

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 Illinois Administrative Procedure Act is
5 amended by adding Section 5-45.35 as follows:

6 (5 ILCS 100/5-45.35 new)

7 Sec. 5-45.35. Emergency rulemaking; Illinois Law
8 Enforcement Training Standards Board. To provide for the
9 expeditious and timely implementation of the changes made in
10 Sections 8.1 and 8.2 of the Illinois Police Training Act,
11 emergency rules implementing the waiver process under Sections
12 8.1 and 8.2 of the Illinois Police Training Act may be adopted
13 in accordance with Section 5-45 by the Illinois Law
14 Enforcement Training Standards Board. The adoption of
15 emergency rules authorized by Section 5-45 and this Section is
16 deemed to be necessary for the public interest, safety, and
17 welfare.

18 This Section is repealed one year after the effective date
19 of this amendatory Act of the 103rd General Assembly.

20 Section 10. The Illinois Police Training Act is amended by
21 changing Sections 8.1 and 8.2 as follows:

1 (50 ILCS 705/8.1) (from Ch. 85, par. 508.1)

2 Sec. 8.1. Full-time law enforcement and county corrections
3 officers.

4 (a) No person shall receive a permanent appointment as a
5 law enforcement officer or a permanent appointment as a county
6 corrections officer unless that person has been awarded,
7 within 6 months of the officer's initial full-time employment,
8 a certificate attesting to the officer's successful completion
9 of the Minimum Standards Basic Law Enforcement or County
10 Correctional Training Course as prescribed by the Board; or
11 has been awarded a certificate attesting to the officer's
12 satisfactory completion of a training program of similar
13 content and number of hours and which course has been found
14 acceptable by the Board under the provisions of this Act; or a
15 training waiver by reason of ~~extensive~~ prior law enforcement
16 or county corrections experience, obtained in Illinois, in any
17 other state, or with an agency of the federal government, the
18 basic training requirement is determined by the Board to be
19 illogical and unreasonable. Agencies seeking a reciprocity
20 waiver for training completed outside of Illinois must conduct
21 a thorough background check and provide verification of the
22 officer's prior training. After review and satisfaction of all
23 requested conditions, the officer shall be awarded an
24 equivalency certificate satisfying the requirements of this
25 Section. Within 60 days after the effective date of this
26 amendatory Act of the 103rd General Assembly, the Board shall

1 adopt uniform rules providing for a waiver process for a
2 person previously employed and qualified as a law enforcement
3 or county corrections officer under federal law or the laws of
4 any other state, or who has completed a basic law enforcement
5 officer or correctional officer academy who would be qualified
6 to be employed as a law enforcement officer or correctional
7 officer by the federal government or any other state. These
8 rules shall address the process for evaluating prior training
9 credit, a description and list of the courses typically
10 required for reciprocity candidates to complete prior to
11 taking the exam, and a procedure for employers seeking a
12 pre-activation determination for a reciprocity training
13 waiver. The rules shall provide that any eligible person
14 previously trained as a law enforcement or county corrections
15 officer under federal law or the laws of any other state shall
16 successfully complete the following prior to the approval of a
17 waiver:

18 (1) a training program or set of coursework approved
19 by the Board on the laws of this State relevant to the
20 duties and training requirements of law enforcement and
21 county correctional officers;

22 (2) firearms training; and

23 (3) successful passage of the equivalency
24 certification examination.

25 If such training is required and not completed within the
26 applicable 6 months, then the officer must forfeit the

1 officer's position, or the employing agency must obtain a
2 waiver from the Board extending the period for compliance.
3 Such waiver shall be issued only for good and justifiable
4 reasons, and in no case shall extend more than 90 days beyond
5 the initial 6 months. Any hiring agency that fails to train a
6 law enforcement officer within this period shall be prohibited
7 from employing this individual in a law enforcement capacity
8 for one year from the date training was to be completed. If an
9 agency again fails to train the individual a second time, the
10 agency shall be permanently barred from employing this
11 individual in a law enforcement capacity.

12 An individual who is not certified by the Board or whose
13 certified status is inactive shall not function as a law
14 enforcement officer, be assigned the duties of a law
15 enforcement officer by an employing agency, or be authorized
16 to carry firearms under the authority of the employer, except
17 as otherwise authorized to carry a firearm under State or
18 federal law. Sheriffs who are elected as of January 1, 2022
19 (the effective date of Public Act 101-652) ~~this amendatory Act~~
20 ~~of the 101st General Assembly,~~ are exempt from the requirement
21 of certified status. Failure to be certified in accordance
22 with this Act shall cause the officer to forfeit the officer's
23 position.

24 An employing agency may not grant a person status as a law
25 enforcement officer unless the person has been granted an
26 active law enforcement officer certification by the Board.

1 (b) Inactive status. A person who has an inactive law
2 enforcement officer certification has no law enforcement
3 authority.

4 (1) A law enforcement officer's certification becomes
5 inactive upon termination, resignation, retirement, or
6 separation from the officer's employing law enforcement
7 agency for any reason. The Board shall re-activate a
8 certification upon written application from the law
9 enforcement officer's law enforcement agency that shows
10 the law enforcement officer: (i) has accepted a full-time
11 law enforcement position with that law enforcement agency,
12 (ii) is not the subject of a decertification proceeding,
13 and (iii) meets all other criteria for re-activation
14 required by the Board. The Board may also establish
15 special training requirements to be completed as a
16 condition for re-activation.

17 The Board shall review a notice for reactivation from
18 a law enforcement agency and provide a response within 30
19 days. The Board may extend this review. A law enforcement
20 officer shall be allowed to be employed as a full-time law
21 enforcement officer while the law enforcement officer
22 reactivation waiver is under review.

23 A law enforcement officer who is refused reactivation
24 or an employing agency of a law enforcement officer who is
25 refused reactivation under this Section may request a
26 hearing in accordance with the hearing procedures as

1 outlined in subsection (h) of Section 6.3 of this Act.

2 The Board may refuse to re-activate the certification
3 of a law enforcement officer who was involuntarily
4 terminated for good cause by an employing agency for
5 conduct subject to decertification under this Act or
6 resigned or retired after receiving notice of a law
7 enforcement agency's investigation.

8 (2) A law enforcement agency may place an officer who
9 is currently certified on inactive status by sending a
10 written request to the Board. A law enforcement officer
11 whose certificate has been placed on inactive status shall
12 not function as a law enforcement officer until the
13 officer has completed any requirements for reactivating
14 the certificate as required by the Board. A request for
15 inactive status in this subsection shall be in writing,
16 accompanied by verifying documentation, and shall be
17 submitted to the Board with a copy to the chief
18 administrator of the law enforcement officer's current or
19 new employing agency.

20 (3) Certification that has become inactive under
21 paragraph (2) of this subsection (b) shall be reactivated
22 by written notice from the law enforcement officer's
23 agency upon a showing that the law enforcement officer ~~is~~:
24 (i) is employed in a full-time law enforcement position
25 with the same law enforcement agency, (ii) is not the
26 subject of a decertification proceeding, and (iii) meets

1 all other criteria for re-activation required by the
2 Board.

3 (4) Notwithstanding paragraph (3) of this subsection
4 (b), a law enforcement officer whose certification has
5 become inactive under paragraph (2) may have the officer's
6 employing agency submit a request for a waiver of training
7 requirements to the Board in writing and accompanied by
8 any verifying documentation~~7~~. A grant of a waiver is
9 within the discretion of the Board. Within 7 days of
10 receiving a request for a waiver under this Section
11 ~~section~~, the Board shall notify the law enforcement
12 officer and the chief administrator of the law enforcement
13 officer's employing agency, whether the request has been
14 granted, denied, or if the Board will take additional time
15 for information. A law enforcement agency~~7~~ whose request
16 for a waiver under this subsection is denied~~7~~ is entitled
17 to request a review of the denial by the Board. The law
18 enforcement agency must request a review within 20 days of
19 the waiver being denied. The burden of proof shall be on
20 the law enforcement agency to show why the law enforcement
21 officer is entitled to a waiver of the legislatively
22 required training and eligibility requirements.

23 (c) No provision of this Section shall be construed to
24 mean that a county corrections officer employed by a
25 governmental agency at the time of the effective date of this
26 amendatory Act, either as a probationary county corrections

1 officer or as a permanent county corrections officer, shall
2 require certification under the provisions of this Section. No
3 provision of this Section shall be construed to apply to
4 certification of elected county sheriffs.

5 (d) Within 14 days, a law enforcement officer shall report
6 to the Board: (1) any name change; (2) any change in
7 employment; or (3) the filing of any criminal indictment or
8 charges against the officer alleging that the officer
9 committed any offense as enumerated in Section 6.1 of this
10 Act.

11 (e) All law enforcement officers must report the
12 completion of the training requirements required in this Act
13 in compliance with Section 8.4 of this Act.

14 (e-1) Each employing law enforcement agency shall allow
15 and provide an opportunity for a law enforcement officer to
16 complete the mandated requirements in this Act. All mandated
17 training shall ~~will~~ be provided ~~for~~ at no cost to the
18 employees. Employees shall be paid for all time spent
19 attending mandated training.

20 (e-2) Each agency, academy, or training provider shall
21 maintain proof of a law enforcement officer's completion of
22 legislatively required training in a format designated by the
23 Board. The report of training shall be submitted to the Board
24 within 30 days following completion of the training. A copy of
25 the report shall be submitted to the law enforcement officer.
26 Upon receipt of a properly completed report of training, the

1 Board will make the appropriate entry into the training
2 records of the law enforcement officer.

3 (f) This Section does not apply to part-time law
4 enforcement officers or probationary part-time law enforcement
5 officers.

6 (g) Notwithstanding any provision of law to the contrary,
7 the changes made to this Section by ~~this amendatory Act of the~~
8 ~~102nd General Assembly,~~ Public Act 101-652, ~~and~~ Public Act
9 102-28, and Public Act 102-694 take effect July 1, 2022.

10 (Source: P.A. 101-187, eff. 1-1-20; 101-652, eff. 1-1-22;
11 102-28, eff. 6-25-21; 102-694, eff. 1-7-22; revised 2-3-22.)

12 (50 ILCS 705/8.2)

13 Sec. 8.2. Part-time law enforcement officers.

14 (a) A person hired to serve as a part-time law enforcement
15 officer must obtain from the Board a certificate (i) attesting
16 to the officer's successful completion of the part-time police
17 training course; (ii) attesting to the officer's satisfactory
18 completion of a training program of similar content and number
19 of hours that has been found acceptable by the Board under the
20 provisions of this Act; or (iii) a training waiver attesting
21 to the Board's determination that the part-time police
22 training course is unnecessary because of the person's
23 ~~extensive~~ prior law enforcement experience obtained in
24 Illinois, in any other state, or with an agency of the federal
25 government. A person hired on or after the effective date of

1 this amendatory Act of the 92nd General Assembly must obtain
2 this certificate within 18 months after the initial date of
3 hire as a probationary part-time law enforcement officer in
4 the State of Illinois. The probationary part-time law
5 enforcement officer must be enrolled and accepted into a
6 Board-approved course within 6 months after active employment
7 by any department in the State. A person hired on or after
8 January 1, 1996 and before the effective date of this
9 amendatory Act of the 92nd General Assembly must obtain this
10 certificate within 18 months after the date of hire. A person
11 hired before January 1, 1996 must obtain this certificate
12 within 24 months after the effective date of this amendatory
13 Act of 1995. Agencies seeking a reciprocity waiver for
14 training completed outside of Illinois must conduct a thorough
15 background check and provide verification of the officer's
16 prior training. After review and satisfaction of all requested
17 conditions, the officer shall be awarded an equivalency
18 certificate satisfying the requirements of this Section.
19 Within 60 days after the effective date of this amendatory Act
20 of the 103rd General Assembly, the Board shall adopt uniform
21 rules providing for a waiver process for a person previously
22 employed and qualified as a law enforcement or county
23 corrections officer under federal law or the laws of any other
24 state, or who has completed a basic law enforcement officer or
25 correctional officer academy who would be qualified to be
26 employed as a law enforcement officer or correctional officer

1 by the federal government or any other state. These rules
2 shall address the process for evaluating prior training
3 credit, a description and list of the courses typically
4 required for reciprocity candidates to complete prior to
5 taking the exam, and a procedure for employers seeking a
6 pre-activation determination for a reciprocity training
7 waiver. The rules shall provide that any eligible person
8 previously trained as a law enforcement or county corrections
9 officer under federal law or the laws of any other state shall
10 successfully complete the following prior to the approval of a
11 waiver:

12 (1) a training program or set of coursework approved
13 by the Board on the laws of this State relevant to the
14 duties and training requirements of law enforcement and
15 county correctional officers;

16 (2) firearms training; and

17 (3) successful passage of the equivalency
18 certification examination.

19 The employing agency may seek an extension waiver from the
20 Board extending the period for compliance. An extension waiver
21 shall be issued only for good and justifiable reasons, and the
22 probationary part-time law enforcement officer may not
23 practice as a part-time law enforcement officer during the
24 extension waiver period. If training is required and not
25 completed within the applicable time period, as extended by
26 any waiver that may be granted, then the officer must forfeit

1 the officer's position.

2 An individual who is not certified by the Board or whose
3 certified status is inactive shall not function as a law
4 enforcement officer, be assigned the duties of a law
5 enforcement officer by an agency, or be authorized to carry
6 firearms under the authority of the employer, except that
7 sheriffs who are elected are exempt from the requirement of
8 certified status. Failure to be in accordance with this Act
9 shall cause the officer to forfeit the officer's position.

10 (a-5) A part-time probationary law enforcement officer
11 shall be allowed to complete six months of a part-time police
12 training course and function as a law enforcement officer as
13 permitted by this subsection with a waiver from the Board,
14 provided the part-time law enforcement officer is still
15 enrolled in the training course. If the part-time probationary
16 law enforcement officer withdraws from the course for any
17 reason or does not complete the course within the applicable
18 time period, as extended by any waiver that may be granted,
19 then the officer must forfeit the officer's position. A
20 probationary law enforcement officer must function under the
21 following rules:

22 (1) A law enforcement agency may not grant a person
23 status as a law enforcement officer unless the person has
24 been granted an active law enforcement officer
25 certification by the Board.

26 (2) A part-time probationary law enforcement officer

1 shall not be used as a permanent replacement for a
2 full-time law enforcement.

3 (3) A part-time probationary law enforcement officer
4 shall be directly supervised at all times by a Board
5 certified law enforcement officer. Direct supervision
6 requires oversight and control with the supervisor having
7 final decision-making authority as to the actions of the
8 recruit during duty hours.

9 (b) Inactive status. A person who has an inactive law
10 enforcement officer certification has no law enforcement
11 authority.

12 (1) A law enforcement officer's certification becomes
13 inactive upon termination, resignation, retirement, or
14 separation from the employing agency for any reason. The
15 Board shall re-activate a certification upon written
16 application from the law enforcement officer's employing
17 agency that shows the law enforcement officer: (i) has
18 accepted a part-time law enforcement position with that a
19 law enforcement agency, (ii) is not the subject of a
20 decertification proceeding, and (iii) meets all other
21 criteria for re-activation required by the Board.

22 The Board may refuse to re-activate the certification
23 of a law enforcement officer who was involuntarily
24 terminated for good cause by the officer's employing
25 agency for conduct subject to decertification under this
26 Act or resigned or retired after receiving notice of a law

1 enforcement agency's investigation.

2 (2) A law enforcement agency may place an officer who
3 is currently certified on inactive status by sending a
4 written request to the Board. A law enforcement officer
5 whose certificate has been placed on inactive status shall
6 not function as a law enforcement officer until the
7 officer has completed any requirements for reactivating
8 the certificate as required by the Board. A request for
9 inactive status in this subsection shall be in writing,
10 accompanied by verifying documentation, and shall be
11 submitted to the Board by the law enforcement officer's
12 employing agency.

13 (3) Certification that has become inactive under
14 paragraph (2) of this subsection (b), shall be reactivated
15 by written notice from the law enforcement officer's law
16 enforcement agency upon a showing that the law enforcement
17 officer is: (i) employed in a part-time law enforcement
18 position with the same law enforcement agency, (ii) not
19 the subject of a decertification proceeding, and (iii)
20 meets all other criteria for re-activation required by the
21 Board. The Board may also establish special training
22 requirements to be completed as a condition for
23 re-activation.

24 The Board shall review a notice for reactivation from
25 a law enforcement agency and provide a response within 30
26 days. The Board may extend this review. A law enforcement

1 officer shall be allowed to be employed as a part-time law
2 enforcement officer while the law enforcement officer
3 reactivation waiver is under review.

4 A law enforcement officer who is refused reactivation
5 or an employing agency of a law enforcement officer who is
6 refused reactivation under this Section may request a
7 hearing in accordance with the hearing procedures as
8 outlined in subsection (h) of Section 6.3 of this Act.

9 (4) Notwithstanding paragraph (3) of this Section, a
10 law enforcement officer whose certification has become
11 inactive under paragraph (2) may have the officer's
12 employing agency submit a request for a waiver of training
13 requirements to the Board in writing and accompanied by
14 any verifying documentation. A grant of a waiver is within
15 the discretion of the Board. Within 7 days of receiving a
16 request for a waiver under this section, the Board shall
17 notify the law enforcement officer and the chief
18 administrator of the law enforcement officer's employing
19 agency, whether the request has been granted, denied, or
20 if the Board will take additional time for information. A
21 law enforcement agency or law enforcement officer, whose
22 request for a waiver under this subsection is denied, is
23 entitled to request a review of the denial by the Board.
24 The law enforcement agency must request a review within 20
25 days after the waiver being denied. The burden of proof
26 shall be on the law enforcement agency to show why the law

1 enforcement officer is entitled to a waiver of the
2 legislatively required training and eligibility
3 requirements.

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

11 (d) Within 14 days, a law enforcement officer shall report
12 to the Board: (1) any name change; (2) any change in
13 employment; or (3) the filing of any criminal indictment or
14 charges against the officer alleging that the officer
15 committed any offense as enumerated in Section 6.1 of this
16 Act.

17 (e) All law enforcement officers must report the
18 completion of the training requirements required in this Act
19 in compliance with Section 8.4 of this Act.

20 (e-1) Each employing agency shall allow and provide an
21 opportunity for a law enforcement officer to complete the
22 requirements in this Act. All mandated training shall be
23 provided for at no cost to the employees. Employees shall be
24 paid for all time spent attending mandated training.

25 (e-2) Each agency, academy, or training provider shall
26 maintain proof of a law enforcement officer's completion of

1 legislatively required training in a format designated by the
2 Board. The report of training shall be submitted to the Board
3 within 30 days following completion of the training. A copy of
4 the report shall be submitted to the law enforcement officer.
5 Upon receipt of a properly completed report of training, the
6 Board will make the appropriate entry into the training
7 records of the law enforcement officer.

8 (f) For the purposes of this Section, the Board shall
9 adopt rules defining what constitutes employment on a
10 part-time basis.

11 (g) Notwithstanding any provision of law to the contrary,
12 the changes made to this Section by this amendatory Act of the
13 102nd General Assembly and Public Act 101-652 take effect July
14 1, 2022.

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