



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5651

Introduced 2/9/2024, by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

50 ILCS 705/6.1
50 ILCS 705/9.2
50 ILCS 705/10.2

Amends the Illinois Police Training Act. Provides that the Illinois Law Enforcement Training Standards Board shall ensure that no law enforcement officer is certified or provided a valid waiver if that law enforcement officer has been convicted of, found guilty of, or entered a plea of guilty to any specified misdemeanor (or similar offense in another state) on or after the respective effective date of any amendatory changes adding the charged misdemeanor to the provisions (rather than on or after the effective date of Public Act 101-652). Provides that the information that the Illinois State Police must process, retain, and additionally provide and disseminate to the Board from the full Illinois Law Enforcement Agencies Data System (LEADS) and the National Crime Information Center (NCIC) database concerning criminal charges, arrests, convictions, and their disposition, that have been filed against a basic academy applicant, law enforcement activation applicant (rather than a law enforcement applicant), or law enforcement officer whose fingerprint identification cards are on file or maintained by the Illinois State Police. Provides that law enforcement agencies and the Illinois State Police shall notify the Board of any final determination of a willful violation of department, agency, or Illinois State Police policy, official misconduct, or violation of law within 10 days of the action when the determination leads to a suspension of at least 10 days, dismissal, discharge, or termination (rather than when the determination leads to a suspension of at least 10 days). Provides that no law enforcement agency may knowingly employ a person, or certify a retired law enforcement officer qualified under federal law to carry a concealed weapon unless the required criminal background investigation has been completed in the full Illinois Law Enforcement Agencies Data System (LEADS) and the National Crime Information Center (NCIC) database. Effective immediately.

LRB103 38556 AWJ 68692 b

1 AN ACT concerning government.

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 6.1, 9.2, and 10.2 as follows:

6 (50 ILCS 705/6.1)

7 Sec. 6.1. Automatic decertification of full-time and
8 part-time law enforcement officers.

9 (a) The Board must review law enforcement officer conduct
10 and records to ensure that no law enforcement officer is
11 certified or provided a valid waiver if that law enforcement
12 officer has been convicted of, found guilty of, entered a plea
13 of guilty to, or entered a plea of nolo contendere to, a felony
14 offense under the laws of this State or any other state which
15 if committed in this State would be punishable as a felony. The
16 Board must also ensure that no law enforcement officer is
17 certified or provided a valid waiver if that law enforcement
18 officer has been convicted of, found guilty of, or entered a
19 plea of guilty to, on or after the respective effective dates
20 of any amendatory changes adding the charged misdemeanor to
21 this subsection, January 1, 2022 (the effective date of Public
22 Act 101-652) of any misdemeanor specified in this Section or
23 if committed in any other state would be an offense similar to

1 Section 11-1.50, 11-6, 11-6.5, 11-6.6, 11-9.1, 11-9.1B, 11-14,
2 11-14.1, 11-30, 12-2, 12-3.2, 12-3.4, 12-3.5, 16-1, 17-1,
3 17-2, 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any misdemeanor in
4 violation of any Section of Part E of Title III of the Criminal
5 Code of 1961 or the Criminal Code of 2012, or subsection (a) of
6 Section 17-32 of the Criminal Code of 1961 or the Criminal Code
7 of 2012, or to Section 5 or 5.2 of the Cannabis Control Act, or
8 any felony or misdemeanor in violation of federal law or the
9 law of any state that is the equivalent of any of the offenses
10 specified therein. The Board must appoint investigators to
11 enforce the duties conferred upon the Board by this Act.

12 (a-1) For purposes of this Section, a person is "convicted
13 of, or entered a plea of guilty to, plea of nolo contendere to,
14 found guilty of" regardless of whether the adjudication of
15 guilt or sentence is withheld or not entered thereon. This
16 includes sentences of supervision, conditional discharge, or
17 first offender probation, or any similar disposition provided
18 for by law.

19 (b) It is the responsibility of the sheriff or the chief
20 executive officer of every law enforcement agency or
21 department within this State to report to the Board any
22 arrest, conviction, finding of guilt, plea of guilty, or plea
23 of nolo contendere to, of any officer for an offense
24 identified in this Section, regardless of whether the
25 adjudication of guilt or sentence is withheld or not entered
26 thereon, this includes sentences of supervision, conditional

1 discharge, or first offender probation.

2 (c) It is the duty and responsibility of every full-time
3 and part-time law enforcement officer in this State to report
4 to the Board within 14 days, and the officer's sheriff or chief
5 executive officer, of the officer's arrest, conviction, found
6 guilty of, or plea of guilty for an offense identified in this
7 Section. Any full-time or part-time law enforcement officer
8 who knowingly makes, submits, causes to be submitted, or files
9 a false or untruthful report to the Board must have the
10 officer's certificate or waiver immediately decertified or
11 revoked.

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

19 (e) Any full-time or part-time law enforcement officer
20 with a certificate or waiver issued by the Board who is
21 convicted of, found guilty of, or entered a plea of guilty to,
22 or entered a plea of nolo contendere to any offense described
23 in this Section immediately becomes decertified or no longer
24 has a valid waiver. The decertification and invalidity of
25 waivers occurs as a matter of law. Failure of a convicted
26 person to report to the Board the officer's conviction as

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

3 For purposes of this Section, a person is considered to
4 have been "convicted of, found guilty of, or entered a plea of
5 guilty to, plea of nolo contendere to" regardless of whether
6 the adjudication of guilt or sentence is withheld or not
7 entered thereon, including sentences of supervision,
8 conditional discharge, first offender probation, or any
9 similar disposition as provided for by law.

10 (f) The Board's investigators shall be law enforcement
11 officers as defined in Section 2 of this Act. The Board shall
12 not waive the training requirement unless the investigator has
13 had a minimum of 5 years experience as a sworn officer of a
14 local, State, or federal law enforcement agency. An
15 investigator shall not have been terminated for good cause,
16 decertified, had his or her law enforcement license or
17 certificate revoked in this or any other jurisdiction, or been
18 convicted of any of the conduct listed in subsection (a). Any
19 complaint filed against the Board's investigators shall be
20 investigated by the Illinois State Police.

21 (g) The Board must request and receive information and
22 assistance from any federal, state, local, or private
23 enforcement agency as part of the authorized criminal
24 background investigation. The Illinois State Police must
25 process, retain, and additionally provide and disseminate
26 information to the Board from the full Illinois Law

1 Enforcement Agencies Data System (LEADS) and the National
2 Crime Information Center (NCIC) database concerning criminal
3 charges, arrests, convictions, and their disposition, that
4 have been filed against a basic academy applicant, law
5 enforcement activation applicant, or law enforcement officer
6 whose fingerprint identification cards are on file or
7 maintained by the Illinois State Police. The Federal Bureau of
8 Investigation must provide the Board any criminal history
9 record information contained in its files pertaining to law
10 enforcement officers or any applicant to a Board certified
11 basic law enforcement academy as described in this Act based
12 on fingerprint identification. The Board must make payment of
13 fees to the Illinois State Police for each fingerprint card
14 submission in conformance with the requirements of paragraph
15 22 of Section 55a of the Civil Administrative Code of
16 Illinois.

17 (g-5) Notwithstanding any provision of law to the
18 contrary, the changes to this Section made by this amendatory
19 Act of the 102nd General Assembly and Public Act 101-652 shall
20 apply prospectively only from July 1, 2022.

21 (Source: P.A. 101-187, eff. 1-1-20; 101-652, eff. 1-1-22;
22 102-538, eff. 8-20-21; 102-694, eff. 1-7-22.)

23 (50 ILCS 705/9.2)

24 Sec. 9.2. Officer professional conduct database;
25 transparency.

1 (a) All law enforcement agencies and the Illinois State
2 Police shall notify the Board of any final determination of a
3 willful violation of department, agency, or the Illinois State
4 Police policy, official misconduct, or violation of law within
5 10 days when:

6 (1) the determination leads to a suspension of at
7 least 10 days, dismissal, discharge, or termination;

8 (2) any infraction that would trigger an official or
9 formal investigation under a law enforcement agency or the
10 Illinois State Police policy;

11 (3) there is an allegation of misconduct or regarding
12 truthfulness as to a material fact, bias, or integrity; or

13 (4) the officer resigns or retires during the course
14 of an investigation and the officer has been served notice
15 that the officer is under investigation.

16 Agencies and the Illinois State Police may report to the
17 Board any conduct they deem appropriate to disseminate to
18 another law enforcement agency regarding a law enforcement
19 officer.

20 The agency or the Illinois State Police shall report to
21 the Board within 10 days of a final determination and final
22 exhaustion of any administrative appeal, or the law
23 enforcement officer's resignation or retirement, and shall
24 provide information regarding the nature of the violation.
25 This notification shall not necessarily trigger certification
26 review.

1 A law enforcement agency and the Illinois State Police
2 shall be immune from liability for a disclosure made as
3 described in this subsection, unless the disclosure would
4 constitute intentional misrepresentation or gross negligence.

5 (b) Within 14 days after receiving notification from a law
6 enforcement agency or the Illinois State Police, the Board
7 must notify the law enforcement officer of the report and the
8 officer's right to provide a statement regarding the reported
9 violation. The law enforcement officer shall have 14 days from
10 receiving notice to provide a written objection contesting
11 information included in the agency's report. The objection
12 must be filed with the Board on a form prescribed by the Board
13 and a copy must be served on the law enforcement agency. The
14 objection shall remain in the database with the reported
15 violation.

16 (c) The Board shall maintain a database readily available
17 to any chief administrative officer, or the officer's
18 designee, of a law enforcement agency and the Illinois State
19 Police that shall show for each law enforcement officer: (i)
20 dates of certification, decertification, and inactive status;
21 (ii) each sustained instance of departmental misconduct that
22 lead to a suspension at least 10 days or any infraction that
23 would trigger an official or formal investigation under the
24 law enforcement agency policy, any allegation of misconduct
25 regarding truthfulness as to a material fact, bias, or
26 integrity, or any other reported violation, the nature of the

1 violation, the reason for the final decision of discharge or
2 dismissal, and any statement provided by the officer; (iii)
3 date of separation from employment from any local or state law
4 enforcement agency; (iv) the reason for separation from
5 employment, including, but not limited to: whether the
6 separation was based on misconduct or occurred while the law
7 enforcement agency was conducting an investigation of the
8 certified individual for a violation of an employing agency's
9 rules, policy or procedure or other misconduct or improper
10 action.

11 (1) This database shall also be accessible to the
12 State's Attorney of any county in this State and the
13 Attorney General for the purpose of complying with
14 obligations under Brady v. Maryland (373 U.S. 83) or
15 Giglio v. United States (405 U.S. 150). This database
16 shall also be accessible to the chief administrative
17 officer of any law enforcement agency for the purposes of
18 hiring law enforcement officers. This database shall not
19 be accessible to anyone not listed in this subsection.

20 (2) Before a law enforcement agency may appoint a law
21 enforcement officer or a person seeking a certification as
22 a law enforcement officer in this State, the chief
23 administrative officer or designee must check the Officer
24 Professional Conduct Database, contact each person's
25 previous law enforcement employers, and document the
26 contact. This documentation must be available for review

1 by the Board for a minimum of five years after the law
2 enforcement officer's termination, retirement,
3 resignation or separation with that agency.

4 (3) The database, documents, materials, or other
5 information in the possession or control of the Board that
6 are obtained by or disclosed to the Board under this
7 subsection shall be confidential by law and privileged,
8 shall not be subject to subpoena, and shall not be subject
9 to discovery or admissible in evidence in any private
10 civil action when sought from the Board. However, the
11 Board is authorized to use such documents, materials, or
12 other information in furtherance of any regulatory or
13 legal action brought as part of the Board's official
14 duties. The Board shall not disclose the database or make
15 such documents, materials, or other information it has
16 obtained or that has been disclosed to it to the public.
17 Neither the Board nor any person who received documents,
18 materials or other information shared under this
19 subsection shall be required to testify in any private
20 civil action concerning the database or any confidential
21 documents, materials, or information subject to this
22 subsection.

23 (d) The Board shall maintain a searchable database of law
24 enforcement officers accessible to the public that shall
25 include: (i) the law enforcement officer's employing agency;
26 (ii) the date of the officer's initial certification and the

1 officer's current certification status; and (iii) any
2 sustained complaint of misconduct that resulted in
3 decertification and the date thereof; provided, however, that
4 information shall not be included in the database that would
5 allow the public to ascertain the home address of an officer or
6 another person; provided further, that information regarding
7 an officer's or another person's family member shall not be
8 included in the database. The Board shall make the database
9 publicly available on its website.

10 (e) The Board shall maintain a searchable database of all
11 completed investigations against law enforcement officers
12 related to decertification. The database shall identify each
13 law enforcement officer by a confidential and anonymous number
14 and include: (i) the law enforcement officer's employing
15 agency; (ii) the date of the incident referenced in the
16 complaint; (iii) the location of the incident; (iv) the race
17 and ethnicity of each officer involved in the incident; (v)
18 the age, gender, race and ethnicity of each person involved in
19 the incident, if known; (vi) whether a person in the
20 complaint, including a law enforcement officer, was injured,
21 received emergency medical care, was hospitalized or died as a
22 result of the incident; (vii) the law enforcement agency or
23 other entity assigned to conduct an investigation of the
24 incident; (viii) when the investigation was completed; (ix)
25 whether the complaint was sustained; and (x) the type of
26 misconduct investigated; provided, however, that the Board

1 shall redact or withhold such information as necessary to
2 prevent the disclosure of the identity of an officer. The
3 Board shall make the database publicly available on its
4 website.

5 (e-1) An investigation is complete when the investigation
6 has either been terminated or the decertification action,
7 including the administrative review process, has been
8 completed, whichever is later.

9 (e-2) At any time, a law enforcement officer shall have
10 access to the law enforcement officer's own records on file
11 with the Board, as it pertains to the databases in this
12 Section.

13 (f) Annual report. The Board shall submit an annual report
14 to the Governor, Attorney General, President and Minority
15 Leader of the Senate, and the Speaker and Minority Leader of
16 the House of Representatives on or before March 1, 2023, and
17 every year thereafter indicating:

18 (1) the number of complaints received in the preceding
19 calendar year, including but not limited to the race,
20 gender, and type of discretionary decertification
21 complaints received;

22 (2) the number of investigations initiated in the
23 preceding calendar year since the date of the last report;

24 (3) the number of investigations concluded in the
25 preceding calendar year;

26 (4) the number of investigations pending as of the

1 last date of the preceding calendar year;

2 (5) the number of hearings held in the preceding
3 calendar year; and

4 (6) the number of officers decertified in the
5 preceding calendar year.

6 The annual report shall be publicly available on the
7 website of the Board.

8 (g) Nothing in this Section shall exempt a law enforcement
9 agency from which the Board has obtained data, documents,
10 materials, or other information or that has disclosed data,
11 documents, materials, or other information to the Board from
12 disclosing public records in accordance with the Freedom of
13 Information Act.

14 (h) Notwithstanding any provision of law to the contrary,
15 the changes made to this Section by this amendatory Act of the
16 102nd General Assembly and Public Act 101-652 take effect July
17 1, 2022.

18 (Source: P.A. 101-652, eff. 1-1-22; 102-694, eff. 1-7-22.)

19 (50 ILCS 705/10.2)

20 Sec. 10.2. Criminal background investigations.

21 (a) On and after March 14, 2002 (the effective date of
22 Public Act 92-533), an applicant for employment as a peace
23 officer, or for annual certification as a retired law
24 enforcement officer qualified under federal law to carry a
25 concealed weapon, shall authorize an investigation to

1 determine if the applicant has been convicted of any criminal
2 offense that disqualifies the person as a peace officer.

3 (b) No law enforcement agency may knowingly employ a
4 person, or certify a retired law enforcement officer qualified
5 under federal law to carry a concealed weapon, unless (i) a
6 criminal background investigation of that person has been
7 completed in the full Illinois Law Enforcement Agencies Data
8 System (LEADS) and the National Crime Information Center
9 (NCIC) database and (ii) that investigation reveals no
10 convictions of or pleas of guilty to offenses specified in
11 subsection (a) of Section 6.1 of this Act.

12 (Source: P.A. 101-187, eff. 1-1-20; 101-652, eff. 1-1-22;
13 102-558, eff. 8-20-21; 102-694, eff. 1-7-22.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.