



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3454

Introduced 2/14/2014, 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 Illinois Law Enforcement Training Standards 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.

LRB098 20240 JLK 55660 b

FISCAL NOTE ACT
MAY APPLY

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 11-1.50, 11-6, 11-9.1, 11-14, 11-17, 11-19, 12-2,
14 12-15, 16-1, 17-1, 17-2, 28-3, 29-1, 31-1, 31-6, 31-7,
15 32-4a, or 32-7 of the Criminal Code of 1961 or the Criminal
16 Code of 2012, subdivision (a)(1) or (a)(2)(C) of Section
17 11-14.3 of the Criminal Code of 1961 or the Criminal Code
18 of 2012, or subsection (a) of Section 17-32 of the Criminal
19 Code of 1961 or the Criminal Code of 2012, or Section 5 or
20 5.2 of the Cannabis Control Act, or a crime involving moral
21 turpitude under the laws of this State or any other state
22 which if committed in this State would be punishable as a
23 felony or a crime of moral turpitude. The Board may appoint
24 investigators who shall enforce the duties conferred upon
25 the Board by this Act.

26 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

1 (50 ILCS 705/6.1)

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

4 (a) The Board must review police officer conduct and
5 records to ensure that no police officer is licensed ~~certified~~
6 or provided a valid waiver if that police officer has been
7 convicted of or has pled guilty to a felony offense under the
8 laws of this State or any other state which if committed in
9 this State would be punishable as a felony. The Board must also
10 ensure that no police officer is licensed ~~certified~~ or provided
11 a valid waiver if that police officer has been convicted on or
12 after the effective date of this amendatory Act of 1999 of any
13 misdemeanor specified in this Section or if committed in any
14 other state would be an offense similar to Section 11-1.50,
15 11-6, 11-9.1, 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1,
16 17-2, 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7 of the
17 Criminal Code of 1961 or the Criminal Code of 2012, to
18 subdivision (a)(1) or (a)(2)(C) of Section 11-14.3 of the
19 Criminal Code of 1961 or the Criminal Code of 2012, or
20 subsection (a) of Section 17-32 of the Criminal Code of 1961 or
21 the Criminal Code of 2012, or to Section 5 or 5.2 of the
22 Cannabis Control Act. The Board must appoint investigators to
23 enforce the duties conferred upon the Board by this Act.

24 (b) It is the responsibility of the sheriff or the chief
25 executive officer of every local law enforcement agency or

1 department within this State to report to the Board any arrest
2 or conviction of any officer for an offense identified in this
3 Section.

4 (c) It is the duty and responsibility of every full-time
5 and part-time police officer in this State to report to the
6 Board within 30 days, and the officer's sheriff or chief
7 executive officer, of his or her arrest or conviction for an
8 offense identified in this Section. Any full-time or part-time
9 police officer who knowingly makes, submits, causes to be
10 submitted, or files a false or untruthful report to the Board
11 must have his or her license ~~certificate~~ or waiver immediately
12 ~~decertified or~~ revoked.

13 (d) Any person, or a local or State agency, or the Board is
14 immune from liability for submitting, disclosing, or releasing
15 information of arrests or convictions in this Section as long
16 as the information is submitted, disclosed, or released in good
17 faith and without malice. The Board has qualified immunity for
18 the release of the information.

19 (e) Whenever a ~~Any~~ full-time or part-time police officer
20 with a license ~~certificate~~ or waiver issued by the Board who is
21 convicted of or pleads guilty to any offense described in this
22 Section, his or her license or waiver is automatically revoked
23 by operation of law ~~immediately becomes decertified or no~~
24 ~~longer has a valid waiver. The decertification and invalidity~~
25 ~~of waivers occurs as a matter of law.~~ Failure of a convicted
26 person to report to the Board his or her conviction as

1 described in this Section or any continued law enforcement
2 practice after receiving a conviction is a Class 4 felony.

3 (f) The Board's investigators are peace officers and have
4 all the powers possessed by policemen in cities and by
5 sheriff's, provided that the investigators may exercise those
6 powers anywhere in the State, only after contact and
7 cooperation with the appropriate local law enforcement
8 authorities.

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

1 submission in conformance with the requirements of paragraph 22
2 of Section 55a of the Civil Administrative Code of Illinois.

3 (h) A police officer who has been certified, licensed, or
4 granted a valid waiver shall also be decertified, have his or
5 her license revoked, or have his or her waiver revoked upon a
6 determination by the Illinois Labor Relations Board State Panel
7 that he or she, while under oath, has knowingly and willfully
8 made false statements as to a material fact going to an element
9 of the offense of murder. If an appeal is filed, the
10 determination shall be stayed.

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

13 (A) by the defendant; or

14 (B) by a police officer with personal knowledge of
15 perjured testimony.

16 The complaint must allege that a police officer, while
17 under oath, knowingly and willfully made false statements
18 as to a material fact going to an element of the offense of
19 murder. The verified complaint must be filed with the
20 Executive Director of the Illinois Law Enforcement
21 Training Standards Board within 2 years of the judgment of
22 acquittal.

23 (2) Within 30 days, the Executive Director of the
24 Illinois Law Enforcement Training Standards Board shall
25 review the verified complaint and determine whether the
26 verified complaint is frivolous and without merit, or

1 whether further investigation is warranted. The Illinois
2 Law Enforcement Training Standards Board shall notify the
3 officer and the Executive Director of the Illinois Labor
4 Relations Board State Panel of the filing of the complaint
5 and any action taken thereon. If the Executive Director of
6 the Illinois Law Enforcement Training Standards Board
7 determines that the verified complaint is frivolous and
8 without merit, it shall be dismissed. The Executive
9 Director of the Illinois Law Enforcement Training
10 Standards Board has sole discretion to make this
11 determination and this decision is not subject to appeal.

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

1 time spent conducting investigations under this paragraph
2 shall be reimbursed by the Illinois Law Enforcement Training
3 Standards Board.

4 (j) Once the Executive Director of the Illinois Law
5 Enforcement Training Standards Board has determined that an
6 investigation is warranted, the verified complaint shall be
7 assigned to an investigator or investigators. The investigator
8 or investigators shall conduct an investigation of the verified
9 complaint and shall write a report of his or her findings. This
10 report shall be submitted to the Executive Director of the
11 Illinois Labor Relations Board State Panel.

12 Within 30 days, the Executive Director of the Illinois
13 Labor Relations Board State Panel shall review the
14 investigative report and determine whether sufficient evidence
15 exists to conduct an evidentiary hearing on the verified
16 complaint. If the Executive Director of the Illinois Labor
17 Relations Board State Panel determines upon his or her review
18 of the investigatory report that a hearing should not be
19 conducted, the complaint shall be dismissed. This decision is
20 in the Executive Director's sole discretion, and this dismissal
21 may not be appealed.

22 If the Executive Director of the Illinois Labor Relations
23 Board State Panel determines that there is sufficient evidence
24 to warrant a hearing, a hearing shall be ordered on the
25 verified complaint, to be conducted by an administrative law
26 judge employed by the Illinois Labor Relations Board State

1 Panel. The Executive Director of the Illinois Labor Relations
2 Board State Panel shall inform the Executive Director of the
3 Illinois Law Enforcement Training Standards Board and the
4 person who filed the complaint of either the dismissal of the
5 complaint or the issuance of the complaint for hearing. The
6 Executive Director shall assign the complaint to the
7 administrative law judge within 30 days of the decision
8 granting a hearing.

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

21 At the hearing, the accused officer shall be afforded the
22 opportunity to:

- 23 (1) Be represented by counsel of his or her own
24 choosing;
- 25 (2) Be heard in his or her own defense;
- 26 (3) Produce evidence in his or her defense;

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

5 Once a case has been set for hearing, the verified
6 complaint shall be referred to the Department of Professional
7 Regulation. That office shall prosecute the verified complaint
8 at the hearing before the administrative law judge. The
9 Department of Professional Regulation shall have the
10 opportunity to produce evidence to support the verified
11 complaint and to request the Illinois Labor Relations Board
12 State Panel to compel the attendance of witnesses and the
13 production of related documents, including, but not limited to,
14 court documents and records. The Illinois Labor Relations Board
15 State Panel shall have the power to issue subpoenas requiring
16 the attendance of and testimony of witnesses and the production
17 of related documents including, but not limited to, court
18 documents and records and shall have the power to administer
19 oaths.

20 The administrative law judge shall have the responsibility
21 of receiving into evidence relevant testimony and documents,
22 including court records, to support or disprove the allegations
23 made by the person filing the verified complaint and, at the
24 close of the case, hear arguments. If the administrative law
25 judge finds that there is not clear and convincing evidence to
26 support the verified complaint that the police officer has,

1 while under oath, knowingly and willfully made false statements
2 as to a material fact going to an element of the offense of
3 murder, the administrative law judge shall make a written
4 recommendation of dismissal to the Illinois Labor Relations
5 Board State Panel. If the administrative law judge finds that
6 there is clear and convincing evidence that the police officer
7 has, while under oath, knowingly and willfully made false
8 statements as to a material fact that goes to an element of the
9 offense of murder, the administrative law judge shall make a
10 written recommendation so concluding to the Illinois Labor
11 Relations Board State Panel. The hearings shall be transcribed.
12 The Executive Director of the Illinois Law Enforcement Training
13 Standards Board shall be informed of the administrative law
14 judge's recommended findings and decision and the Illinois
15 Labor Relations Board State Panel's subsequent review of the
16 recommendation.

17 (l) An officer named in any complaint filed pursuant to
18 this Act shall be indemnified for his or her reasonable
19 attorney's fees and costs by his or her employer. These fees
20 shall be paid in a regular and timely manner. The State, upon
21 application by the public employer, shall reimburse the public
22 employer for the accused officer's reasonable attorney's fees
23 and costs. At no time and under no circumstances will the
24 accused officer be required to pay his or her own reasonable
25 attorney's fees or costs.

26 (m) The accused officer shall not be placed on unpaid

1 status because of the filing or processing of the verified
2 complaint until there is a final non-appealable order
3 sustaining his or her guilt and his or her license or
4 certification is revoked. Nothing in this Act, however,
5 restricts the public employer from pursuing discipline against
6 the officer in the normal course and under procedures then in
7 place.

8 (n) The Illinois Labor Relations Board State Panel shall
9 review the administrative law judge's recommended decision and
10 order and determine by a majority vote whether or not there was
11 clear and convincing evidence that the accused officer, while
12 under oath, knowingly and willfully made false statements as to
13 a material fact going to the offense of murder. Within 30 days
14 of service of the administrative law judge's recommended
15 decision and order, the parties may file exceptions to the
16 recommended decision and order and briefs in support of their
17 exceptions with the Illinois Labor Relations Board State Panel.
18 The parties may file responses to the exceptions and briefs in
19 support of the responses no later than 15 days after the
20 service of the exceptions. If exceptions are filed by any of
21 the parties, the Illinois Labor Relations Board State Panel
22 shall review the matter and make a finding to uphold, vacate,
23 or modify the recommended decision and order. If the Illinois
24 Labor Relations Board State Panel concludes that there is clear
25 and convincing evidence that the accused officer, while under
26 oath, knowingly and willfully made false statements as to a

1 material fact going to an element of the offense murder, the
2 Illinois Labor Relations Board State Panel shall inform the
3 Illinois Law Enforcement Training Standards Board and the
4 Illinois Law Enforcement Training Standards Board shall revoke
5 the accused officer's certification, license, or waiver. If the
6 accused officer appeals that determination to the Appellate
7 Court, as provided by this Act, he or she may petition the
8 Appellate Court to stay the revocation of his or her
9 certification, license, or waiver pending the court's review of
10 the matter.

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

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

26 (q) Interested parties. Only interested parties to the

1 criminal prosecution in which the police officer allegedly,
2 while under oath, knowingly and willfully made false statements
3 as to a material fact going to an element of the offense of
4 murder may file a verified complaint pursuant to this Section.
5 For purposes of this Section, "interested parties" shall be
6 limited to the defendant and any police officer who has
7 personal knowledge that the police officer who is the subject
8 of the complaint has, while under oath, knowingly and willfully
9 made false statements as to a material fact going to an element
10 of the offense of murder.

11 (r) Semi-annual reports. The Executive Director of the
12 Illinois Labor Relations Board shall submit semi-annual
13 reports to the Governor, President, and Minority Leader of the
14 Senate, and to the Speaker and Minority Leader of the House of
15 Representatives beginning on June 30, 2004, indicating:

16 (1) the number of verified complaints received since
17 the date of the last report;

18 (2) the number of investigations initiated since the
19 date of the last report;

20 (3) the number of investigations concluded since the
21 date of the last report;

22 (4) the number of investigations pending as of the
23 reporting date;

24 (5) the number of hearings held since the date of the
25 last report; and

26 (6) the number of officers decertified or whose

1 licenses have been revoked since the date of the last
2 report.

3 (s) A police officer who has been licensed, certified, or
4 granted a valid waiver shall also be decertified or have his or
5 her license or waiver revoked upon a determination by the
6 Illinois Labor Relations Board State Panel that he or she, on
7 or after the effective date of this amendatory Act of the 98th
8 General Assembly, while serving as a police officer with a
9 department or agency, has knowingly and willfully violated a
10 rule or regulation of the department or agency that has as a
11 penalty the discharge or dismissal of the officer from the
12 department or agency.

13 In the case of an officer who resigned or retired from the
14 department or agency before a formal determination, pursuant to
15 department or agency rules and regulations, is made on the
16 alleged violation, a verified complaint may be filed with the
17 Board alleging that the officer, on or after the effective date
18 of this amendatory Act of the 98th General Assembly, knowingly
19 and willfully violated a rule or regulation of his or her
20 former department or agency that results or may result in the
21 officer's discharge or dismissal from the department or agency.

22 (1) A verified complaint may be filed under this
23 subsection (s) by the department or agency that employed
24 the officer, but only if the complaint is signed by all of
25 following:

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

- 1 (i) the chief executive of the municipality;
2 (ii) the head of the municipality's police
3 commission, if applicable;
4 (iii) the police department chief of police or
5 chief executive officer;
6 (iv) the labor representative, if applicable;
7 and
8 (v) the State's Attorney for the county in
9 which the officer was employed.

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

- 11 (i) the county board chairperson;
12 (ii) the sheriff;
13 (iii) the labor representative, if applicable;
14 and
15 (iv) the State's Attorney for the county in
16 which the officer was employed.

17 The verified complaint must be filed with the Executive
18 Director within 2 years after the officer's resignation or
19 retirement.

20 (2) Within 30 days after receiving the verified
21 complaint, the Executive Director of the Illinois Law
22 Enforcement Training Standards Board shall review the
23 verified complaint and determine whether the verified
24 complaint is frivolous and without merit, or whether
25 further investigation is warranted. The Illinois Law
26 Enforcement Training Standards Board shall notify the

1 officer and the Executive Director of the Illinois Labor
2 Relations Board State Panel of the filing of the complaint
3 and any action taken thereon. If the Executive Director of
4 the Illinois Law Enforcement Training Standards Board
5 determines that the verified complaint is frivolous and
6 without merit, then the complaint shall be dismissed. The
7 Executive Director of the Illinois Law Enforcement
8 Training Standards Board has the sole discretion to make
9 this determination. The determination is not subject to
10 appeal.

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

1 the time spent conducting investigations under this
2 paragraph shall be reimbursed by the Illinois Law
3 Enforcement Training Standards Board.

4 (4) The task force investigators shall conduct an
5 investigation of the verified complaint and shall file a
6 written report of their findings. The report shall be
7 submitted to the Executive Director of the Illinois Labor
8 Relations Board State Panel.

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

20 If the Executive Director of the Illinois Labor
21 Relations Board State Panel determines that there is
22 sufficient evidence to warrant a hearing, then a hearing
23 shall be ordered on the verified complaint, to be conducted
24 by an administrative law judge employed by the Illinois
25 Labor Relations Board State Panel. The Executive Director
26 of the Illinois Labor Relations Board State Panel shall

1 inform the Executive Director of the Illinois Law
2 Enforcement Training Standards Board and the department or
3 agency that filed the complaint of the dismissal of the
4 complaint or the issuance of the complaint for hearing. The
5 Executive Director of the Illinois Labor Relations Board
6 State Panel shall assign the complaint to the
7 administrative law judge within 30 days after the decision
8 granting a hearing.

9 (5) In the case of a formal determination by the
10 department or agency, pursuant to department or agency
11 rules and regulations, that the officer be discharged or
12 dismissed for knowingly and willfully violating a rule or
13 regulation of the department or agency on or after the
14 effective date of this amendatory Act of the 98th General
15 Assembly, the Illinois Labor Relations Board State Panel
16 shall hold a hearing to determine whether the officer shall
17 be decertified or have his or her license or waiver
18 revoked. The department or agency must file a verified
19 complaint within 2 years after the officer's discharge or
20 dismissal for the Illinois Labor Relations Board State
21 Panel to hold a hearing. The complaint shall be assigned to
22 an administrative law judge within 30 days so that a
23 hearing can be scheduled.

24 (6) Once a case has been set for hearing, the verified
25 complaint shall be referred to the Department of
26 Professional Regulation. The Department of Professional

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

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

16 (A) be represented by counsel of his or her own
17 choosing;

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

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

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

24 (7) The administrative law judge shall have the
25 responsibility of receiving into evidence relevant
26 testimony and documents, including court records, to

1 support or disprove the allegations made by the department
2 or agency filing the verified complaint and, at the close
3 of the case, hearing arguments. If the administrative law
4 judge finds that there is not clear and convincing evidence
5 to support the verified complaint that the police officer,
6 on or after the effective date of this amendatory Act of
7 the 98th General Assembly, knowingly and willfully
8 violated a rule or regulation of his or her department or
9 agency that results or may result in the discharge or
10 dismissal of the officer from the department or agency, the
11 administrative law judge shall make a written
12 recommendation of dismissal to the Illinois Labor
13 Relations Board State Panel. If the administrative law
14 judge finds that there is clear and convincing evidence
15 that the police officer, on or after the effective date of
16 this amendatory Act of the 98th General Assembly, knowingly
17 and willfully violated a rule or regulation of his or her
18 department or agency that results or may result in the
19 discharge or dismissal of the officer from the department
20 or agency, the administrative law judge shall make a
21 written recommendation so concluding to the Illinois Labor
22 Relations Board State Panel. The hearings shall be
23 transcribed. The Executive Director of the Illinois Law
24 Enforcement Training Standards Board shall be informed of
25 the administrative law judge's recommended findings and
26 decision and the Illinois Labor Relations Board State

1 Panel's subsequent review of the recommendation.

2 (8) The Illinois Labor Relations Board State Panel
3 shall review the administrative law judge's recommended
4 decision and order and determine by a majority vote whether
5 or not there was clear and convincing evidence that the
6 accused officer, on or after the effective date of this
7 amendatory Act of the 98th General Assembly, knowingly and
8 willfully violated a rule or regulation of his or her
9 department or agency that results or may result in the
10 discharge or dismissal of the officer from the department
11 or agency. Within 30 days after service of the
12 administrative law judge's recommended decision and order,
13 the parties may file exceptions to the recommended decision
14 and order and briefs in support of their exceptions with
15 the Illinois Labor Relations Board State Panel. The parties
16 may file responses to the exceptions and briefs in support
17 of the responses no later than 15 days after the service of
18 the exceptions. If exceptions are filed by any of the
19 parties, the Illinois Labor Relations Board State Panel
20 shall review the matter and make a finding to uphold,
21 vacate, or modify the recommended decision and order.

22 If the Illinois Labor Relations Board State Panel
23 concludes that there is clear and convincing evidence that
24 the accused officer, on or after the effective date of this
25 amendatory Act of the 98th General Assembly, knowingly and
26 willfully violated a rule or regulation of his or her

1 department or agency that results or may result in the
2 discharge or dismissal of the officer from the department
3 or agency, the Illinois Labor Relations Board State Panel
4 shall inform the Illinois Law Enforcement Training
5 Standards Board and the Illinois Law Enforcement Training
6 Standards Board shall revoke the accused officer's
7 certification, license, or waiver. If the accused officer
8 appeals that determination to the Appellate Court, as
9 provided by this Act, he or she may petition the Appellate
10 Court to stay the revocation of his or her certification,
11 license, or waiver pending the court's review of the
12 matter.

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

19 (10) None of the Illinois Labor Relations Board State
20 Panel's findings or determinations shall set any precedent
21 in any of its decisions decided pursuant to the Illinois
22 Public Labor Relations Act by the Illinois Labor Relations
23 Board State Panel or the courts.

24 (11) A party aggrieved by the final order of the
25 Illinois Labor Relations Board State Panel may apply for
26 and obtain judicial review of an order of the Illinois

1 Labor Relations Board State Panel, in accordance with the
2 provisions of the Administrative Review Law, except that
3 such judicial review shall be afforded directly in the
4 Appellate Court for the district in which the accused
5 officer resides. Any direct appeal to the Appellate Court
6 shall be filed within 35 days after the date that a copy of
7 the decision sought to be reviewed was served upon the
8 party affected by the decision.

9 (12) It is the duty and responsibility of the sheriff
10 or the chief executive officer of a local law enforcement
11 agency or department within this State to report to the
12 Board any discharge or dismissal of any officer for a
13 violation identified in this subsection (s). It is the duty
14 and responsibility of a full-time or part-time police
15 officer in this State to report to the Board within 30 days
16 after his or her discharge or dismissal for a violation
17 identified in this subsection (s).

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

23 (14) Any person, or a local or State agency, or the
24 Board is immune from liability for submitting, disclosing,
25 or releasing information of violations pursuant to this
26 subsection (s) as long as the information is submitted,

1 disclosed, or released in good faith and without malice.

2 The Board has qualified immunity for the release of the

3 information.

4 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

5 (50 ILCS 705/6.2 new)

6 Sec. 6.2. Conversion of certificates to licenses.

7 (a) Beginning on the effective date of this amendatory Act
8 of the 98th General Assembly, the Board's recognition of
9 persons who have successfully completed the prescribed minimum
10 standard basic training course for police officers shall be
11 known as licensure rather than certification.

12 (b) If a person has successfully completed the prescribed
13 minimum standard basic training course for police officers and
14 holds a valid certification to that effect on the effective
15 date of this amendatory Act of the 98th General Assembly, that
16 certification shall be deemed to be a license for the purposes
17 of this Act.

18 (c) If, on the effective date of this amendatory Act of the
19 98th General Assembly, a person holds a valid waiver from one
20 of the certification requirements of this Act for police
21 officers, that waiver shall be deemed a waiver from the
22 corresponding licensure requirement of this Act.

23 (d) The Board shall replace the certificates or other
24 evidences of certification or waiver for police officers in use
25 on the effective date of this amendatory Act of the 98th

1 General Assembly with new credentials reflecting the change in
2 nomenclature instituted by this amendatory Act of the 98th
3 General Assembly.

4 (50 ILCS 705/8.1) (from Ch. 85, par. 508.1)

5 Sec. 8.1. Full-time police and county corrections
6 officers.

7 (a) After January 1, 1976, no person shall receive a
8 permanent appointment as a law enforcement officer as defined
9 in this Act, nor shall any person receive, after the effective
10 date of this amendatory Act of 1984, a permanent appointment as
11 a county corrections officer, unless that person has been
12 awarded, within 6 ~~six~~ months of his or her initial full-time
13 employment, a license or certificate attesting to his or her
14 successful completion of the Minimum Standards Basic Law
15 Enforcement and County Correctional Training Course as
16 prescribed by the Board; or has been awarded a license or
17 certificate attesting to his or her satisfactory completion of
18 a training program of similar content and number of hours and
19 which course has been found acceptable by the Board under the
20 provisions of this Act; or by reason of extensive prior law
21 enforcement or county corrections experience the basic
22 training requirement is determined by the Board to be illogical
23 and unreasonable.

24 If such training is required and not completed within the
25 applicable 6 ~~six~~ months, then the officer must forfeit his or

1 her position, or the employing agency must obtain a waiver from
2 the Board extending the period for compliance. Such waiver
3 shall be issued only for good and justifiable reasons, and in
4 no case shall extend more than 90 days beyond the initial 6 ~~six~~
5 months.

6 (b) No provision of this Section shall be construed to mean
7 that a law enforcement officer employed by a local governmental
8 agency at the time of the effective date of this amendatory
9 Act, either as a probationary police officer or as a permanent
10 police officer, shall require licensure or certification under
11 the provisions of this Section.

12 No provision of this Section shall be construed to mean
13 that a county corrections officer employed by a local
14 governmental agency at the time of the effective date of this
15 amendatory Act of 1984, either as a probationary county
16 corrections or as a permanent county corrections officer, shall
17 require licensure or certification under the provisions of this
18 Section.

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

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

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

24 (50 ILCS 705/8.2)

25 Sec. 8.2. Part-time police officers.

1 (a) A person hired to serve as a part-time police officer
2 must obtain from the Board a license or certificate (i)
3 attesting to his or her successful completion of the part-time
4 police training course; (ii) attesting to his or her
5 satisfactory completion of a training program of similar
6 content and number of hours that has been found acceptable by
7 the Board under the provisions of this Act; or (iii) attesting
8 to the Board's determination that the part-time police training
9 course is unnecessary because of the person's extensive prior
10 law enforcement experience. A person hired on or after the
11 effective date of this amendatory Act of the 92nd General
12 Assembly must obtain this license or certificate within 18
13 months after the initial date of hire as a probationary
14 part-time police officer in the State of Illinois. The
15 probationary part-time police officer must be enrolled and
16 accepted into a Board-approved course within 6 months after
17 active employment by any department in the State. A person
18 hired on or after January 1, 1996 and before the effective date
19 of this amendatory Act of the 92nd General Assembly must obtain
20 this license or certificate within 18 months after the date of
21 hire. A person hired before January 1, 1996 must obtain this
22 license or certificate within 24 months after the effective
23 date of this amendatory Act of 1995.

24 The employing agency may seek a waiver from the Board
25 extending the period for compliance. A waiver shall be issued
26 only for good and justifiable reasons, and the probationary

1 part-time police officer may not practice as a part-time police
2 officer during the waiver period. If training is required and
3 not completed within the applicable time period, as extended by
4 any waiver that may be granted, then the officer must forfeit
5 his or her position.

6 (b) (Blank).

7 (c) The part-time police training course referred to in
8 this Section shall be of similar content and the same number of
9 hours as the courses for full-time officers and shall be
10 provided by Mobile Team In-Service Training Units under the
11 Intergovernmental Law Enforcement Officer's In-Service
12 Training Act or by another approved program or facility in a
13 manner prescribed by the Board.

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

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