



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3338

by Rep. Elgie R. Sims, Jr.

SYNOPSIS AS INTRODUCED:

5 ILCS 140/7.5	
15 ILCS 15/3.1	from Ch. 127, par. 1803.1
50 ILCS 705/5	from Ch. 85, par. 505
50 ILCS 705/6	from Ch. 85, par. 506
50 ILCS 705/6.1	
50 ILCS 705/6.2	
50 ILCS 705/8	from Ch. 85, par. 508
50 ILCS 705/10.4	
50 ILCS 710/5	from Ch. 85, par. 519
430 ILCS 66/65	

Amends the Illinois Police Training Act. Provides that the Illinois Law Enforcement Training Standards Board must review the law enforcement, correctional, or court security officer's (currently, police officer) conduct and records to ensure that no officer is certified or provided a valid waiver if that officer has been convicted of a felony offense under the laws of this State or any other state which if committed in this State would be punishable as a felony. Provides that appointed investigators shall be vested with full police powers and authorized to conduct criminal background inquiries using a recognized national law enforcement database or an independent background investigation. Provides that the Board must also ensure that no officer is certified or provided a valid waiver if that officer has been convicted of aggravated battery, domestic battery, violation of an order of protection, or interfering with the reporting of domestic violence, or an offense that would be similar in any other state. Provides that the Peace Officer and Probation Officer Firearm Training Act shall not be subject to home rule preemption under Article VII of the Illinois Constitution. Amends the Firearm Concealed Carry Act. Provides that active and retired law enforcement officers authorized to carry a firearm under the laws of this State or federal law are not subject to a provision providing that the owner of private real property of any type may prohibit the carrying of concealed firearms on the property under his or her control, but that the owner must post a sign in accordance with the Act indicating that firearms are prohibited on the property, unless the property is a private residence. Makes other changes. Effective immediately.

LRB100 04251 SLF 14257 b

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory exemptions. To the extent provided for
8 by the statutes referenced below, the following shall be exempt
9 from inspection and copying:

10 (a) All information determined to be confidential
11 under Section 4002 of the Technology Advancement and
12 Development Act.

13 (b) Library circulation and order records identifying
14 library users with specific materials under the Library
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical
17 records received by the Experimental Organ Transplantation
18 Procedures Board and any and all documents or other records
19 prepared by the Experimental Organ Transplantation
20 Procedures Board or its staff relating to applications it
21 has received.

22 (d) Information and records held by the Department of
23 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmissible
2 disease or any information the disclosure of which is
3 restricted under the Illinois Sexually Transmissible
4 Disease Control Act.

5 (e) Information the disclosure of which is exempted
6 under Section 30 of the Radon Industry Licensing Act.

7 (f) Firm performance evaluations under Section 55 of
8 the Architectural, Engineering, and Land Surveying
9 Qualifications Based Selection Act.

10 (g) Information the disclosure of which is restricted
11 and exempted under Section 50 of the Illinois Prepaid
12 Tuition Act.

13 (h) Information the disclosure of which is exempted
14 under the State Officials and Employees Ethics Act, and
15 records of any lawfully created State or local inspector
16 general's office that would be exempt if created or
17 obtained by an Executive Inspector General's office under
18 that Act.

19 (i) Information contained in a local emergency energy
20 plan submitted to a municipality in accordance with a local
21 emergency energy plan ordinance that is adopted under
22 Section 11-21.5-5 of the Illinois Municipal Code.

23 (j) Information and data concerning the distribution
24 of surcharge moneys collected and remitted by wireless
25 carriers under the Wireless Emergency Telephone Safety
26 Act.

1 (k) Law enforcement officer identification information
2 or driver identification information compiled by a law
3 enforcement agency or the Department of Transportation
4 under Section 11-212 of the Illinois Vehicle Code.

5 (l) Records and information provided to a residential
6 health care facility resident sexual assault and death
7 review team or the Executive Council under the Abuse
8 Prevention Review Team Act.

9 (m) Information provided to the predatory lending
10 database created pursuant to Article 3 of the Residential
11 Real Property Disclosure Act, except to the extent
12 authorized under that Article.

13 (n) Defense budgets and petitions for certification of
14 compensation and expenses for court appointed trial
15 counsel as provided under Sections 10 and 15 of the Capital
16 Crimes Litigation Act. This subsection (n) shall apply
17 until the conclusion of the trial of the case, even if the
18 prosecution chooses not to pursue the death penalty prior
19 to trial or sentencing.

20 (o) Information that is prohibited from being
21 disclosed under Section 4 of the Illinois Health and
22 Hazardous Substances Registry Act.

23 (p) Security portions of system safety program plans,
24 investigation reports, surveys, schedules, lists, data, or
25 information compiled, collected, or prepared by or for the
26 Regional Transportation Authority under Section 2.11 of

1 the Regional Transportation Authority Act or the St. Clair
2 County Transit District under the Bi-State Transit Safety
3 Act.

4 (q) Information prohibited from being disclosed by the
5 Personnel Records Review Act.

6 (r) Information prohibited from being disclosed by the
7 Illinois School Student Records Act.

8 (s) Information the disclosure of which is restricted
9 under Section 5-108 of the Public Utilities Act.

10 (t) All identified or deidentified health information
11 in the form of health data or medical records contained in,
12 stored in, submitted to, transferred by, or released from
13 the Illinois Health Information Exchange, and identified
14 or deidentified health information in the form of health
15 data and medical records of the Illinois Health Information
16 Exchange in the possession of the Illinois Health
17 Information Exchange Authority due to its administration
18 of the Illinois Health Information Exchange. The terms
19 "identified" and "deidentified" shall be given the same
20 meaning as in the Health Insurance Portability and
21 Accountability Act of 1996, Public Law 104-191, or any
22 subsequent amendments thereto, and any regulations
23 promulgated thereunder.

24 (u) Records and information provided to an independent
25 team of experts under Brian's Law.

26 (v) Names and information of people who have applied

1 for or received Firearm Owner's Identification Cards under
2 the Firearm Owners Identification Card Act or applied for
3 or received a concealed carry license under the Firearm
4 Concealed Carry Act, unless otherwise authorized by the
5 Firearm Concealed Carry Act; and databases under the
6 Firearm Concealed Carry Act, records of the Concealed Carry
7 Licensing Review Board under the Firearm Concealed Carry
8 Act, and law enforcement agency objections under the
9 Firearm Concealed Carry Act.

10 (w) Personally identifiable information which is
11 exempted from disclosure under subsection (g) of Section
12 19.1 of the Toll Highway Act.

13 (x) Information which is exempted from disclosure
14 under Section 5-1014.3 of the Counties Code or Section
15 8-11-21 of the Illinois Municipal Code.

16 (y) Confidential information under the Adult
17 Protective Services Act and its predecessor enabling
18 statute, the Elder Abuse and Neglect Act, including
19 information about the identity and administrative finding
20 against any caregiver of a verified and substantiated
21 decision of abuse, neglect, or financial exploitation of an
22 eligible adult maintained in the Registry established
23 under Section 7.5 of the Adult Protective Services Act.

24 (z) Records and information provided to a fatality
25 review team or the Illinois Fatality Review Team Advisory
26 Council under Section 15 of the Adult Protective Services

1 Act.

2 (aa) Information which is exempted from disclosure
3 under Section 2.37 of the Wildlife Code.

4 (bb) Information which is or was prohibited from
5 disclosure by the Juvenile Court Act of 1987.

6 (cc) Recordings made under the Law Enforcement
7 Officer-Worn Body Camera Act, except to the extent
8 authorized under that Act.

9 (dd) Information that is prohibited from being
10 disclosed under Section 45 of the Condominium and Common
11 Interest Community Ombudsperson Act.

12 (ee) ~~(ed)~~ Information that is exempted from disclosure
13 under Section 30.1 of the Pharmacy Practice Act.

14 (ff) Information that is exempted from disclosure
15 under Sections 6.2 and 10.4 of the Illinois Police Training
16 Act.

17 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,
18 eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14;
19 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16;
20 99-642, eff. 7-28-16; 99-776, eff. 8-12-16; 99-863, eff.
21 8-19-16; revised 9-1-16.)

22 Section 10. The Executive Reorganization Implementation
23 Act is amended by changing Section 3.1 as follows:

24 (15 ILCS 15/3.1) (from Ch. 127, par. 1803.1)

1 Sec. 3.1. "Agency directly responsible to the Governor" or
2 "agency" means any office, officer, division, or part thereof,
3 and any other office, nonelective officer, department,
4 division, bureau, board, or commission in the executive branch
5 of State government, except that it does not apply to any
6 agency whose primary function is service to the General
7 Assembly or the Judicial Branch of State government, or to any
8 agency administered by the Attorney General, Secretary of
9 State, State Comptroller or State Treasurer. In addition the
10 term does not apply to the following agencies created by law
11 with the primary responsibility of exercising regulatory or
12 adjudicatory functions independently of the Governor:

13 (1) the State Board of Elections;

14 (2) the State Board of Education;

15 (3) the Illinois Commerce Commission;

16 (4) the Illinois Workers' Compensation Commission;

17 (5) the Civil Service Commission;

18 (6) the Fair Employment Practices Commission;

19 (7) the Pollution Control Board;

20 (8) the Department of State Police Merit Board;

21 (9) the Illinois Racing Board;

22 (10) the Illinois Power Agency; and

23 (11) the Illinois Law Enforcement Training Standards
24 Board.

25 (Source: P.A. 96-796, eff. 10-29-09; 97-618, eff. 10-26-11.)

1 Section 15. The Illinois Police Training Act is amended by
2 changing Sections 5, 6, 6.1, 6.2, 8, and 10.4 as follows:

3 (50 ILCS 705/5) (from Ch. 85, par. 505)

4 Sec. 5. The Board may accept contributions, capital grants,
5 gifts, donations, real property, services or other financial
6 assistance from any individual, association, corporation or
7 other organization, having a legitimate interest in police
8 training, and from the United States of America and any of its
9 agencies or instrumentalities, corporate or otherwise.
10 (Source: P.A. 81-1509.)

11 (50 ILCS 705/6) (from Ch. 85, par. 506)

12 Sec. 6. Powers and duties of the Board; selection and
13 certification of schools. The Board shall select and certify
14 schools within the State of Illinois for the purpose of
15 providing basic training for probationary police officers,
16 probationary county corrections officers, and court security
17 officers and of providing advanced or in-service training for
18 permanent police officers or permanent county corrections
19 officers, which schools may be either publicly or privately
20 owned and operated. In addition, the Board has the following
21 power and duties:

22 a. To require local governmental units to furnish such
23 reports and information as the Board deems necessary to
24 fully implement this Act.

1 b. To establish appropriate mandatory minimum
2 standards relating to the training of probationary local
3 law enforcement officers or probationary county
4 corrections officers, and in-service training of permanent
5 police officers.

6 c. To provide appropriate certification to those
7 probationary officers who successfully complete the
8 prescribed minimum standard basic training course.

9 d. To review and approve annual training curriculum for
10 county sheriffs.

11 e. To review and approve applicants to ensure that no
12 applicant is admitted to a certified academy unless the
13 applicant is a person of good character and has not been
14 convicted of a felony offense in this State or under the
15 laws of another state, or~~r~~ any of the misdemeanors in
16 Sections 11-1.50, 11-6, 11-9.1, 11-14, 11-17, 11-19, 12-2,
17 12-15, 16-1, 17-1, 17-2, 28-3, 29-1, 31-1, 31-6, 31-7,
18 32-4a, or 32-7 of the Criminal Code of 1961 or the Criminal
19 Code of 2012, subdivision (a)(1) or (a)(2)(C) of Section
20 11-14.3 of the Criminal Code of 1961 or the Criminal Code
21 of 2012, or subsection (a) of Section 17-32 of the Criminal
22 Code of 1961 or the Criminal Code of 2012, or Section 5 or
23 5.2 of the Cannabis Control Act, or a crime involving moral
24 turpitude under the laws of this State or any other state
25 which if committed in this State would be punishable as a
26 felony or a crime of moral turpitude. The Board may appoint

1 investigators who shall enforce the duties conferred upon
2 the Board by this Act. Appointed investigators under this
3 Section shall be vested with full police powers authorized
4 to conduct criminal background inquiries using a
5 recognized national law enforcement database or an
6 independent background investigation.

7 (Source: P.A. 99-352, eff. 1-1-16.)

8 (50 ILCS 705/6.1)

9 Sec. 6.1. Decertification of law enforcement,
10 correctional, or court security officers ~~full-time and~~
11 ~~part-time police officers.~~

12 (a) The Board must review the law enforcement,
13 correctional, or court security officer's ~~police officer~~
14 conduct and records to ensure that no ~~police~~ officer is
15 certified or provided a valid waiver if that ~~police~~ officer has
16 been convicted of a felony offense under the laws of this State
17 or any other state which if committed in this State would be
18 punishable as a felony. The Board must also ensure that no
19 ~~police~~ officer is certified or provided a valid waiver if that
20 ~~police~~ officer has been convicted on or after the effective
21 date of this amendatory Act of 1999 of any misdemeanor
22 specified in this Section or if committed in any other state
23 would be an offense similar to Section 11-1.50, 11-6, 11-9.1,
24 11-14, 11-17, 11-19, 12-2, 12-3.05, 12-3.2, 12-3.4, 12-3.5,
25 12-15, 16-1, 17-1, 17-2, 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a,

1 or 32-7 of the Criminal Code of 1961 or the Criminal Code of
2 2012, to subdivision (a) (1) or (a) (2) (C) of Section 11-14.3 of
3 the Criminal Code of 1961 or the Criminal Code of 2012, or
4 subsection (a) of Section 17-32 of the Criminal Code of 1961 or
5 the Criminal Code of 2012, or to Section 5 or 5.2 of the
6 Cannabis Control Act. The Board must appoint investigators to
7 enforce the duties conferred upon the Board by this Act and the
8 investigators shall be vested with full police powers.

9 (b) It is the responsibility of the sheriff or the chief
10 executive officer of every local law enforcement agency or
11 department within this State to report to the Board any arrest
12 or conviction of any officer for an offense identified in this
13 Section.

14 (c) It is the duty and responsibility of every certified or
15 waived ~~full-time and part-time police~~ officer in this State to
16 report to the Board within 30 days, and the officer's sheriff
17 or chief executive officer, of his or her arrest or conviction
18 for an offense identified in this Section. Any ~~full-time or~~
19 ~~part-time police~~ officer who knowingly makes, submits, causes
20 to be submitted, or files a false or untruthful report to the
21 Board must have his or her certificate or waiver immediately
22 decertified or revoked.

23 (d) Any person, or a local or State agency, or the Board is
24 immune from liability for submitting, disclosing, or releasing
25 information of arrests or convictions in this Section as long
26 as the information is submitted, disclosed, or released in good

1 faith and without malice. The Board has qualified immunity for
2 the release of the information.

3 (e) Any ~~full-time or part-time~~ police officer with a
4 certificate or waiver issued by the Board who is convicted of
5 any offense described in this Section immediately becomes
6 decertified or no longer has a valid waiver. The
7 decertification and invalidity of waivers occurs as a matter of
8 law. Failure of a convicted person to report to the Board his
9 or her conviction as described in this Section or any continued
10 law enforcement practice after receiving a conviction is a
11 Class 4 felony.

12 (f) The Board's investigators are peace officers and have
13 all the powers possessed by policemen in cities and by
14 sheriff's and, ~~provided that the investigators~~ may exercise
15 those powers anywhere in the State, ~~only after contact and~~
16 ~~cooperation with the appropriate local law enforcement~~
17 ~~authorities.~~

18 (g) The Board may ~~must~~ request and receive information and
19 assistance from any federal, state, or local governmental
20 agency as part of the authorized criminal background
21 investigation. The Department of State Police must process,
22 retain, and additionally provide and disseminate information
23 to the Board concerning criminal charges, arrests,
24 convictions, and their disposition, that have been filed
25 before, on, or after the effective date of this amendatory Act
26 of the 91st General Assembly against an ~~a~~ basic academy

1 applicant, law enforcement, correctional, or court security
2 applicant, or law enforcement, correctional or court security
3 officer whose fingerprint identification cards are on file or
4 maintained by the Department of State Police. The Federal
5 Bureau of Investigation must provide the Board any criminal
6 history record information contained in its files pertaining to
7 law enforcement, correctional or court security officers or any
8 applicant to a Board certified basic ~~law enforcement~~ academy as
9 described in this Act based on fingerprint identification. The
10 Board must make payment of fees to the Department of State
11 Police for each fingerprint card submission in conformance with
12 the requirements of paragraph 22 of Section 55a of the Civil
13 Administrative Code of Illinois.

14 (h) An ~~A police~~ officer who has been certified or granted a
15 valid waiver shall also be decertified or have his or her
16 waiver revoked upon a determination by the Illinois Labor
17 Relations Board State Panel that he or she, while under oath,
18 has knowingly and willfully made false statements as to a
19 material fact going to an element of the offense of murder. If
20 an appeal is filed, the determination shall be stayed.

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

23 (A) by the defendant; or

24 (B) by an ~~a police~~ officer with personal knowledge
25 of perjured testimony.

26 The complaint must allege that an ~~a police~~ officer,

1 while under oath, knowingly and willfully made false
2 statements as to a material fact going to an element of the
3 offense of murder. The verified complaint must be filed
4 with the Executive Director of the Illinois Law Enforcement
5 Training Standards Board within 2 years of the judgment of
6 acquittal.

7 (2) Within 30 days, the Executive Director of the
8 Illinois Law Enforcement Training Standards Board shall
9 review the verified complaint and determine whether the
10 verified complaint is frivolous and without merit, or
11 whether further investigation is warranted. The Illinois
12 Law Enforcement Training Standards Board shall notify the
13 officer and the Executive Director of the Illinois Labor
14 Relations Board State Panel of the filing of the complaint
15 and any action taken thereon. If the Executive Director of
16 the Illinois Law Enforcement Training Standards Board
17 determines that the verified complaint is frivolous and
18 without merit, it shall be dismissed. The Executive
19 Director of the Illinois Law Enforcement Training
20 Standards Board has sole discretion to make this
21 determination and this decision is not subject to appeal.

22 (i) If the Executive Director of the Illinois Law
23 Enforcement Training Standards Board determines that the
24 verified complaint warrants further investigation, he or she
25 shall refer the matter to a task force of investigators created
26 for this purpose. This task force shall consist of 8 sworn

1 police officers: 2 from the Illinois State Police, 2 from the
2 City of Chicago Police Department, 2 from county police
3 departments, and 2 from municipal police departments. These
4 investigators shall have a minimum of 5 years of experience in
5 conducting criminal investigations. The investigators shall be
6 appointed by the Executive Director of the Illinois Law
7 Enforcement Training Standards Board. Any officer or officers
8 acting in this capacity pursuant to this statutory provision
9 will have statewide police authority while acting in this
10 investigative capacity. Their salaries and expenses for the
11 time spent conducting investigations under this paragraph
12 shall be reimbursed by the Illinois Law Enforcement Training
13 Standards Board.

14 (j) Once the Executive Director of the Illinois Law
15 Enforcement Training Standards Board has determined that an
16 investigation is warranted, the verified complaint shall be
17 assigned to an investigator or investigators. The investigator
18 or investigators shall conduct an investigation of the verified
19 complaint and shall write a report of his or her findings. This
20 report shall be submitted to the Executive Director of the
21 Illinois Labor Relations Board State Panel.

22 Within 30 days, the Executive Director of the Illinois
23 Labor Relations Board State Panel shall review the
24 investigative report and determine whether sufficient evidence
25 exists to conduct an evidentiary hearing on the verified
26 complaint. If the Executive Director of the Illinois Labor

1 Relations Board State Panel determines upon his or her review
2 of the investigatory report that a hearing should not be
3 conducted, the complaint shall be dismissed. This decision is
4 in the Executive Director's sole discretion, and this dismissal
5 may not be appealed.

6 If the Executive Director of the Illinois Labor Relations
7 Board State Panel determines that there is sufficient evidence
8 to warrant a hearing, a hearing shall be ordered on the
9 verified complaint, to be conducted by an administrative law
10 judge employed by the Illinois Labor Relations Board State
11 Panel. The Executive Director of the Illinois Labor Relations
12 Board State Panel shall inform the Executive Director of the
13 Illinois Law Enforcement Training Standards Board and the
14 person who filed the complaint of either the dismissal of the
15 complaint or the issuance of the complaint for hearing. The
16 Executive Director shall assign the complaint to the
17 administrative law judge within 30 days of the decision
18 granting a hearing.

19 (k) In the case of a finding of guilt on the offense of
20 murder, if a new trial is granted on direct appeal, or a state
21 post-conviction evidentiary hearing is ordered, based on a
22 claim that an ~~a~~ police officer, under oath, knowingly and
23 willfully made false statements as to a material fact going to
24 an element of the offense of murder, the Illinois Labor
25 Relations Board State Panel shall hold a hearing to determine
26 whether the officer should be decertified if an interested

1 party requests such a hearing within 2 years of the court's
2 decision. The complaint shall be assigned to an administrative
3 law judge within 30 days so that a hearing can be scheduled.

4 At the hearing, the accused officer shall be afforded the
5 opportunity to:

6 (1) Be represented by counsel of his or her own
7 choosing;

8 (2) Be heard in his or her own defense;

9 (3) Produce evidence in his or her defense;

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

14 Once a case has been set for hearing, the verified
15 complaint shall be referred to the Department of Professional
16 Regulation. That office shall prosecute the verified complaint
17 at the hearing before the administrative law judge. The
18 Department of Professional Regulation shall have the
19 opportunity to produce evidence to support the verified
20 complaint and to request the Illinois Labor Relations Board
21 State Panel to compel the attendance of witnesses and the
22 production of related documents, including, but not limited to,
23 court documents and records. The Illinois Labor Relations Board
24 State Panel shall have the power to issue subpoenas requiring
25 the attendance of and testimony of witnesses and the production
26 of related documents including, but not limited to, court

1 documents and records and shall have the power to administer
2 oaths.

3 The administrative law judge shall have the responsibility
4 of receiving into evidence relevant testimony and documents,
5 including court records, to support or disprove the allegations
6 made by the person filing the verified complaint and, at the
7 close of the case, hear arguments. If the administrative law
8 judge finds that there is not clear and convincing evidence to
9 support the verified complaint that the ~~police~~ officer has,
10 while under oath, knowingly and willfully made false statements
11 as to a material fact going to an element of the offense of
12 murder, the administrative law judge shall make a written
13 recommendation of dismissal to the Illinois Labor Relations
14 Board State Panel. If the administrative law judge finds that
15 there is clear and convincing evidence that the ~~police~~ officer
16 has, while under oath, knowingly and willfully made false
17 statements as to a material fact that goes to an element of the
18 offense of murder, the administrative law judge shall make a
19 written recommendation so concluding to the Illinois Labor
20 Relations Board State Panel. The hearings shall be transcribed.
21 The Executive Director of the Illinois Law Enforcement Training
22 Standards Board shall be informed of the administrative law
23 judge's recommended findings and decision and the Illinois
24 Labor Relations Board State Panel's subsequent review of the
25 recommendation.

26 (1) An officer named in any complaint filed pursuant to

1 this Act shall be indemnified for his or her reasonable
2 attorney's fees and costs by his or her employer. These fees
3 shall be paid in a regular and timely manner. The State, upon
4 application by the public employer, shall reimburse the public
5 employer for the accused officer's reasonable attorney's fees
6 and costs. At no time and under no circumstances will the
7 accused officer be required to pay his or her own reasonable
8 attorney's fees or costs.

9 (m) The accused officer shall not be placed on unpaid
10 status because of the filing or processing of the verified
11 complaint until there is a final non-appealable order
12 sustaining his or her guilt and his or her certification is
13 revoked. Nothing in this Act, however, restricts the public
14 employer from pursuing discipline against the officer in the
15 normal course and under procedures then in place.

16 (n) The Illinois Labor Relations Board State Panel shall
17 review the administrative law judge's recommended decision and
18 order and determine by a majority vote whether or not there was
19 clear and convincing evidence that the accused officer, while
20 under oath, knowingly and willfully made false statements as to
21 a material fact going to the offense of murder. Within 30 days
22 of service of the administrative law judge's recommended
23 decision and order, the parties may file exceptions to the
24 recommended decision and order and briefs in support of their
25 exceptions with the Illinois Labor Relations Board State Panel.
26 The parties may file responses to the exceptions and briefs in

1 support of the responses no later than 15 days after the
2 service of the exceptions. If exceptions are filed by any of
3 the parties, the Illinois Labor Relations Board State Panel
4 shall review the matter and make a finding to uphold, vacate,
5 or modify the recommended decision and order. If the Illinois
6 Labor Relations Board State Panel concludes that there is clear
7 and convincing evidence that the accused officer, while under
8 oath, knowingly and willfully made false statements as to a
9 material fact going to an element of the offense murder, the
10 Illinois Labor Relations Board State Panel shall inform the
11 Illinois Law Enforcement Training Standards Board and the
12 Illinois Law Enforcement Training Standards Board shall revoke
13 the accused officer's certification. If the accused officer
14 appeals that determination to the Appellate Court, as provided
15 by this Act, he or she may petition the Appellate Court to stay
16 the revocation of his or her certification pending the court's
17 review of the matter.

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

23 (p) A party aggrieved by the final order of the Illinois
24 Labor Relations Board State Panel may apply for and obtain
25 judicial review of an order of the Illinois Labor Relations
26 Board State Panel, in accordance with the provisions of the

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

7 (q) Interested parties. Only interested parties to the
8 criminal prosecution in which the ~~police~~ officer allegedly,
9 while under oath, knowingly and willfully made false statements
10 as to a material fact going to an element of the offense of
11 murder may file a verified complaint pursuant to this Section.
12 For purposes of this Section, "interested parties" shall be
13 limited to the defendant and any ~~police~~ officer who has
14 personal knowledge that the ~~police~~ officer who is the subject
15 of the complaint has, while under oath, knowingly and willfully
16 made false statements as to a material fact going to an element
17 of the offense of murder.

18 (r) Semi-annual reports. The Executive Director of the
19 Illinois Labor Relations Board shall submit semi-annual
20 reports to the Governor, President, and Minority Leader of the
21 Senate, and to the Speaker and Minority Leader of the House of
22 Representatives beginning on June 30, 2004, indicating:

23 (1) the number of verified complaints received since
24 the date of the last report;

25 (2) the number of investigations initiated since the
26 date of the last report;

1 (3) the number of investigations concluded since the
2 date of the last report;

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

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

7 (6) the number of officers decertified since the date
8 of the last report.

9 (s) An officer may voluntarily surrender his or her
10 certificate at any time which shall have the effect of
11 decertification.

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

13 (50 ILCS 705/6.2)

14 Sec. 6.2. Officer professional conduct database.

15 (a) All law enforcement agencies shall notify the Board of
16 any final determination of willful violation of department or
17 agency policy, official misconduct, or violation of law when:

18 (1) the officer is discharged or dismissed as a result
19 of the violation; or

20 (2) the officer resigns during the course of an
21 investigation and after the officer has been served notice
22 that he or she is under investigation that is based on the
23 commission of a Class 2 or greater felony.

24 The agency shall report to the Board within 30 days of a
25 final decision of discharge or dismissal and final exhaustion

1 of any appeal, or resignation, and shall provide information
2 regarding the nature of the violation.

3 (b) Upon receiving notification from a law enforcement
4 agency, the Board must notify the law enforcement officer of
5 the report and his or her right to provide a statement
6 regarding the reported violation.

7 (c) The Board shall maintain a database readily available
8 to any chief administrative officer, or his or her designee, of
9 a law enforcement agency that shall show each reported
10 instance, including the name of the officer, the nature of the
11 violation, reason for the final decision of discharge or
12 dismissal, and any statement provided by the officer. Records
13 created, received, or retained under this Section are not
14 subject to disclosure under the Freedom of Information Act.

15 (d) An officer identified under the officer professional
16 conduct database shall be ineligible for a waiver of the
17 requirements as provided under this Act.

18 (Source: P.A. 99-352, eff. 1-1-16.)

19 (50 ILCS 705/8) (from Ch. 85, par. 508)

20 Sec. 8. Participation required. All home rule local
21 governmental units shall comply with Sections 8.1 and 8.2 and
22 any other mandatory provisions of this Act and any
23 corresponding administrative rule. This Act is a limitation on
24 home rule powers under subsection (i) of Section 6 of Article
25 VII of the Illinois Constitution.

1 (Source: P.A. 89-170, eff. 1-1-96.)

2 (50 ILCS 705/10.4)

3 Sec. 10.4. Weapon certification for retired law
4 enforcement officers. The Board may initiate, administer, and
5 conduct annual firearm certification courses consistent with
6 the requirements enumerated in the Peace Officer and Probation
7 Officer Firearm Training Act for retired law enforcement
8 officers qualified under federal law to carry a concealed
9 weapon. Records created, received, or retained under this
10 Section are not subject to disclosure under the Freedom of
11 Information Act.

12 (Source: P.A. 98-725, eff. 1-1-15.)

13 Section 20. The Peace Officer and Probation Officer Firearm
14 Training Act is amended by changing Section 5 as follows:

15 (50 ILCS 710/5) (from Ch. 85, par. 519)

16 Sec. 5. This Act shall not be subject to home rule
17 preemption under Section 6 of Article VII of the Illinois
18 Constitution ~~does not apply to any home rule unit.~~

19 (Source: P.A. 79-652.)

20 Section 25. The Firearm Concealed Carry Act is amended by
21 changing Section 65 as follows:

1 (430 ILCS 66/65)

2 Sec. 65. Prohibited areas.

3 (a) A licensee under this Act shall not knowingly carry a
4 firearm on or into:

5 (1) Any building, real property, and parking area under
6 the control of a public or private elementary or secondary
7 school.

8 (2) Any building, real property, and parking area under
9 the control of a pre-school or child care facility,
10 including any room or portion of a building under the
11 control of a pre-school or child care facility. Nothing in
12 this paragraph shall prevent the operator of a child care
13 facility in a family home from owning or possessing a
14 firearm in the home or license under this Act, if no child
15 under child care at the home is present in the home or the
16 firearm in the home is stored in a locked container when a
17 child under child care at the home is present in the home.

18 (3) Any building, parking area, or portion of a
19 building under the control of an officer of the executive
20 or legislative branch of government, provided that nothing
21 in this paragraph shall prohibit a licensee from carrying a
22 concealed firearm onto the real property, bikeway, or trail
23 in a park regulated by the Department of Natural Resources
24 or any other designated public hunting area or building
25 where firearm possession is permitted as established by the
26 Department of Natural Resources under Section 1.8 of the

1 Wildlife Code.

2 (4) Any building designated for matters before a
3 circuit court, appellate court, or the Supreme Court, or
4 any building or portion of a building under the control of
5 the Supreme Court.

6 (5) Any building or portion of a building under the
7 control of a unit of local government.

8 (6) Any building, real property, and parking area under
9 the control of an adult or juvenile detention or
10 correctional institution, prison, or jail.

11 (7) Any building, real property, and parking area under
12 the control of a public or private hospital or hospital
13 affiliate, mental health facility, or nursing home.

14 (8) Any bus, train, or form of transportation paid for
15 in whole or in part with public funds, and any building,
16 real property, and parking area under the control of a
17 public transportation facility paid for in whole or in part
18 with public funds.

19 (9) Any building, real property, and parking area under
20 the control of an establishment that serves alcohol on its
21 premises, if more than 50% of the establishment's gross
22 receipts within the prior 3 months is from the sale of
23 alcohol. The owner of an establishment who knowingly fails
24 to prohibit concealed firearms on its premises as provided
25 in this paragraph or who knowingly makes a false statement
26 or record to avoid the prohibition on concealed firearms

1 under this paragraph is subject to the penalty under
2 subsection (c-5) of Section 10-1 of the Liquor Control Act
3 of 1934.

4 (10) Any public gathering or special event conducted on
5 property open to the public that requires the issuance of a
6 permit from the unit of local government, provided this
7 prohibition shall not apply to a licensee who must walk
8 through a public gathering in order to access his or her
9 residence, place of business, or vehicle.

10 (11) Any building or real property that has been issued
11 a Special Event Retailer's license as defined in Section
12 1-3.17.1 of the Liquor Control Act during the time
13 designated for the sale of alcohol by the Special Event
14 Retailer's license, or a Special use permit license as
15 defined in subsection (q) of Section 5-1 of the Liquor
16 Control Act during the time designated for the sale of
17 alcohol by the Special use permit license.

18 (12) Any public playground.

19 (13) Any public park, athletic area, or athletic
20 facility under the control of a municipality or park
21 district, provided nothing in this Section shall prohibit a
22 licensee from carrying a concealed firearm while on a trail
23 or bikeway if only a portion of the trail or bikeway
24 includes a public park.

25 (14) Any real property under the control of the Cook
26 County Forest Preserve District.

1 (15) Any building, classroom, laboratory, medical
2 clinic, hospital, artistic venue, athletic venue,
3 entertainment venue, officially recognized
4 university-related organization property, whether owned or
5 leased, and any real property, including parking areas,
6 sidewalks, and common areas under the control of a public
7 or private community college, college, or university.

8 (16) Any building, real property, or parking area under
9 the control of a gaming facility licensed under the
10 Riverboat Gambling Act or the Illinois Horse Racing Act of
11 1975, including an inter-track wagering location licensee.

12 (17) Any stadium, arena, or the real property or
13 parking area under the control of a stadium, arena, or any
14 collegiate or professional sporting event.

15 (18) Any building, real property, or parking area under
16 the control of a public library.

17 (19) Any building, real property, or parking area under
18 the control of an airport.

19 (20) Any building, real property, or parking area under
20 the control of an amusement park.

21 (21) Any building, real property, or parking area under
22 the control of a zoo or museum.

23 (22) Any street, driveway, parking area, property,
24 building, or facility, owned, leased, controlled, or used
25 by a nuclear energy, storage, weapons, or development site
26 or facility regulated by the federal Nuclear Regulatory

1 Commission. The licensee shall not under any circumstance
2 store a firearm or ammunition in his or her vehicle or in a
3 compartment or container within a vehicle located anywhere
4 in or on the street, driveway, parking area, property,
5 building, or facility described in this paragraph.

6 (23) Any area where firearms are prohibited under
7 federal law.

8 (a-5) Nothing in this Act shall prohibit a public or
9 private community college, college, or university from:

10 (1) prohibiting persons from carrying a firearm within
11 a vehicle owned, leased, or controlled by the college or
12 university;

13 (2) developing resolutions, regulations, or policies
14 regarding student, employee, or visitor misconduct and
15 discipline, including suspension and expulsion;

16 (3) developing resolutions, regulations, or policies
17 regarding the storage or maintenance of firearms, which
18 must include designated areas where persons can park
19 vehicles that carry firearms; and

20 (4) permitting the carrying or use of firearms for the
21 purpose of instruction and curriculum of officially
22 recognized programs, including but not limited to military
23 science and law enforcement training programs, or in any
24 designated area used for hunting purposes or target
25 shooting.

26 (a-10) The owner of private real property of any type may

1 prohibit the carrying of concealed firearms on the property
2 under his or her control. The owner must post a sign in
3 accordance with subsection (d) of this Section indicating that
4 firearms are prohibited on the property, unless the property is
5 a private residence. Active and retired law enforcement
6 officers authorized to carry a firearm under the laws of this
7 State or federal law are not subject to the prohibitions of
8 this subsection.

9 (b) Notwithstanding subsections (a), (a-5), and (a-10) of
10 this Section except under paragraph (22) or (23) of subsection
11 (a), any licensee prohibited from carrying a concealed firearm
12 into the parking area of a prohibited location specified in
13 subsection (a), (a-5), or (a-10) of this Section shall be
14 permitted to carry a concealed firearm on or about his or her
15 person within a vehicle into the parking area and may store a
16 firearm or ammunition concealed in a case within a locked
17 vehicle or locked container out of plain view within the
18 vehicle in the parking area. A licensee may carry a concealed
19 firearm in the immediate area surrounding his or her vehicle
20 within a prohibited parking lot area only for the limited
21 purpose of storing or retrieving a firearm within the vehicle's
22 trunk. For purposes of this subsection, "case" includes a glove
23 compartment or console that completely encloses the concealed
24 firearm or ammunition, the trunk of the vehicle, or a firearm
25 carrying box, shipping box, or other container.

26 (c) A licensee shall not be in violation of this Section

1 while he or she is traveling along a public right of way that
2 touches or crosses any of the premises under subsection (a),
3 (a-5), or (a-10) of this Section if the concealed firearm is
4 carried on his or her person in accordance with the provisions
5 of this Act or is being transported in a vehicle by the
6 licensee in accordance with all other applicable provisions of
7 law.

8 (d) Signs stating that the carrying of firearms is
9 prohibited shall be clearly and conspicuously posted at the
10 entrance of a building, premises, or real property specified in
11 this Section as a prohibited area, unless the building or
12 premises is a private residence. Signs shall be of a uniform
13 design as established by the Department and shall be 4 inches
14 by 6 inches in size. The Department shall adopt rules for
15 standardized signs to be used under this subsection.

16 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15.)

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