement Training Standards Board. Any officer or officers  
16 acting in this capacity pursuant to this statutory provision  
17 will have statewide police authority while acting in this  
18 investigative capacity. Their salaries and expenses for the  
19 time spent conducting investigations under this paragraph  
20 shall be reimbursed by the Illinois Law Enforcement Training  
21 Standards Board.

22 (j) Once the Executive Director of the Illinois Law  
23 Enforcement Training Standards Board has determined that an  
24 investigation is warranted, the verified complaint shall be  
25 assigned to an investigator or investigators. The investigator  
26 or investigators shall conduct an investigation of the verified



1 complaint and shall write a report of his or her findings. This  
2 report shall be submitted to the Executive Director of the  
3 Illinois Labor Relations Board State Panel.

4 Within 30 days, the Executive Director of the Illinois  
5 Labor Relations Board State Panel shall review the  
6 investigative report and determine whether sufficient evidence  
7 exists to conduct an evidentiary hearing on the verified  
8 complaint. If the Executive Director of the Illinois Labor  
9 Relations Board State Panel determines upon his or her review  
10 of the investigatory report that a hearing should not be  
11 conducted, the complaint shall be dismissed. This decision is  
12 in the Executive Director's sole discretion, and this dismissal  
13 may not be appealed.

14 If the Executive Director of the Illinois Labor Relations  
15 Board State Panel determines that there is sufficient evidence  
16 to warrant a hearing, a hearing shall be ordered on the  
17 verified complaint, to be conducted by an administrative law  
18 judge employed by the Illinois Labor Relations Board State  
19 Panel. The Executive Director of the Illinois Labor Relations  
20 Board State Panel shall inform the Executive Director of the  
21 Illinois Law Enforcement Training Standards Board and the  
22 person who filed the complaint of either the dismissal of the  
23 complaint or the issuance of the complaint for hearing. The  
24 Executive Director shall assign the complaint to the  
25 administrative law judge within 30 days of the decision  
26 granting a hearing.

1 (k) In the case of a finding of guilt on the offense of  
2 murder, if a new trial is granted on direct appeal, or a state  
3 post-conviction evidentiary hearing is ordered, based on a  
4 claim that a police officer, under oath, knowingly and  
5 willfully made false statements as to a material fact going to  
6 an element of the offense of murder, the Illinois Labor  
7 Relations Board State Panel shall hold a hearing to determine  
8 whether the officer should be decertified or have his or her  
9 license or waiver revoked if an interested party requests such  
10 a hearing within 2 years of the court's decision. The complaint  
11 shall be assigned to an administrative law judge within 30 days  
12 so that a hearing can be scheduled.

13 At the hearing, the accused officer shall be afforded the  
14 opportunity to:

15 (1) Be represented by counsel of his or her own  
16 choosing;

17 (2) Be heard in his or her own defense;

18 (3) Produce evidence in his or her defense;

19 (4) Request that the Illinois Labor Relations Board  
20 State Panel compel the attendance of witnesses and  
21 production of related documents including but not limited  
22 to court documents and records.

23 Once a case has been set for hearing, the verified  
24 complaint shall be referred to the Department of Professional  
25 Regulation. That office shall prosecute the verified complaint  
26 at the hearing before the administrative law judge. The

1 Department of Professional Regulation shall have the  
2 opportunity to produce evidence to support the verified  
3 complaint and to request the Illinois Labor Relations Board  
4 State Panel to compel the attendance of witnesses and the  
5 production of related documents, including, but not limited to,  
6 court documents and records. The Illinois Labor Relations Board  
7 State Panel shall have the power to issue subpoenas requiring  
8 the attendance of and testimony of witnesses and the production  
9 of related documents including, but not limited to, court  
10 documents and records and shall have the power to administer  
11 oaths.

12 The administrative law judge shall have the responsibility  
13 of receiving into evidence relevant testimony and documents,  
14 including court records, to support or disprove the allegations  
15 made by the person filing the verified complaint and, at the  
16 close of the case, hear arguments. If the administrative law  
17 judge finds that there is not clear and convincing evidence to  
18 support the verified complaint that the police officer has,  
19 while under oath, knowingly and willfully made false statements  
20 as to a material fact going to an element of the offense of  
21 murder, the administrative law judge shall make a written  
22 recommendation of dismissal to the Illinois Labor Relations  
23 Board State Panel. If the administrative law judge finds that  
24 there is clear and convincing evidence that the police officer  
25 has, while under oath, knowingly and willfully made false  
26 statements as to a material fact that goes to an element of the

1 offense of murder, the administrative law judge shall make a  
2 written recommendation so concluding to the Illinois Labor  
3 Relations Board State Panel. The hearings shall be transcribed.  
4 The Executive Director of the Illinois Law Enforcement Training  
5 Standards Board shall be informed of the administrative law  
6 judge's recommended findings and decision and the Illinois  
7 Labor Relations Board State Panel's subsequent review of the  
8 recommendation.

9 (l) An officer named in any complaint filed pursuant to  
10 this Act shall be indemnified for his or her reasonable  
11 attorney's fees and costs by his or her employer. These fees  
12 shall be paid in a regular and timely manner. The State, upon  
13 application by the public employer, shall reimburse the public  
14 employer for the accused officer's reasonable attorney's fees  
15 and costs. At no time and under no circumstances will the  
16 accused officer be required to pay his or her own reasonable  
17 attorney's fees or costs.

18 (m) The accused officer shall not be placed on unpaid  
19 status because of the filing or processing of the verified  
20 complaint until there is a final non-appealable order  
21 sustaining his or her guilt and his or her license or  
22 certification is revoked. Nothing in this Act, however,  
23 restricts the public employer from pursuing discipline against  
24 the officer in the normal course and under procedures then in  
25 place.

26 (n) The Illinois Labor Relations Board State Panel shall

1 review the administrative law judge's recommended decision and  
2 order and determine by a majority vote whether or not there was  
3 clear and convincing evidence that the accused officer, while  
4 under oath, knowingly and willfully made false statements as to  
5 a material fact going to the offense of murder. Within 30 days  
6 of service of the administrative law judge's recommended  
7 decision and order, the parties may file exceptions to the  
8 recommended decision and order and briefs in support of their  
9 exceptions with the Illinois Labor Relations Board State Panel.  
10 The parties may file responses to the exceptions and briefs in  
11 support of the responses no later than 15 days after the  
12 service of the exceptions. If exceptions are filed by any of  
13 the parties, the Illinois Labor Relations Board State Panel  
14 shall review the matter and make a finding to uphold, vacate,  
15 or modify the recommended decision and order. If the Illinois  
16 Labor Relations Board State Panel concludes that there is clear  
17 and convincing evidence that the accused officer, while under  
18 oath, knowingly and willfully made false statements as to a  
19 material fact going to an element of the offense murder, the  
20 Illinois Labor Relations Board State Panel shall inform the  
21 Illinois Law Enforcement Training Standards Board and the  
22 Illinois Law Enforcement Training Standards Board shall revoke  
23 the accused officer's certification, license, or waiver. If the  
24 accused officer appeals that determination to the Appellate  
25 Court, as provided by this Act, he or she may petition the  
26 Appellate Court to stay the revocation of his or her

1 certification, license, or waiver pending the court's review of  
2 the matter.

3 (o) None of the Illinois Labor Relations Board State  
4 Panel's findings or determinations shall set any precedent in  
5 any of its decisions decided pursuant to the Illinois Public  
6 Labor Relations Act by the Illinois Labor Relations Board State  
7 Panel or the courts.

8 (p) A party aggrieved by the final order of the Illinois  
9 Labor Relations Board State Panel may apply for and obtain  
10 judicial review of an order of the Illinois Labor Relations  
11 Board State Panel, in accordance with the provisions of the  
12 Administrative Review Law, except that such judicial review  
13 shall be afforded directly in the Appellate Court for the  
14 district in which the accused officer resides. Any direct  
15 appeal to the Appellate Court shall be filed within 35 days  
16 from the date that a copy of the decision sought to be reviewed  
17 was served upon the party affected by the decision.

18 (q) Interested parties. Only interested parties to the  
19 criminal prosecution in which the police officer allegedly,  
20 while under oath, knowingly and willfully made false statements  
21 as to a material fact going to an element of the offense of  
22 murder may file a verified complaint pursuant to this Section.  
23 For purposes of this Section, "interested parties" shall be  
24 limited to the defendant and any police officer who has  
25 personal knowledge that the police officer who is the subject  
26 of the complaint has, while under oath, knowingly and willfully

1 made false statements as to a material fact going to an element  
2 of the offense of murder.

3 (r) Semi-annual reports. The Executive Director of the  
4 Illinois Labor Relations Board shall submit semi-annual  
5 reports to the Governor, President, and Minority Leader of the  
6 Senate, and to the Speaker and Minority Leader of the House of  
7 Representatives beginning on June 30, 2004, indicating:

8 (1) the number of verified complaints received since  
9 the date of the last report;

10 (2) the number of investigations initiated since the  
11 date of the last report;

12 (3) the number of investigations concluded since the  
13 date of the last report;

14 (4) the number of investigations pending as of the  
15 reporting date;

16 (5) the number of hearings held since the date of the  
17 last report; and

18 (6) the number of officers decertified or whose  
19 licenses have been revoked since the date of the last  
20 report.

21 (s) A police officer who has been licensed, certified, or  
22 granted a valid waiver shall also be decertified or have his or  
23 her license or waiver revoked upon a determination by the  
24 Illinois Labor Relations Board State Panel that he or she,  
25 while serving as a police officer with a department or agency,  
26 has knowingly and willfully violated a rule or regulation of

1 the department or agency, on or after the effective date of  
2 this amendatory Act of the 96th General Assembly, that has as a  
3 penalty the discharge or dismissal of the officer from the  
4 department or agency.

5 In the case of an officer who resigned or retired from the  
6 department or agency before a formal determination, pursuant to  
7 department or agency rules and regulations, is made on the  
8 alleged violation, a verified complaint may be filed with the  
9 Board alleging that the officer knowingly and willfully  
10 violated a rule or regulation of his or her former department  
11 or agency, on or after the effective date of this amendatory  
12 Act of the 96th General Assembly, that results or may result in  
13 the officer's discharge or dismissal from the department or  
14 agency.

15 (1) A verified complaint may be filed under this  
16 subsection (s) by the department or agency that employed  
17 the officer, but only if the complaint is signed by all of  
18 following:

19 (A) For a former police officer of a municipality:

20 (i) chief executive of the municipality;

21 (ii) head of the municipality's police  
22 commission, if applicable;

23 (iii) police department chief of police or  
24 chief executive officer;

25 (iv) labor representative, if applicable; and

26 (v) State's Attorney for the county in which



1 the officer was employed.

2 (B) For a former county sheriff or deputy sheriff:

3 (i) county board chairperson;

4 (ii) sheriff;

5 (iii) labor representative, if applicable; and

6 (iv) State's Attorney for the county in which

7 the officer was employed.

8 The verified complaint must be filed with the Executive  
9 Director within 2 years after the officer's resignation or  
10 retirement.

11 (2) Within 30 days after receiving the verified  
12 complaint, the Executive Director of the Illinois Law  
13 Enforcement Training Standards Board shall review the  
14 verified complaint and determine whether the verified  
15 complaint is frivolous and without merit, or whether  
16 further investigation is warranted. The Illinois Law  
17 Enforcement Training Standards Board shall notify the  
18 officer and the Executive Director of the Illinois Labor  
19 Relations Board State Panel of the filing of the complaint  
20 and any action taken thereon. If the Executive Director of  
21 the Illinois Law Enforcement Training Standards Board  
22 determines that the verified complaint is frivolous and  
23 without merit, then the complaint shall be dismissed. The  
24 Executive Director of the Illinois Law Enforcement  
25 Training Standards Board has the sole discretion to make  
26 this determination. The determination is not subject to

1 appeal.

2 (3) If the Executive Director of the Illinois Law  
3 Enforcement Training Standards Board determines that the  
4 verified complaint warrants further investigation, then he  
5 or she shall refer the matter to a task force of  
6 investigators created for this purpose. This task force  
7 shall consist of 8 sworn police officers: 2 from the  
8 Illinois State Police, 2 from the City of Chicago Police  
9 Department, 2 from county police departments, and 2 from  
10 municipal police departments. These investigators shall  
11 have a minimum of 5 years of experience in conducting  
12 investigations. The investigators shall be appointed by  
13 the Executive Director of the Illinois Law Enforcement  
14 Training Standards Board. Any officer or officers acting in  
15 this capacity pursuant to this paragraph shall have  
16 statewide police authority while acting in this  
17 investigative capacity. Their salaries and expenses for  
18 the time spent conducting investigations under this  
19 paragraph shall be reimbursed by the Illinois Law  
20 Enforcement Training Standards Board.

21 (4) The task force investigators shall conduct an  
22 investigation of the verified complaint and shall file a  
23 written report of their findings. The report shall be  
24 submitted to the Executive Director of the Illinois Labor  
25 Relations Board State Panel.

26 Within 30 days after receiving the report, the

1 Executive Director of the Illinois Labor Relations Board  
2 State Panel shall review the investigative report and  
3 determine whether sufficient evidence exists to conduct an  
4 evidentiary hearing on the verified complaint. If the  
5 Executive Director of the Illinois Labor Relations Board  
6 State Panel determines upon his or her review of the  
7 investigatory report that a hearing should not be  
8 conducted, the complaint shall be dismissed. This decision  
9 is in the Executive Director's sole discretion, and a  
10 dismissal may not be appealed.

11 If the Executive Director of the Illinois Labor  
12 Relations Board State Panel determines that there is  
13 sufficient evidence to warrant a hearing, then a hearing  
14 shall be ordered on the verified complaint, to be conducted  
15 by an administrative law judge employed by the Illinois  
16 Labor Relations Board State Panel. The Executive Director  
17 of the Illinois Labor Relations Board State Panel shall  
18 inform the Executive Director of the Illinois Law  
19 Enforcement Training Standards Board and the department or  
20 agency that filed the complaint of the dismissal of the  
21 complaint or the issuance of the complaint for hearing. The  
22 Executive Director of the Illinois Labor Relations Board  
23 State Panel shall assign the complaint to the  
24 administrative law judge within 30 days after the decision  
25 granting a hearing.

26 (5) In the case of a formal determination by the

1 department or agency, pursuant to department or agency  
2 rules and regulations, that the officer be discharged or  
3 dismissed for knowingly and willfully violating a rule or  
4 regulation of the department or agency, on or after the  
5 effective date of this amendatory Act of the 96th General  
6 Assembly, the Illinois Labor Relations Board State Panel  
7 shall hold a hearing to determine whether the officer shall  
8 be decertified or have his or her license or waiver  
9 revoked. The department or agency must file a verified  
10 complaint within 2 years after the officer's discharge or  
11 dismissal for the Illinois Labor Relations Board State  
12 Panel to hold a hearing. The complaint shall be assigned to  
13 an administrative law judge within 30 days so that a  
14 hearing can be scheduled.

15 (6) Once a case has been set for hearing, the verified  
16 complaint shall be referred to the Department of  
17 Professional Regulation. The Department of Professional  
18 Regulation shall prosecute the verified complaint at the  
19 hearing before the administrative law judge. The  
20 Department of Professional Regulation shall have the  
21 opportunity to produce evidence to support the verified  
22 complaint and to request the Illinois Labor Relations Board  
23 State Panel to compel the attendance of witnesses and the  
24 production of related documents, including, but not  
25 limited to, court documents and records. The Illinois Labor  
26 Relations Board State Panel shall have the power to issue

1 subpoenas requiring the attendance of and testimony of  
2 witnesses and the production of related documents  
3 including, but not limited to, court documents and records  
4 and shall have the power to administer oaths.

5 At the hearing, the accused officer shall be afforded  
6 the opportunity to:

7 (A) be represented by counsel of his or her own  
8 choosing;

9 (B) be heard in his or her own defense;

10 (C) produce evidence in his or her defense; and

11 (D) request that the Illinois Labor Relations  
12 Board State Panel compel the attendance of witnesses  
13 and production of related documents including, but not  
14 limited to, court documents and records.

15 (7) The administrative law judge shall have the  
16 responsibility of receiving into evidence relevant  
17 testimony and documents, including court records, to  
18 support or disprove the allegations made by the department  
19 or agency filing the verified complaint and, at the close  
20 of the case, hear arguments. If the administrative law  
21 judge finds that there is not clear and convincing evidence  
22 to support the verified complaint that the police officer  
23 knowingly and willfully violated a rule or regulation of  
24 his or her department or agency, on or after the effective  
25 date of this Amendatory Act of the 96th General Assembly,  
26 that results or may result in the discharge or dismissal of

1       the officer from the department or agency, the  
2       administrative law judge shall make a written  
3       recommendation of dismissal to the Illinois Labor  
4       Relations Board State Panel. If the administrative law  
5       judge finds that there is clear and convincing evidence  
6       that the police officer knowingly and willfully violated a  
7       rule or regulation of his or her department or agency, on  
8       or after the effective date of this Amendatory Act of the  
9       96th General Assembly, that results or may result in the  
10       discharge or dismissal of the officer from the department  
11       or agency, the administrative law judge shall make a  
12       written recommendation so concluding to the Illinois Labor  
13       Relations Board State Panel. The hearings shall be  
14       transcribed. The Executive Director of the Illinois Law  
15       Enforcement Training Standards Board shall be informed of  
16       the administrative law judge's recommended findings and  
17       decision and the Illinois Labor Relations Board State  
18       Panel's subsequent review of the recommendation.

19       (8) The Illinois Labor Relations Board State Panel  
20       shall review the administrative law judge's recommended  
21       decision and order and determine by a majority vote whether  
22       or not there was clear and convincing evidence that the  
23       accused officer knowingly and willfully violated a rule or  
24       regulation of his or her department or agency, on or after  
25       the effective date of this Amendatory Act of the 96th  
26       General Assembly, that results or may result in the

1 discharge or dismissal of the officer from the department  
2 or agency. Within 30 days after service of the  
3 administrative law judge's recommended decision and order,  
4 the parties may file exceptions to the recommended decision  
5 and order and briefs in support of their exceptions with  
6 the Illinois Labor Relations Board State Panel. The parties  
7 may file responses to the exceptions and briefs in support  
8 of the responses no later than 15 days after the service of  
9 the exceptions. If exceptions are filed by any of the  
10 parties, the Illinois Labor Relations Board State Panel  
11 shall review the matter and make a finding to uphold,  
12 vacate, or modify the recommended decision and order.

13 If the Illinois Labor Relations Board State Panel  
14 concludes that there is clear and convincing evidence that  
15 the accused officer knowingly and willfully violated a rule  
16 or regulation of his or her department or agency, on or  
17 after the effective date of this Amendatory Act of the 96th  
18 General Assembly, that results or may result in the  
19 discharge or dismissal of the officer from the department  
20 or agency, the Illinois Labor Relations Board State Panel  
21 shall inform the Illinois Law Enforcement Training  
22 Standards Board and the Illinois Law Enforcement Training  
23 Standards Board shall revoke the accused officer's  
24 certification, license, or waiver. If the accused officer  
25 appeals that determination to the Appellate Court, as  
26 provided by this Act, he or she may petition the Appellate

1 Court to stay the revocation of his or her certification,  
2 license, or waiver pending the court's review of the  
3 matter.

4 (9) The accused officer shall not be placed on unpaid  
5 status in any currently held police officer position  
6 because of the filing or processing of a verified complaint  
7 until there is a final non-appealable order sustaining his  
8 or her guilt and his or her license or certification is  
9 revoked.

10 (10) None of the Illinois Labor Relations Board State  
11 Panel's findings or determinations shall set any precedent  
12 in any of its decisions decided pursuant to the Illinois  
13 Public Labor Relations Act by the Illinois Labor Relations  
14 Board State Panel or the courts.

15 (11) A party aggrieved by the final order of the  
16 Illinois Labor Relations Board State Panel may apply for  
17 and obtain judicial review of an order of the Illinois  
18 Labor Relations Board State Panel, in accordance with the  
19 provisions of the Administrative Review Law, except that  
20 such judicial review shall be afforded directly in the  
21 Appellate Court for the district in which the accused  
22 officer resides. Any direct appeal to the Appellate Court  
23 shall be filed within 35 days after the date that a copy of  
24 the decision sought to be reviewed was served upon the  
25 party affected by the decision.

26 (12) It is the duty and responsibility of the sheriff



1 or the chief executive officer of a local law enforcement  
2 agency or department within this State to report to the  
3 Board any discharge or dismissal of any officer for a  
4 violation identified in this subsection (s). It is the duty  
5 and responsibility of a full-time or part-time police  
6 officer in this State to report to the Board within 30 days  
7 after his or her discharge or dismissal for a violation  
8 identified in this subsection (s).

9 (13) Any full-time or part-time police officer who  
10 knowingly makes, submits, causes to be submitted, or files  
11 a false or untruthful report to the Board, under this  
12 subsection (s), must have his or her license, certificate,  
13 or waiver immediately decertified or revoked.

14 (14) Any person, or a local or State agency, or the  
15 Board is immune from liability for submitting, disclosing,  
16 or releasing information of violations pursuant to this  
17 subsection (s) as long as the information is submitted,  
18 disclosed, or released in good faith and without malice.  
19 The Board has qualified immunity for the release of the  
20 information.

21 (Source: P.A. 93-605, eff. 11-19-03; 93-655, eff. 1-20-04.)

22 (50 ILCS 705/6.2 new)

23 Sec. 6.2. Conversion of certificates to licenses.

24 (a) Beginning on the effective date of this amendatory Act  
25 of the 96th General Assembly, the Board's recognition of

1 persons who have successfully completed the prescribed minimum  
2 standard basic training course for police officers shall be  
3 known as licensure rather than certification.

4 (b) If a person has successfully completed the prescribed  
5 minimum standard basic training course for police officers and  
6 holds a valid certification to that effect on the effective  
7 date of this amendatory Act of the 96th General Assembly, that  
8 certification shall be deemed to be a license for the purposes  
9 of this Act.

10 (c) If, on the effective date of this amendatory Act of the  
11 96th General Assembly, a person holds a valid waiver from one  
12 of the certification requirements of this Act for police  
13 officers, that waiver shall be deemed a waiver from the  
14 corresponding licensure requirement of this Act.

15 (d) The Board shall replace the certificates or other  
16 evidences of certification or waiver for police officers in use  
17 on the effective date of this amendatory Act of the 96th  
18 General Assembly with new credentials reflecting the change in  
19 nomenclature instituted by this amendatory Act of the 96th  
20 General Assembly.

21 (50 ILCS 705/8.1) (from Ch. 85, par. 508.1)

22 Sec. 8.1. Full-time police and county corrections  
23 officers.

24 (a) After January 1, 1976, no person shall receive a  
25 permanent appointment as a law enforcement officer as defined

1 in this Act, nor shall any person receive, after the effective  
2 date of this amendatory Act of 1984, a permanent appointment as  
3 a county corrections officer, unless that person has been  
4 awarded, within 6 ~~six~~ months of his or her initial full-time  
5 employment, a license or certificate attesting to his or her  
6 successful completion of the Minimum Standards Basic Law  
7 Enforcement and County Correctional Training Course as  
8 prescribed by the Board; or has been awarded a license or  
9 certificate attesting to his or her satisfactory completion of  
10 a training program of similar content and number of hours and  
11 which course has been found acceptable by the Board under the  
12 provisions of this Act; or by reason of extensive prior law  
13 enforcement or county corrections experience the basic  
14 training requirement is determined by the Board to be illogical  
15 and unreasonable.

16 If such training is required and not completed within the  
17 applicable 6 ~~six~~ months, then the officer must forfeit his or  
18 her position, or the employing agency must obtain a waiver from  
19 the Board extending the period for compliance. Such waiver  
20 shall be issued only for good and justifiable reasons, and in  
21 no case shall extend more than 90 days beyond the initial 6 ~~six~~  
22 months.

23 (b) No provision of this Section shall be construed to mean  
24 that a law enforcement officer employed by a local governmental  
25 agency at the time of the effective date of this amendatory  
26 Act, either as a probationary police officer or as a permanent

1 police officer, shall require licensure or certification under  
2 the provisions of this Section.

3 No provision of this Section shall be construed to mean  
4 that a county corrections officer employed by a local  
5 governmental agency at the time of the effective date of this  
6 amendatory Act of 1984, either as a probationary county  
7 corrections or as a permanent county corrections officer, shall  
8 require certification under the provisions of this Section.

9 No provision of this Section shall be construed to apply to  
10 licensure or certification of elected county sheriffs.

11 (c) This Section does not apply to part-time police  
12 officers or probationary part-time police officers.

13 (Source: P.A. 89-170, eff. 1-1-96; 90-271, eff. 7-30-97.)

14 (50 ILCS 705/8.2)

15 Sec. 8.2. Part-time police officers.

16 (a) A person hired to serve as a part-time police officer  
17 must obtain from the Board a license or certificate (i)  
18 attesting to his or her successful completion of the part-time  
19 police training course; (ii) attesting to his or her  
20 satisfactory completion of a training program of similar  
21 content and number of hours that has been found acceptable by  
22 the Board under the provisions of this Act; or (iii) attesting  
23 to the Board's determination that the part-time police training  
24 course is unnecessary because of the person's extensive prior  
25 law enforcement experience. A person hired on or after the

1 effective date of this amendatory Act of the 92nd General  
2 Assembly must obtain this certificate within 18 months after  
3 the initial date of hire as a probationary part-time police  
4 officer in the State of Illinois. The probationary part-time  
5 police officer must be enrolled and accepted into a  
6 Board-approved course within 6 months after active employment  
7 by any department in the State. A person hired on or after  
8 January 1, 1996 and before the effective date of this  
9 amendatory Act of the 92nd General Assembly must obtain this  
10 license or certificate within 18 months after the date of hire.  
11 A person hired before January 1, 1996 must obtain this license  
12 or certificate within 24 months after the effective date of  
13 this amendatory Act of 1995.

14 The employing agency may seek a waiver from the Board  
15 extending the period for compliance. A waiver shall be issued  
16 only for good and justifiable reasons, and the probationary  
17 part-time police officer may not practice as a part-time police  
18 officer during the waiver period. If training is required and  
19 not completed within the applicable time period, as extended by  
20 any waiver that may be granted, then the officer must forfeit  
21 his or her position.

22 (b) (Blank).

23 (c) The part-time police training course referred to in  
24 this Section shall be of similar content and the same number of  
25 hours as the courses for full-time officers and shall be  
26 provided by Mobile Team In-Service Training Units under the

1 Intergovernmental Law Enforcement Officer's In-Service  
2 Training Act or by another approved program or facility in a  
3 manner prescribed by the Board.

4 (d) For the purposes of this Section, the Board shall adopt  
5 rules defining what constitutes employment on a part-time  
6 basis.

7 (Source: P.A. 92-533, eff. 3-14-02.)

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.