



Rep. Jay Hoffman

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10000SB2640ham001

LRB100 18105 SLF 39779 a

1 AMENDMENT TO SENATE BILL 2640

2 AMENDMENT NO. _____. Amend Senate Bill 2640 on page 2,
3 immediately below line 11, by inserting the following:

4 "Section 13. The Peace Officer Fire Investigation Act is
5 amended by changing Section 1 as follows:

6 (20 ILCS 2910/1) (from Ch. 127 1/2, par. 501)

7 Sec. 1. Peace officer status.

8 (a) Any person who is a sworn member of any organized and
9 paid fire department of a political subdivision of this State
10 and is authorized to investigate fires or explosions for such
11 political subdivision and to determine the cause, origin and
12 circumstances of fires or explosions that are suspected to be
13 arson or arson-related crimes, may be classified as a peace
14 officer by the political subdivision or agency employing such
15 person. A person so classified shall possess the same powers of
16 arrest, search and seizure and the securing and service of

1 warrants as sheriffs of counties, and police officers within
2 the jurisdiction of their political subdivision. While in the
3 actual investigation and matters incident thereto, such person
4 may carry weapons as may be necessary, but only if that person
5 has satisfactorily completed (1) a training program offered or
6 approved by the Illinois Law Enforcement Training Standards
7 Board which substantially conforms to standards promulgated
8 pursuant to the Illinois Police Training Act and the Peace
9 Officer and Probation Officer Firearm Training Act; and (2) a
10 course in fire and arson investigation approved by the Office
11 of the State Fire Marshal pursuant to the Illinois Fire
12 Protection Training Act. Such training need not include
13 exposure to vehicle and traffic law, traffic control and
14 accident investigation, or first aid, but shall include
15 training in the law relating to the rights of persons suspected
16 of involvement in criminal activities.

17 Any person granted the powers enumerated in this subsection
18 (a) may exercise such powers only during the actual
19 investigation of the cause, origin and circumstances of such
20 fires or explosions that are suspected to be arson or
21 arson-related crimes.

22 (b) Persons employed by the Office of the State Fire
23 Marshal to conduct arson investigations shall be designated
24 State Fire Marshal Arson Investigator Special Agents and shall
25 be peace officers with all of the powers of peace officers in
26 cities and sheriffs in counties, except that they may exercise

1 those powers throughout the State. These Special Agents may
2 exercise these powers only when engaging in official duties
3 during the actual investigation of the cause, origin, and
4 circumstances of such fires or explosions that are suspected to
5 be arson or arson-related crimes and may carry weapons at all
6 times, but only if they have satisfactorily completed (1) a
7 training course approved by the Illinois Law Enforcement
8 Training Standards Board that substantially conforms to the
9 standards promulgated pursuant to the Peace Officer and
10 Probation Officer Firearm Training Act and (2) a course in fire
11 and arson investigation approved by the Office of the State
12 Fire Marshal pursuant to the Illinois Fire Protection Training
13 Act. Such training need not include exposure to vehicle and
14 traffic law, traffic control and accident investigation, or
15 first aid, but shall include training in the law relating to
16 the rights of persons suspected of involvement in criminal
17 activities.

18 For purposes of this subsection (b), a "State Fire Marshal
19 Arson Investigator Special Agent" does not include any fire
20 investigator, fireman, police officer, or other employee of the
21 federal government; any fire investigator, fireman, police
22 officer, or other employee of any unit of local government; or
23 any fire investigator, fireman, police officer, or other
24 employee of the State of Illinois other than an employee of the
25 Office of the State Fire Marshal assigned to investigate arson.

26 The State Fire Marshal must authorize to each employee of

1 the Office of the State Fire Marshal who is exercising the
2 powers of a peace officer a distinct badge that, on its face,
3 (i) clearly states that the badge is authorized by the Office
4 of the State Fire Marshal and (ii) contains a unique
5 identifying number. No other badge shall be authorized by the
6 Office of the State Fire Marshal, except that a badge,
7 different from the badge issued to peace officers, may be
8 authorized by the Office of the State Fire Marshal for the use
9 of fire prevention inspectors employed by that Office. Nothing
10 in this subsection prohibits the State Fire Marshal from
11 issuing shields or other distinctive identification to
12 employees not exercising the powers of a peace officer if the
13 State Fire Marshal determines that a shield or distinctive
14 identification is needed by the employee to carry out his or
15 her responsibilities.

16 (c) The Office of the State Fire Marshal shall establish a
17 policy to allow a State Fire Marshal Arson Investigator Special
18 Agent who is honorably retiring or separating in good standing
19 to purchase either one or both of the following: (i) any badge
20 previously issued to that State Fire Marshal Arson Investigator
21 Special Agent; or (ii) if the State Fire Marshal Arson
22 Investigator Special Agent has a currently valid Firearm
23 Owner's Identification Card, the service firearm issued or
24 previously issued to the State Fire Marshal Arson Investigator
25 Special Agent by the Office of the State Fire Marshal. The cost
26 of the firearm purchased shall be the replacement value of the

1 firearm and not the firearm's fair market value. All funds
2 received by the agency under this program shall be deposited
3 into the Fire Prevention Fund.

4 (Source: P.A. 98-725, eff. 1-1-15.)"; and

5 on page 7, line 4, after the period, by inserting "The Office
6 of the State Fire Marshal may dispose of a service firearm or
7 badge previously issued to a State Fire Marshal Arson
8 Investigator Special Agent who is honorably retiring or
9 separating in good standing as provided in subsection (c) of
10 Section 1 of the Peace Officer Fire Investigation Act.".