



Rep. Greg Harris

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LRB097 05518 KMW 51666 a

1 AMENDMENT TO HOUSE BILL 1188

2 AMENDMENT NO. _____. Amend House Bill 1188 on page 6,
3 immediately below line 17, by inserting the following:

4 "Section 20. The Illinois Vehicle Code is amended by
5 changing Section 2-116 as follows:

6 (625 ILCS 5/2-116) (from Ch. 95 1/2, par. 2-116)

7 Sec. 2-116. Secretary of State Department of Police.

8 (a) The Secretary of State and the officers, inspectors,
9 and investigators appointed by him shall cooperate with the
10 State Police and the sheriffs and police in enforcing the laws
11 regulating the operation of vehicles and the use of the
12 highways.

13 (b) The Secretary of State may provide training and
14 education for members of his office in traffic regulation, the
15 promotion of traffic safety and the enforcement of laws vested
16 in the Secretary of State for administration and enforcement

1 regulating the operation of vehicles and the use of the
2 highways.

3 (c) The Secretary of State may provide distinctive uniforms
4 and badges for officers, inspectors and investigators employed
5 in the administration of laws relating to the operation of
6 vehicles and the use of the highways and vesting the
7 administration and enforcement of such laws in the Secretary of
8 State.

9 (d) The Secretary of State Department of Police is
10 authorized to:

11 (1) investigate the origins, activities, persons, and
12 incidents of crime and the ways and means, if any, to
13 redress the victims of crimes, and study the impact, if
14 any, of legislation relative to the criminal laws of this
15 State related thereto and conduct any other investigations
16 as may be provided by law;

17 (2) employ skilled experts, technicians,
18 investigators, special agents, or otherwise specially
19 qualified persons to aid in preventing or detecting crime,
20 apprehending criminals, or preparing and presenting
21 evidence of violations of the criminal laws of the State;

22 (3) cooperate with the police of cities, villages, and
23 incorporated towns, and with the police officers of any
24 county, in enforcing the laws of the State and in making
25 arrests;

26 (4) provide, as may be required by law, assistance to

1 local law enforcement agencies through training,
2 management, and consultant services for local law
3 enforcement agencies, pertaining to law enforcement
4 activities;

5 (5) exercise the rights, powers, and duties which have
6 been vested in it by the Secretary of State Act and this
7 Code; and

8 (6) enforce and administer any other laws in relation
9 to law enforcement as may be vested in the Secretary of
10 State Department of Police.

11 Persons within the Secretary of State Department of Police
12 who exercise these powers are conservators of the peace and
13 have all the powers possessed by policemen in municipalities
14 and sheriffs, and may exercise these powers anywhere in the
15 State in cooperation with local law enforcement officials.
16 These persons may use false or fictitious names in the
17 performance of their duties under this Section, upon approval
18 of the Director of Police-Secretary of State, and shall not be
19 subject to prosecution under the criminal laws for that use.

20 (e) The Secretary of State Department of Police may charge,
21 collect, and receive fees or moneys equivalent to the cost of
22 providing its personnel, equipment, and services to
23 governmental agencies when explicitly requested by a
24 governmental agency and according to an intergovernmental
25 agreement or memorandums of understanding as provided by this
26 Section, including but not limited to fees or moneys equivalent

1 to the cost of providing training to other governmental
2 agencies on terms and conditions that in the judgment of the
3 Director of Police-Secretary of State are in the best interest
4 of the Secretary of State. All fees received by the Secretary
5 of State Police Department under this Act shall be deposited in
6 a special fund in the State Treasury to be known as the
7 Secretary of State Police Services Fund. The money deposited in
8 the Secretary of State Police Services Fund shall be
9 appropriated to the Secretary of State Department of Police as
10 provided for in subsection (g).

11 (f) The Secretary of State Department of Police may apply
12 for grants or contracts and receive, expend, allocate, or
13 disburse moneys made available by public or private entities,
14 including, but not limited to, contracts, bequests, grants, or
15 receiving equipment from corporations, foundations, or public
16 or private institutions of higher learning.

17 (g) The Secretary of State Police Services Fund is hereby
18 created as a special fund in the State Treasury. All moneys
19 received under this Section by the Secretary of State
20 Department of Police shall be deposited into the Secretary of
21 State Police Services Fund to be appropriated to the Secretary
22 of State Department of Police for purposes as indicated by the
23 grantor or contractor or, in the case of moneys bequeathed or
24 granted for no specific purpose, for any purpose as deemed
25 appropriate by the Director of Police-Secretary of State in
26 administering the responsibilities of the Secretary of State

1 Department of Police.

2 (h) A duty disabled Secretary of State Police officer is
3 authorized to carry a concealed weapon. However, the Director
4 of the Secretary of State Police may summarily revoke or
5 suspend that authorization for any one or more of the following
6 reasons:

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

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

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

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

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

20 Neither a revocation or suspension of authorization under
21 this Section nor the failure to revoke or suspend an
22 authorization under this Section shall be used to determine
23 whether a duty disabled Secretary of State Police officer is
24 qualified for active duty or to establish the liability of the
25 Secretary of State for the actions of the officer. Likewise,
26 neither the ability of a duty disabled Secretary of State

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

6 For the purposes of this Section, "duty disabled Secretary
7 of State Police officer" includes, without limitation, any
8 Secretary of State Police officer who is placed on duty
9 disability, occupational disability, or regular disability or
10 is receiving workers' compensation benefits.

11 (Source: P.A. 92-501, eff. 12-19-01.)".