



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1188

Introduced 02/08/11, by Rep. Greg Harris

SYNOPSIS AS INTRODUCED:

20 ILCS 2610/35 new
55 ILCS 5/3-6040 new
65 ILCS 5/11-1-12 new

Amends the State Police Act, Counties Code, and Illinois Municipal Code. Authorizes any State Police officer, sheriff, deputy sheriff, or municipal peace officer who is on duty disability to carry a concealed weapon. Authorizes the summary revocation or suspension of such an authorization. Provides that neither a revocation or suspension of authorization to carry a concealed weapon nor the failure to revoke or suspend such an authorization may be used to determine whether an officer is fit for duty or to establish the liability of the Department of State Police, a county, or a municipality for the actions of a duty disabled officer. Provides that neither the ability of a duty disabled officer to meet the minimum mandatory annual active duty and retired officer handgun qualification course of fire requirements nor any other demonstration of ability or fitness required under these provisions may be used to assess whether that officer is qualified for active duty. Limits the concurrent exercise of home rule powers. Defines "duty disabled Department of State Police Officer", "duty disabled sheriff", "duty disabled deputy sheriff", and "duty disable municipal peace officer". Effective immediately.

LRB097 05518 KMW 45579 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning law enforcement.

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

4 Section 5. The State Police Act is amended by adding
5 Section 35 as follows:

6 (20 ILCS 2610/35 new)

7 Sec. 35. Concealed weapons; duty disabled officers.

8 (a) A duty disabled Department of State Police officer is
9 authorized to carry a concealed weapon. However, the Director
10 of State Police may summarily revoke or suspend that
11 authorization for any one or more of the following reasons:

12 (1) The officer is duty disabled due to a mental
13 illness or impairment that renders the officer a danger to
14 himself, herself, or others.

15 (2) The officer is being treated for alcohol, drug, or
16 substance abuse or with medications that could impair his
17 or her judgment or ability to safely operate a firearm.

18 (3) The officer is subject to a disciplinary action.

19 (4) The officer does not meet the minimum mandatory
20 annual active duty and retired officer handgun
21 qualification course of fire requirements established by
22 the Illinois Law Enforcement Training Standards Board.

23 (5) The authorization otherwise threatens public

1 safety.

2 (b) Neither a revocation or suspension of authorization
3 under this Section nor the failure to revoke or suspend an
4 authorization under this Section shall be used to determine
5 whether a duty disabled Department of State Police officer is
6 qualified for active duty or to establish the liability of the
7 Department for the actions of the officer. Likewise, neither
8 the ability of a duty disabled Department of State Police
9 officer to meet the minimum mandatory annual active duty and
10 retired officer handgun qualification course of fire
11 requirements nor any other demonstration of ability or fitness
12 required under this Section may be used to assess whether the
13 officer is qualified for active duty.

14 (c) For the purposes of this Section, "duty disabled
15 Department of State Police Officer" includes, without
16 limitation, any Department of State Police Officer who is
17 placed on duty disability, occupational disability, or regular
18 disability or is receiving workers' compensation benefits.

19 Section 10. The Counties Code is amended by adding Section
20 3-6040 as follows:

21 (55 ILCS 5/3-6040 new)

22 Sec. 3-6040. Concealed weapons; duty disabled sheriffs and
23 duty disabled deputy sheriffs.

24 (a) A duty disabled sheriff or duty disabled deputy sheriff

1 is authorized to carry a concealed weapon. However, the sheriff
2 (or the chair or president of the county board, as applicable,
3 if the sheriff is duty disabled) may summarily revoke or
4 suspend that authorization for any one or more of the following
5 reasons:

6 (1) The sheriff or deputy sheriff is duty disabled due
7 to a mental illness or impairment that causes him or her to
8 be a danger to himself, herself, or others.

9 (2) The sheriff or deputy sheriff is being treated for
10 alcohol, drug, or substance abuse or with medications that
11 could impair his or her judgment or ability to safely
12 operate a firearm.

13 (3) The sheriff or deputy sheriff is subject to a
14 disciplinary action.

15 (4) The sheriff or deputy sheriff does not meet the
16 minimum mandatory annual active duty and retired officer
17 handgun qualification course of fire established by the
18 Illinois Law Enforcement Training Standards Board.

19 (5) The authorization otherwise threatens public
20 safety.

21 (b) Neither a revocation or suspension of authorization
22 under this Section nor the failure to revoke or suspend an
23 authorization under this Section shall be used to determine
24 whether a sheriff or deputy sheriff is qualified for active
25 duty or to establish the liability of the county for the
26 actions of the sheriff or deputy sheriff. Likewise, neither the

1 ability of a duty disabled sheriff or duty disabled deputy
2 sheriff to meet the minimum mandatory annual active duty and
3 retired officer handgun qualification course of fire
4 requirements nor any other demonstration of ability or fitness
5 required under this Section may be used to assess whether the
6 sheriff or deputy sheriff is qualified for active duty.

7 (c) A home rule county may not regulate the carrying of a
8 weapon by a duty disabled sheriff or duty disabled deputy
9 sheriff in a manner that is inconsistent with this Section.
10 This Section is a limitation under subsection (i) of Section 6
11 of Article VII of the Illinois Constitution on the concurrent
12 exercise by home rule counties of powers and functions
13 exercised by the State.

14 (d) For the purposes of this Section, "duty disabled
15 sheriff" includes, without limitation, any sheriff who is
16 placed on duty disability, occupational disability, regular
17 disability or is receiving workers' compensation benefits, and
18 "duty disabled deputy sheriff" includes, without limitation,
19 any deputy sheriff who is placed on duty disability,
20 occupational disability, or regular disability or is receiving
21 workers' compensation benefits.

22 Section 15. The Illinois Municipal Code is amended by
23 adding Section 11-1-12 as follows:

24 (65 ILCS 5/11-1-12 new)

1 Sec. 11-1-12. Concealed weapons; duty disabled peace
2 officers.

3 (a) A duty disabled municipal peace officer is authorized
4 to carry a concealed weapon. However, the chief of the
5 municipal police department (or the mayor of the municipality
6 if the chief of the municipal police department is duty
7 disabled) may summarily revoke or suspend that authorization
8 for any one or more of the following reasons:

9 (1) The officer is duty disabled due to a mental
10 illness or impairment that causes him or her to be a danger
11 to himself, herself, or others.

12 (2) The officer is being treated for alcohol, drug, or
13 substance abuse or with medications that could impair his
14 or her judgment or ability to safely operate a firearm.

15 (3) The officer is subject to a disciplinary action.

16 (4) The officer does not meet the minimum mandatory
17 annual active duty and retired officer handgun
18 qualification course of fire established by the Illinois
19 Law Enforcement Training Standards Board.

20 (5) The authorization otherwise threatens public
21 safety.

22 (b) Neither a revocation or suspension of authorization
23 under this Section nor the failure to revoke or suspend an
24 authorization under this Section shall be used to determine
25 whether a municipal peace officer is qualified for active duty
26 or to establish the liability of the municipality for the

1 actions of the officer. Likewise, neither the ability of a duty
2 disabled municipal peace officer to meet the minimum mandatory
3 annual active duty and retired officer handgun qualification
4 course of fire requirements nor any other demonstration of
5 ability or fitness required under this Section may be used to
6 assess whether the officer is qualified for active duty.

7 (c) A home rule municipality may not regulate the carrying
8 of a weapon by a peace officer in a manner that is inconsistent
9 with this Section. This Section is a limitation under
10 subsection (i) of Section 6 of Article VII of the Illinois
11 Constitution on the concurrent exercise by home rule
12 municipalities of powers and functions exercised by the State.

13 (d) For the purposes of this Section, "duty disabled
14 municipal peace officer" includes, without limitation, any
15 municipal peace officer who is placed on duty disability,
16 occupational disability, or regular disability or is receiving
17 workers' compensation benefits.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.