



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB4005

Introduced 1/4/2021, by Sen. Jim Oberweis

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.

LRB101 21675 JWD 72617 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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. The Board shall select and certify
10 schools within the State of Illinois for the purpose of
11 providing basic training for probationary police officers,
12 probationary county corrections officers, and court security
13 officers and of providing advanced or in-service training for
14 permanent police officers or permanent county corrections
15 officers, which schools may be either publicly or privately
16 owned and operated. In addition, the Board has the following
17 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, and in-service training of permanent
4 police officers.

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

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

10 e. To review and approve applicants to ensure that no
11 applicant is admitted to a certified academy unless the
12 applicant is a person of good character and has not been
13 convicted of, or entered a plea of guilty to, a felony
14 offense, any of the misdemeanors in Sections 11-1.50, 11-6,
15 11-9.1, 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1, 17-2,
16 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,
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
21 1961 or the Criminal Code of 2012, or Section 5 or 5.2 of
22 the Cannabis Control Act, or a crime involving moral
23 turpitude under the laws of this State or any other state
24 which if committed in this State would be punishable as a
25 felony or a crime of moral turpitude. The Board may appoint
26 investigators who shall enforce the duties conferred upon

1 the Board by this Act.
2 (Source: P.A. 101-187, eff. 1-1-20.)

3 (50 ILCS 705/6.1)

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

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

1 enforce the duties conferred upon the Board by this Act.

2 (b) It is the responsibility of the sheriff or the chief
3 executive officer of every local law enforcement agency or
4 department within this State to report to the Board any arrest,
5 conviction, or plea of guilty of any officer for an offense
6 identified in this Section.

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

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

22 (e) Whenever a ~~Any~~ full-time or part-time police officer
23 with a license certificate or waiver issued by the Board who is
24 convicted of or pleads guilty to, or entered a plea of guilty
25 to, any offense described in this Section, his or her license
26 or waiver is automatically revoked by operation of law.

1 ~~immediately becomes decertified or no longer has a valid~~
2 ~~waiver. The decertification and invalidity of waivers occurs as~~
3 ~~a matter of law.~~ Failure of a convicted person to report to the
4 Board his or her conviction as described in this Section or any
5 continued law enforcement practice after receiving a
6 conviction is a Class 4 felony.

7 (f) The Board's investigators are peace officers and have
8 all the powers possessed by policemen in cities and by
9 sheriff's, and these investigators may exercise those powers
10 anywhere in the State. An investigator shall not have peace
11 officer status or exercise police powers unless he or she
12 successfully completes the basic police training course
13 mandated and approved by the Board or the Board waives the
14 training requirement by reason of the investigator's prior law
15 enforcement experience, training, or both. The Board shall not
16 waive the training requirement unless the investigator has had
17 a minimum of 5 years experience as a sworn officer of a local,
18 State, or federal law enforcement agency.

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

1 of the 91st General Assembly against a basic academy applicant,
2 law enforcement applicant, or law enforcement officer whose
3 fingerprint identification cards are on file or maintained by
4 the Department of State Police. The Federal Bureau of
5 Investigation must provide the Board any criminal history
6 record information contained in its files pertaining to law
7 enforcement officers or any applicant to a Board certified
8 basic law enforcement academy as described in this Act based on
9 fingerprint identification. The Board must make payment of fees
10 to the Department of State Police for each fingerprint card
11 submission in conformance with the requirements of paragraph 22
12 of Section 55a of the Civil Administrative Code of Illinois.

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

26 The complaint must allege that a police officer, while

1 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 verified complaint must be filed with the
4 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 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 or have his or her

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

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

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

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

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

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

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

1 of related documents including, but not limited to, court
2 documents and records and shall have the power to administer
3 oaths.

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

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

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

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

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

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

26 (p) A party aggrieved by the final order of the Illinois

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

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

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

26 (1) the number of verified complaints received since

1 the date of the last report;

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

4 (3) the number of investigations concluded since the
5 date of the last report;

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

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

10 (6) the number of officers decertified or whose
11 licenses have been revoked since the date of the last
12 report.

13 (s) A police officer who has been licensed, certified, or
14 granted a valid waiver shall also be decertified, or have his
15 or her license or waiver revoked, upon a determination by the
16 Illinois Labor Relations Board State Panel that he or she, on
17 or after the effective date of this amendatory Act of the 101st
18 General Assembly, while serving as a police officer with a
19 department or agency, has knowingly and willfully violated a
20 rule or regulation of the department or agency that has as a
21 penalty the discharge or dismissal of the officer from the
22 department or agency.

23 In the case of an officer who resigned or retired from the
24 department or agency before a formal determination, pursuant to
25 department or agency rules and regulations, is made on the
26 alleged violation, a verified complaint may be filed with the

1 Board alleging that the officer, on or after the effective date
2 of this amendatory Act of the 101st General Assembly, knowingly
3 and willfully violated a rule or regulation of his or her
4 former department or agency that results or may result in the
5 officer's discharge or dismissal from the department or agency.

6 (1) A verified complaint may be filed under this
7 subsection (s) by the department or agency that employed
8 the officer, but only if the complaint is signed by all of
9 following:

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

11 (i) the chief executive of the municipality;

12 (ii) the head of the municipality's police
13 commission, if applicable;

14 (iii) the police department chief of police or
15 chief executive officer;

16 (iv) the labor representative, if applicable;

17 and

18 (v) the State's Attorney for the county in
19 which the officer was employed.

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

21 (i) the county board chairperson;

22 (ii) the sheriff;

23 (iii) the labor representative, if applicable;

24 and

25 (iv) the State's Attorney for the county in
26 which the officer was employed.

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

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

21 (3) If the Executive Director of the Illinois Law
22 Enforcement Training Standards Board determines that the
23 verified complaint warrants further investigation, then he
24 or she shall refer the matter to a task force of
25 investigators created for this purpose. This task force
26 shall consist of 8 sworn police officers: 2 from the

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

14 (4) The task force investigators shall conduct an
15 investigation of the verified complaint and shall file a
16 written report of their findings. The report shall be
17 submitted to the Executive Director of the Illinois Labor
18 Relations Board State Panel.

19 Within 30 days after receiving the report, the
20 Executive Director of the Illinois Labor Relations Board
21 State Panel shall review the investigative report and
22 determine whether sufficient evidence exists to conduct an
23 evidentiary hearing on the verified complaint. If the
24 Executive Director of the Illinois Labor Relations Board
25 State Panel determines upon his or her review of the
26 investigatory report that a hearing should not be

1 conducted, the complaint shall be dismissed. This decision
2 is in the Executive Director's sole discretion, and a
3 dismissal may not be appealed.

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

19 (5) In the case of a formal determination by the
20 department or agency, pursuant to department or agency
21 rules and regulations, that the officer be discharged or
22 dismissed for knowingly and willfully violating a rule or
23 regulation of the department or agency on or after the
24 effective date of this amendatory Act of the 101st General
25 Assembly, the Illinois Labor Relations Board State Panel
26 shall hold a hearing to determine whether the officer shall

1 be decertified or have his or her license or waiver
2 revoked. The department or agency must file a verified
3 complaint within 2 years after the officer's discharge or
4 dismissal for the Illinois Labor Relations Board State
5 Panel to hold a hearing. The complaint shall be assigned to
6 an administrative law judge within 30 days so that a
7 hearing can be scheduled.

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

25 At the hearing, the accused officer shall be afforded
26 the opportunity to:

1 (A) be represented by counsel of his or her own
2 choosing;

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

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

5 (D) request that the Illinois Labor Relations
6 Board State Panel compel the attendance of witnesses
7 and production of related documents including, but not
8 limited to, court documents and records.

9 (7) The administrative law judge shall have the
10 responsibility of receiving into evidence relevant
11 testimony and documents, including court records, to
12 support or disprove the allegations made by the department
13 or agency filing the verified complaint and, at the close
14 of the case, hearing arguments. If the administrative law
15 judge finds that there is not clear and convincing evidence
16 to support the verified complaint that the police officer,
17 on or after the effective date of this amendatory Act of
18 the 101st General Assembly, knowingly and willfully
19 violated a rule or regulation of his or her department or
20 agency that results or may result in the discharge or
21 dismissal of the officer from the department or agency, the
22 administrative law judge shall make a written
23 recommendation of dismissal to the Illinois Labor
24 Relations Board State Panel. If the administrative law
25 judge finds that there is clear and convincing evidence
26 that the police officer, on or after the effective date of

1 this amendatory Act of the 101st General Assembly,
2 knowingly and willfully violated a rule or regulation of
3 his or her department or agency that results or may result
4 in the discharge or dismissal of the officer from the
5 department or agency, the administrative law judge shall
6 make a written recommendation so concluding to the Illinois
7 Labor Relations Board State Panel. The hearings shall be
8 transcribed. The Executive Director of the Illinois Law
9 Enforcement Training Standards Board shall be informed of
10 the administrative law judge's recommended findings and
11 decision and the Illinois Labor Relations Board State
12 Panel's subsequent review of the recommendation.

13 (8) The Illinois Labor Relations Board State Panel
14 shall review the administrative law judge's recommended
15 decision and order and determine by a majority vote whether
16 or not there was clear and convincing evidence that the
17 accused officer, on or after the effective date of this
18 amendatory Act of the 101st General Assembly, knowingly and
19 willfully violated a rule or regulation of his or her
20 department or agency that results or may result in the
21 discharge or dismissal of the officer from the department
22 or agency. Within 30 days after service of the
23 administrative law judge's recommended decision and order,
24 the parties may file exceptions to the recommended decision
25 and order and briefs in support of their exceptions with
26 the Illinois Labor Relations Board State Panel. The parties

1 may file responses to the exceptions and briefs in support
2 of the responses no later than 15 days after the service of
3 the exceptions. If exceptions are filed by any of the
4 parties, the Illinois Labor Relations Board State Panel
5 shall review the matter and make a finding to uphold,
6 vacate, or modify the recommended decision and order.

7 If the Illinois Labor Relations Board State Panel
8 concludes that there is clear and convincing evidence that
9 the accused officer, on or after the effective date of this
10 amendatory Act of the 101st General Assembly, knowingly and
11 willfully violated a rule or regulation of his or her
12 department or agency that results or may result in the
13 discharge or dismissal of the officer from the department
14 or agency, the Illinois Labor Relations Board State Panel
15 shall inform the Illinois Law Enforcement Training
16 Standards Board and the Illinois Law Enforcement Training
17 Standards Board shall revoke the accused officer's
18 certification, license, or waiver. If the accused officer
19 appeals that determination to the Appellate Court, as
20 provided by this Act, he or she may petition the Appellate
21 Court to stay the revocation of his or her certification,
22 license, or waiver pending the court's review of the
23 matter.

24 (9) The accused officer shall not be placed on unpaid
25 status in any currently held police officer position
26 because of the filing or processing of a verified complaint

1 until there is a final non-appealable order sustaining his
2 or her guilt and his or her license or certification is
3 revoked.

4 (10) None of the Illinois Labor Relations Board State
5 Panel's findings or determinations shall set any precedent
6 in any of its decisions decided pursuant to the Illinois
7 Public Labor Relations Act by the Illinois Labor Relations
8 Board State Panel or the courts.

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

20 (12) It is the duty and responsibility of the sheriff
21 or the chief executive officer of a local law enforcement
22 agency or department within this State to report to the
23 Board any discharge or dismissal of any officer for a
24 violation identified in this subsection (s). It is the duty
25 and responsibility of a full-time or part-time police
26 officer in this State to report to the Board within 30 days

1 after his or her discharge or dismissal for a violation
2 identified in this subsection (s).

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

8 (14) Any person, or a local or State agency, or the
9 Board is immune from liability for submitting, disclosing,
10 or releasing information of violations pursuant to this
11 subsection (s) as long as the information is submitted,
12 disclosed, or released in good faith and without malice.
13 The Board has qualified immunity for the release of the
14 information.

15 (Source: P.A. 101-187, eff. 1-1-20.)

16 (50 ILCS 705/6.2 new)

17 Sec. 6.2. Conversion of certificates to licenses.

18 (a) Beginning on the effective date of this amendatory Act
19 of the 101st General Assembly, the Board's recognition of
20 persons who have successfully completed the prescribed minimum
21 standard basic training course for police officers shall be
22 known as licensure rather than certification.

23 (b) If a person has successfully completed the prescribed
24 minimum standard basic training course for police officers and
25 holds a valid certification to that effect on the effective

1 date of this amendatory Act of the 101st General Assembly, that
2 certification shall be deemed to be a license for the purposes
3 of this Act.

4 (c) If, on the effective date of this amendatory Act of the
5 101st General Assembly, a person holds a valid waiver from one
6 of the certification requirements of this Act for police
7 officers, that waiver shall be deemed a waiver from the
8 corresponding licensure requirement of this Act.

9 (d) The Board shall replace the certificates or other
10 evidences of certification or waiver for police officers in use
11 on the effective date of this amendatory Act of the 101st
12 General Assembly with new credentials reflecting the change in
13 nomenclature instituted by this amendatory Act of the 101st
14 General Assembly.

15 (50 ILCS 705/8.1) (from Ch. 85, par. 508.1)

16 Sec. 8.1. Full-time police and county corrections
17 officers.

18 (a) After January 1, 1976, no person shall receive a
19 permanent appointment as a law enforcement officer as defined
20 in this Act, nor shall any person receive, after the effective
21 date of this amendatory Act of 1984, a permanent appointment as
22 a county corrections officer, unless that person has been
23 awarded, within 6 months of his or her initial full-time
24 employment, a license or certificate attesting to his or her
25 successful completion of the Minimum Standards Basic Law

1 Enforcement and County Correctional Training Course as
2 prescribed by the Board; or has been awarded a license or
3 certificate attesting to his or her satisfactory completion of
4 a training program of similar content and number of hours and
5 which course has been found acceptable by the Board under the
6 provisions of this Act; or by reason of extensive prior law
7 enforcement or county corrections experience the basic
8 training requirement is determined by the Board to be illogical
9 and unreasonable.

10 If such training is required and not completed within the
11 applicable 6 months, then the officer must forfeit his or her
12 position, or the employing agency must obtain a waiver from the
13 Board extending the period for compliance. Such waiver shall be
14 issued only for good and justifiable reasons, and in no case
15 shall extend more than 90 days beyond the initial 6 months. Any
16 hiring agency that fails to train a law enforcement officer
17 within this period shall be prohibited from employing this
18 individual in a law enforcement capacity for one year from the
19 date training was to be completed. If an agency again fails to
20 train the individual a second time, the agency shall be
21 permanently barred from employing this individual in a law
22 enforcement capacity.

23 (b) No provision of this Section shall be construed to mean
24 that a law enforcement officer employed by a local governmental
25 agency at the time of the effective date of this amendatory
26 Act, either as a probationary police officer or as a permanent

1 police officer, shall require certification under the
2 provisions of this Section. No provision of this Section shall
3 be construed to mean that a county corrections officer employed
4 by a local governmental agency at the time of the effective
5 date of this amendatory Act of 1984, either as a probationary
6 county corrections or as a permanent county corrections
7 officer, shall require licensure or certification under the
8 provisions of this Section. No provision of this Section shall
9 be construed to apply to licensure or certification of elected
10 county sheriffs.

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

13 (Source: P.A. 101-187, eff. 1-1-20.)

14 (50 ILCS 705/8.2)

15 Sec. 8.2. Part-time police officers.

16 (a) A person hired to serve as a part-time police officer
17 must obtain from the Board a license or certificate (i)
18 attesting to his or her successful completion of the part-time
19 police training course; (ii) attesting to his or her
20 satisfactory completion of a training program of similar
21 content and number of hours that has been found acceptable by
22 the Board under the provisions of this Act; or (iii) attesting
23 to the Board's determination that the part-time police training
24 course is unnecessary because of the person's extensive prior
25 law enforcement experience. A person hired on or after the

1 effective date of this amendatory Act of the 92nd General
2 Assembly must obtain this license or certificate within 18
3 months after the initial date of hire as a probationary
4 part-time police officer in the State of Illinois. The
5 probationary part-time police officer must be enrolled and
6 accepted into a Board-approved course within 6 months after
7 active employment by any department in the State. A person
8 hired on or after January 1, 1996 and before the effective date
9 of this amendatory Act of the 92nd General Assembly must obtain
10 this license or certificate within 18 months after the date of
11 hire. A person hired before January 1, 1996 must obtain this
12 license or certificate within 24 months after the effective
13 date of this amendatory Act of 1995.

14 The employing agency may seek a waiver from the Board
15 extending the period for compliance. A waiver shall be issued
16 only for good and justifiable reasons, and the probationary
17 part-time police officer may not practice as a part-time police
18 officer during the waiver period. If training is required and
19 not completed within the applicable time period, as extended by
20 any waiver that may be granted, then the officer must forfeit
21 his or her position.

22 (b) (Blank).

23 (c) The part-time police training course referred to in
24 this Section shall be of similar content and the same number of
25 hours as the courses for full-time officers and shall be
26 provided by Mobile Team In-Service Training Units under the

1 Intergovernmental Law Enforcement Officer's In-Service
2 Training Act or by another approved program or facility in a
3 manner prescribed by the Board.

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

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