



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2655

Introduced 1/21/2014, by Sen. Toi W. Hutchinson

SYNOPSIS AS INTRODUCED:

610 ILCS 80/2	from Ch. 114, par. 98
610 ILCS 80/3	from Ch. 114, par. 99
610 ILCS 80/4	from Ch. 114, par. 100

Amends the Railroad Police Act. Provides that members of railroad police forces may issue administrative citations under the provisions of county or municipal ordinances. Provides that the conductor of a train or captain of a boat may order passengers to be removed from the train or boat for disorderly conduct or language that annoys or vexes other passengers or employees. Provides that this removal may occur at the location of the offending conduct or a nearby public station or dock. Provides that for the purposes of removing an offending passenger, the conductor or captain may only command the assistance of passengers that are willing and able to render assistance. Provides that before removing the passenger the conductor or captain must refund the passenger's fare minus the portion attributable to the distance already travelled. Provides that the captain of any boat, not just steamboats, may arrest a passenger guilty of a crime or misdemeanor. Effective immediately.

LRB098 15234 MLW 50239 b

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 Sections 2, 3, and 4 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, including

1 the authority to issue administrative citations under the
2 provisions of county or municipal ordinances.

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

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

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

13 (A) There is reason to believe criminal misconduct
14 has occurred.

15 (B) In response to an employee accident.

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

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

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

24 (3) File copies of the policies and guidelines adopted
25 under paragraphs (1) and (2) with the Illinois Law
26 Enforcement Training Standards Board, which shall make

1 them available for public inspection. The Board shall
2 review the policies and guidelines, and approve them if
3 they comply with the Act.

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

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

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

2 (610 ILCS 80/3) (from Ch. 114, par. 99)

3 Sec. 3. When any passenger shall be guilty of disorderly
4 conduct, or use any obscene language, to the annoyance and
5 vexation of passengers or employees, or play any games of cards
6 or other games of chance for money or other valuable thing,
7 upon any railroad train or boat steamboat, the conductor of the
8 ~~such~~ train and captain or master of the such boat steamboat is
9 hereby authorized to stop the his train or boat steamboat, at
10 or near any place where the such offense has been committed or
11 at an available public station or dock and remove the eject
12 ~~such~~ passenger from the train or boat using only such force as
13 may be necessary to accomplish the such removal, and may
14 command the assistance of the employees of the railroad or boat
15 company ~~or steamboat~~, or any of the other passengers that are
16 willing and able to assist with the in such removal; but before
17 removing the passenger the conductor, captain, or master doing
18 ~~so he~~ shall tender to the such passenger ~~such proportion of the~~
19 total fare the passenger he has paid minus the portion of the
20 total fare attributable to the distance traveled by the
21 passenger prior to being removed from the train or boat. No
22 operating rule, bulletin, directive, or order shall contradict
23 or limit the authority granted in this Section. as the distance
24 ~~he then is from the place to which he has paid his fare, bears~~
25 ~~to the whole distance for which he has paid his fare.~~

1 (Source: Laws 1877, p. 166.)

2 (610 ILCS 80/4) (from Ch. 114, par. 100)

3 Sec. 4. When any passenger shall be guilty of any crime or
4 misdemeanor upon any train, or boat ~~steamboat~~, the conductor,
5 captain or master, or employees of such train, or boat, may
6 arrest such passenger and take him before any judge of the
7 circuit court, in any county through which such boat or train
8 may pass, or in which its trip may begin or terminate, and file
9 an affidavit before such judge of the circuit court, charging
10 him with such crime or misdemeanor.

11 (Source: Laws 1965, p. 3687.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.