



Rep. Justin Slaughter

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10300SB1754ham001

LRB103 25495 AWJ 60509 a

1 AMENDMENT TO SENATE BILL 1754

2 AMENDMENT NO. _____. Amend Senate Bill 1754 by replacing
3 everything after the enacting clause with the following:

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

1 welfare.

2 This Section is repealed one year after the effective date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

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

6 (50 ILCS 705/8.1) (from Ch. 85, par. 508.1)

7 Sec. 8.1. Full-time law enforcement and county corrections
8 officers.

9 (a) No person shall receive a permanent appointment as a
10 law enforcement officer or a permanent appointment as a county
11 corrections officer unless that person has been awarded,
12 within 6 months of the officer's initial full-time employment,
13 a certificate attesting to the officer's successful completion
14 of the Minimum Standards Basic Law Enforcement or County
15 Correctional Training Course as prescribed by the Board; or
16 has been awarded a certificate attesting to the officer's
17 satisfactory completion of a training program of similar
18 content and number of hours and which course has been found
19 acceptable by the Board under the provisions of this Act; or a
20 training waiver by reason of extensive prior law enforcement
21 or county corrections experience the basic training
22 requirement is determined by the Board to be illogical and
23 unreasonable. Individuals who have completed a basic law
24 enforcement or correctional officer academy and obtained

1 certification in another state, or with an approved agency of
2 the federal government, may qualify for a waiver of this
3 training requirement and may be eligible for equivalency
4 certification in accordance with the eligibility requirements
5 prescribed in the Board's administrative rules. Within 90 days
6 after the effective date of this amendatory Act of the 103rd
7 General Assembly, the Board shall adopt uniform rules for a
8 reciprocity training waiver and certification process.

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

22 An individual who is not certified by the Board or whose
23 certified status is inactive shall not function as a law
24 enforcement officer, be assigned the duties of a law
25 enforcement officer by an employing agency, or be authorized
26 to carry firearms under the authority of the employer, except

1 as otherwise authorized to carry a firearm under State or
2 federal law. Sheriffs who are elected as of January 1, 2022
3 (the effective date of Public Act 101-652) ~~this amendatory Act~~
4 ~~of the 101st General Assembly,~~ are exempt from the requirement
5 of certified status. Failure to be certified in accordance
6 with this Act shall cause the officer to forfeit the officer's
7 position.

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

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

14 (1) A law enforcement officer's certification becomes
15 inactive upon termination, resignation, retirement, or
16 separation from the officer's employing law enforcement
17 agency for any reason. The Board shall re-activate a
18 certification upon written application from the law
19 enforcement officer's law enforcement agency that shows
20 the law enforcement officer: (i) has accepted a full-time
21 law enforcement position with that law enforcement agency,
22 (ii) is not the subject of a decertification proceeding,
23 and (iii) meets all other criteria for re-activation
24 required by the Board. The Board may also establish
25 special training requirements to be completed as a
26 condition for re-activation.

1 The Board shall review a notice for reactivation from
2 a law enforcement agency and provide a response within 30
3 days. The Board may extend this review. A law enforcement
4 officer shall be allowed to be employed as a full-time law
5 enforcement officer while the law enforcement officer
6 reactivation waiver is under review.

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

12 The Board may refuse to re-activate the certification
13 of a law enforcement officer who was involuntarily
14 terminated for good cause by an employing agency for
15 conduct subject to decertification under this Act or
16 resigned or retired after receiving notice of a law
17 enforcement agency's investigation.

18 (2) A law enforcement agency may place an officer who
19 is currently certified on inactive status by sending a
20 written request to the Board. A law enforcement officer
21 whose certificate has been placed on inactive status shall
22 not function as a law enforcement officer until the
23 officer has completed any requirements for reactivating
24 the certificate as required by the Board. A request for
25 inactive status in this subsection shall be in writing,
26 accompanied by verifying documentation, and shall be

1 submitted to the Board with a copy to the chief
2 administrator of the law enforcement officer's current or
3 new employing agency.

4 (3) Certification that has become inactive under
5 paragraph (2) of this subsection (b)~~7~~ shall be reactivated
6 by written notice from the law enforcement officer's
7 agency upon a showing that the law enforcement officer ~~is~~:
8 (i) is employed in a full-time law enforcement position
9 with the same law enforcement agency, (ii) is not the
10 subject of a decertification proceeding, and (iii) meets
11 all other criteria for re-activation required by the
12 Board.

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

1 to request a review of the denial by the Board. The law
2 enforcement agency must request a review within 20 days of
3 the waiver being denied. The burden of proof shall be on
4 the law enforcement agency to show why the law enforcement
5 officer is entitled to a waiver of the legislatively
6 required training and eligibility requirements.

7 (c) No provision of this Section shall be construed to
8 mean that a county corrections officer employed by a
9 governmental agency at the time of the effective date of this
10 amendatory Act, either as a probationary county corrections
11 officer or as a permanent county corrections officer, shall
12 require certification under the provisions of this Section. No
13 provision of this Section shall be construed to apply to
14 certification of elected county sheriffs.

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

21 (e) All law enforcement officers must report the
22 completion of the training requirements required in this Act
23 in compliance with Section 8.4 of this Act.

24 (e-1) Each employing law enforcement agency shall allow
25 and provide an opportunity for a law enforcement officer to
26 complete the mandated requirements in this Act. All mandated

1 training shall ~~will~~ be provided ~~for~~ at no cost to the
2 employees. Employees shall be paid for all time spent
3 attending mandated training.

4 (e-2) Each agency, academy, or training provider shall
5 maintain proof of a law enforcement officer's completion of
6 legislatively required training in a format designated by the
7 Board. The report of training shall be submitted to the Board
8 within 30 days following completion of the training. A copy of
9 the report shall be submitted to the law enforcement officer.
10 Upon receipt of a properly completed report of training, the
11 Board will make the appropriate entry into the training
12 records of the law enforcement officer.

13 (f) This Section does not apply to part-time law
14 enforcement officers or probationary part-time law enforcement
15 officers.

16 (g) Notwithstanding any provision of law to the contrary,
17 the changes made to this Section by ~~this amendatory Act of the~~
18 ~~102nd General Assembly,~~ Public Act 101-652, ~~and~~ Public Act
19 102-28, and Public Act 102-694 take effect July 1, 2022.

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

22 (50 ILCS 705/8.2)

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

24 (a) A person hired to serve as a part-time law enforcement
25 officer must obtain from the Board a certificate (i) attesting

1 to the officer's successful completion of the part-time police
2 training course; (ii) attesting to the officer's satisfactory
3 completion of a training program of similar content and number
4 of hours that has been found acceptable by the Board under the
5 provisions of this Act; or (iii) a training waiver attesting
6 to the Board's determination that the part-time police
7 training course is unnecessary because of the person's
8 extensive prior law enforcement experience. A person hired on
9 or after the effective date of this amendatory Act of the 92nd
10 General Assembly must obtain this certificate within 18 months
11 after the initial date of hire as a probationary part-time law
12 enforcement officer in the State of Illinois. The probationary
13 part-time law enforcement officer must be enrolled and
14 accepted into a Board-approved course within 6 months after
15 active employment by any department in the State. A person
16 hired on or after January 1, 1996 and before the effective date
17 of this amendatory Act of the 92nd General Assembly must
18 obtain this certificate within 18 months after the date of
19 hire. A person hired before January 1, 1996 must obtain this
20 certificate within 24 months after the effective date of this
21 amendatory Act of 1995. Individuals who have completed a basic
22 law enforcement or correctional officer academy and obtained
23 certification in another state, or with an approved agency of
24 the federal government, may qualify for a waiver of this
25 training requirement and may be eligible for equivalency
26 certification in accordance with the eligibility requirements

1 prescribed in the Board's administrative rules. Within 90 days
2 after the effective date of this amendatory Act of the 103rd
3 General Assembly, the Board shall adopt uniform rules for a
4 reciprocity training waiver and certification process.

5 The employing agency may seek an extension waiver from the
6 Board extending the period for compliance. An extension waiver
7 shall be issued only for good and justifiable reasons, and the
8 probationary part-time law enforcement officer may not
9 practice as a part-time law enforcement officer during the
10 extension waiver period. If training is required and not
11 completed within the applicable time period, as extended by
12 any waiver that may be granted, then the officer must forfeit
13 the officer's position.

14 An individual who is not certified by the Board or whose
15 certified status is inactive shall not function as a law
16 enforcement officer, be assigned the duties of a law
17 enforcement officer by an agency, or be authorized to carry
18 firearms under the authority of the employer, except that
19 sheriffs who are elected are exempt from the requirement of
20 certified status. Failure to be in accordance with this Act
21 shall cause the officer to forfeit the officer's position.

22 (a-5) A part-time probationary law enforcement officer
23 shall be allowed to complete six months of a part-time police
24 training course and function as a law enforcement officer as
25 permitted by this subsection with a waiver from the Board,
26 provided the part-time law enforcement officer is still

1 enrolled in the training course. If the part-time probationary
2 law enforcement officer withdraws from the course for any
3 reason or does not complete the course within the applicable
4 time period, as extended by any waiver that may be granted,
5 then the officer must forfeit the officer's position. A
6 probationary law enforcement officer must function under the
7 following rules:

8 (1) A law enforcement agency may not grant a person
9 status as a law enforcement officer unless the person has
10 been granted an active law enforcement officer
11 certification by the Board.

12 (2) A part-time probationary law enforcement officer
13 shall not be used as a permanent replacement for a
14 full-time law enforcement.

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

21 (b) Inactive status. A person who has an inactive law
22 enforcement officer certification has no law enforcement
23 authority.

24 (1) A law enforcement officer's certification becomes
25 inactive upon termination, resignation, retirement, or
26 separation from the employing agency for any reason. The

1 Board shall re-activate a certification upon written
2 application from the law enforcement officer's employing
3 agency that shows the law enforcement officer: (i) has
4 accepted a part-time law enforcement position with that a
5 law enforcement agency, (ii) is not the subject of a
6 decertification proceeding, and (iii) meets all other
7 criteria for re-activation required by the Board.

8 The Board may refuse to re-activate the certification
9 of a law enforcement officer who was involuntarily
10 terminated for good cause by the officer's employing
11 agency for conduct subject to decertification under this
12 Act or resigned or retired after receiving notice of a law
13 enforcement agency's investigation.

14 (2) A law enforcement agency may place an officer who
15 is currently certified on inactive status by sending a
16 written request to the Board. A law enforcement officer
17 whose certificate has been placed on inactive status shall
18 not function as a law enforcement officer until the
19 officer has completed any requirements for reactivating
20 the certificate as required by the Board. A request for
21 inactive status in this subsection shall be in writing,
22 accompanied by verifying documentation, and shall be
23 submitted to the Board by the law enforcement officer's
24 employing agency.

25 (3) Certification that has become inactive under
26 paragraph (2) of this subsection (b), shall be reactivated

1 by written notice from the law enforcement officer's law
2 enforcement agency upon a showing that the law enforcement
3 officer is: (i) employed in a part-time law enforcement
4 position with the same law enforcement agency, (ii) not
5 the subject of a decertification proceeding, and (iii)
6 meets all other criteria for re-activation required by the
7 Board. The Board may also establish special training
8 requirements to be completed as a condition for
9 re-activation.

10 The Board shall review a notice for reactivation from
11 a law enforcement agency and provide a response within 30
12 days. The Board may extend this review. A law enforcement
13 officer shall be allowed to be employed as a part-time law
14 enforcement officer while the law enforcement officer
15 reactivation waiver is under review.

16 A law enforcement officer who is refused reactivation
17 or an employing agency of a law enforcement officer who is
18 refused reactivation under this Section may request a
19 hearing in accordance with the hearing procedures as
20 outlined in subsection (h) of Section 6.3 of this Act.

21 (4) Notwithstanding paragraph (3) of this Section, a
22 law enforcement officer whose certification has become
23 inactive under paragraph (2) may have the officer's
24 employing agency submit a request for a waiver of training
25 requirements to the Board in writing and accompanied by
26 any verifying documentation. A grant of a waiver is within

1 the discretion of the Board. Within 7 days of receiving a
2 request for a waiver under this section, the Board shall
3 notify the law enforcement officer and the chief
4 administrator of the law enforcement officer's employing
5 agency, whether the request has been granted, denied, or
6 if the Board will take additional time for information. A
7 law enforcement agency or law enforcement officer, whose
8 request for a waiver under this subsection is denied, is
9 entitled to request a review of the denial by the Board.
10 The law enforcement agency must request a review within 20
11 days after the waiver being denied. The burden of proof
12 shall be on the law enforcement agency to show why the law
13 enforcement officer is entitled to a waiver of the
14 legislatively required training and eligibility
15 requirements.

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

23 (d) Within 14 days, a law enforcement officer shall report
24 to the Board: (1) any name change; (2) any change in
25 employment; or (3) the filing of any criminal indictment or
26 charges against the officer alleging that the officer

1 committed any offense as enumerated in Section 6.1 of this
2 Act.

3 (e) All law enforcement officers must report the
4 completion of the training requirements required in this Act
5 in compliance with Section 8.4 of this Act.

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

11 (e-2) Each agency, academy, or training provider shall
12 maintain proof of a law enforcement officer's completion of
13 legislatively required training in a format designated by the
14 Board. The report of training shall be submitted to the Board
15 within 30 days following completion of the training. A copy of
16 the report shall be submitted to the law enforcement officer.
17 Upon receipt of a properly completed report of training, the
18 Board will make the appropriate entry into the training
19 records of the law enforcement officer.

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

23 (g) Notwithstanding any provision of law to the contrary,
24 the changes made to this Section by this amendatory Act of the
25 102nd General Assembly and Public Act 101-652 take effect July
26 1, 2022.

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