



Sen. Christopher Belt

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10300SB1754sam001

LRB103 25495 AWJ 58187 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 Section 8.1 of the Illinois Police Training Act, emergency
11 rules implementing the waiver process under Section 8.1 of the
12 Illinois Police Training Act may be adopted in accordance with
13 Section 5-45 by the Illinois Law Enforcement Training
14 Standards Board. The adoption of emergency rules authorized by
15 Section 5-45 and this Section is deemed to be necessary for the
16 public interest, safety, and welfare.

1 This Section is repealed one year after the effective date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

3 Section 10. The Illinois Police Training Act is amended by
4 changing Section 8.1 as follows:

5 (50 ILCS 705/8.1) (from Ch. 85, par. 508.1)

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

8 (a) No person shall receive a permanent appointment as a
9 law enforcement officer or a permanent appointment as a county
10 corrections officer unless that person has been awarded,
11 within 6 months of the officer's initial full-time employment,
12 a certificate attesting to the officer's successful completion
13 of the Minimum Standards Basic Law Enforcement or County
14 Correctional Training Course as prescribed by the Board; or
15 has been awarded a certificate attesting to the officer's
16 satisfactory completion of a training program of similar
17 content and number of hours and which course has been found
18 acceptable by the Board under the provisions of this Act; or a
19 training waiver by reason of extensive prior law enforcement
20 or county corrections experience obtained by employment with
21 any law enforcement agency in any state and, therefore, the
22 basic training requirement is determined by the Board to be
23 illogical and unreasonable. Within 60 days after the effective
24 date of this amendatory Act of the 103rd General Assembly, the

1 Board shall adopt uniform rules providing for a waiver process
2 for a person previously employed and qualified as a law
3 enforcement or county corrections officer under federal law or
4 the laws of any other state. The rules shall provide that any
5 person previously employed or qualified as a law enforcement
6 or county corrections officer under federal law or the laws of
7 any other state shall successfully complete the following
8 prior to the approval of a waiver:

9 (1) a training program approved by the Board on the
10 laws of this State relevant to the duties of law
11 enforcement and county correctional officers; and

12 (2) firearms training.

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

26 An individual who is not certified by the Board or whose

1 certified status is inactive shall not function as a law
2 enforcement officer, be assigned the duties of a law
3 enforcement officer by an employing agency, or be authorized
4 to carry firearms under the authority of the employer, except
5 as otherwise authorized to carry a firearm under State or
6 federal law. Sheriffs who are elected as of January 1, 2022
7 (the effective date of Public Act 101-652) ~~this amendatory Act~~
8 ~~of the 101st General Assembly,~~ are exempt from the requirement
9 of certified status. Failure to be certified in accordance
10 with this Act shall cause the officer to forfeit the officer's
11 position.

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

15 (b) Inactive status. A person who has an inactive law
16 enforcement officer certification has no law enforcement
17 authority.

18 (1) A law enforcement officer's certification becomes
19 inactive upon termination, resignation, retirement, or
20 separation from the officer's employing law enforcement
21 agency for any reason. The Board shall re-activate a
22 certification upon written application from the law
23 enforcement officer's law enforcement agency that shows
24 the law enforcement officer: (i) has accepted a full-time
25 law enforcement position with that law enforcement agency,
26 (ii) is not the subject of a decertification proceeding,

1 and (iii) meets all other criteria for re-activation
2 required by the Board. The Board may also establish
3 special training requirements to be completed as a
4 condition for re-activation.

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

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

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

22 (2) A law enforcement agency may place an officer who
23 is currently certified on inactive status by sending a
24 written request to the Board. A law enforcement officer
25 whose certificate has been placed on inactive status shall
26 not function as a law enforcement officer until the

1 officer has completed any requirements for reactivating
2 the certificate as required by the Board. A request for
3 inactive status in this subsection shall be in writing,
4 accompanied by verifying documentation, and shall be
5 submitted to the Board with a copy to the chief
6 administrator of the law enforcement officer's current or
7 new employing agency.

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

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

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

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

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

25 (e) All law enforcement officers must report the
26 completion of the training requirements required in this Act

1 in compliance with Section 8.4 of this Act.

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

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

17 (f) This Section does not apply to part-time law
18 enforcement officers or probationary part-time law enforcement
19 officers.

20 (g) Notwithstanding any provision of law to the contrary,
21 the changes made to this Section by ~~this amendatory Act of the~~
22 ~~102nd General Assembly,~~ Public Act 101-652, ~~and~~ Public Act
23 102-28, and Public Act 102-694 take effect July 1, 2022.

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