

**103RD GENERAL ASSEMBLY****State of Illinois****2023 and 2024****SB3370**

Introduced 2/7/2024, by Sen. Bill Cunningham

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois State Police Act. Creates the Illinois Law Enforcement Standards Appeal Board in the Illinois State Police. Provides for the powers and duties of the Board, including to consider a request for appeal of a decision of the Illinois Law Enforcement Training Standards Board or staff that is brought by specified individuals. Amends the Illinois Police Training Act. Replaces appointment requirements for 6 members on the Illinois Law Enforcement Training Standards Board with new appointment requirements. Requires vacancies of the Board to be replaced within 90 days. Provides that the Board may not share with a person or organization information concerning the certification of or the decertification of an officer resulting from any process the Board is engaged with until the decision is final and all appeals have been exhausted, including sharing information with a State's Attorney or employer regarding the denial of a training waiver, and provides that an aggrieved officer may seek damages and costs against the Board for a violation. Modifies a definition of "convicted of, found guilty of, or entered a plea of guilty to, plea of nolo contendere to" in provisions concerning the officer professional conduct database, and adds a definition of "conviction" in provisions concerning discretionary decertification of full-time and part-time law enforcement officers. Provides that 1.5% of each deposit into the Traffic and Criminal Conviction Surcharge Fund shall be transferred to the Illinois Law Enforcement Standards Appeal Fund. Adds provisions relating to continued certification for one year for an officer who departs a department or agency in good standing, provisions relating to denial of certification, and provisions relating to implementation of the federal Law Enforcement Officer Safety Act of 2004. Amends the State Finance Act to create the Illinois Law Enforcement Standards Appeal Fund. Amends the Freedom of Information Act to make a conforming change.

LRB103 35788 AWJ 65871 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 Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 (Text of Section before amendment by P.A. 103-472)

8 Sec. 7.5. Statutory exemptions. To the extent provided for
9 by the statutes referenced below, the following shall be
10 exempt from inspection and copying:

11 (a) All information determined to be confidential
12 under Section 4002 of the Technology Advancement and
13 Development Act.

14 (b) Library circulation and order records identifying
15 library users with specific materials under the Library
16 Records Confidentiality Act.

17 (c) Applications, related documents, and medical
18 records received by the Experimental Organ Transplantation
19 Procedures Board and any and all documents or other
20 records prepared by the Experimental Organ Transplantation
21 Procedures Board or its staff relating to applications it
22 has received.

23 (d) Information and records held by the Department of

1 Public Health and its authorized representatives relating
2 to known or suspected cases of sexually transmissible
3 disease or any information the disclosure of which is
4 restricted under the Illinois Sexually Transmissible
5 Disease Control Act.

6 (e) Information the disclosure of which is exempted
7 under Section 30 of the Radon Industry Licensing Act.

8 (f) Firm performance evaluations under Section 55 of
9 the Architectural, Engineering, and Land Surveying
10 Qualifications Based Selection Act.

11 (g) Information the disclosure of which is restricted
12 and exempted under Section 50 of the Illinois Prepaid
13 Tuition Act.

14 (h) Information the disclosure of which is exempted
15 under the State Officials and Employees Ethics Act, and
16 records of any lawfully created State or local inspector
17 general's office that would be exempt if created or
18 obtained by an Executive Inspector General's office under
19 that Act.

20 (i) Information contained in a local emergency energy
21 plan submitted to a municipality in accordance with a
22 local emergency energy plan ordinance that is adopted
23 under Section 11-21.5-5 of the Illinois Municipal Code.

24 (j) Information and data concerning the distribution
25 of surcharge moneys collected and remitted by carriers
26 under the Emergency Telephone System Act.

1 (k) Law enforcement officer identification information
2 or driver identification information compiled by a law
3 enforcement agency or the Department of Transportation
4 under Section 11-212 of the Illinois Vehicle Code.

5 (l) Records and information provided to a residential
6 health care facility resident sexual assault and death
7 review team or the Executive Council under the Abuse
8 Prevention Review Team Act.

9 (m) Information provided to the predatory lending
10 database created pursuant to Article 3 of the Residential
11 Real Property Disclosure Act, except to the extent
12 authorized under that Article.

13 (n) Defense budgets and petitions for certification of
14 compensation and expenses for court appointed trial
15 counsel as provided under Sections 10 and 15 of the
16 Capital Crimes Litigation Act (repealed). This subsection
17 (n) shall apply until the conclusion of the trial of the
18 case, even if the prosecution chooses not to pursue the
19 death penalty prior to trial or sentencing.

20 (o) Information that is prohibited from being
21 disclosed under Section 4 of the Illinois Health and
22 Hazardous Substances Registry Act.

23 (p) Security portions of system safety program plans,
24 investigation reports, surveys, schedules, lists, data, or
25 information compiled, collected, or prepared by or for the
26 Department of Transportation under Sections 2705-300 and

1 2705-616 of the Department of Transportation Law of the
2 Civil Administrative Code of Illinois, the Regional
3 Transportation Authority under Section 2.11 of the
4 Regional Transportation Authority Act, or the St. Clair
5 County Transit District under the Bi-State Transit Safety
6 Act (repealed).

7 (q) Information prohibited from being disclosed by the
8 Personnel Record Review Act.

9 (r) Information prohibited from being disclosed by the
10 Illinois School Student Records Act.

11 (s) Information the disclosure of which is restricted
12 under Section 5-108 of the Public Utilities Act.

13 (t) (Blank).

14 (u) Records and information provided to an independent
15 team of experts under the Developmental Disability and
16 Mental Health Safety Act (also known as Brian's Law).

17 (v) Names and information of people who have applied
18 for or received Firearm Owner's Identification Cards under
19 the Firearm Owners Identification Card Act or applied for
20 or received a concealed carry license under the Firearm
21 Concealed Carry Act, unless otherwise authorized by the
22 Firearm Concealed Carry Act; and databases under the
23 Firearm Concealed Carry Act, records of the Concealed
24 Carry Licensing Review Board under the Firearm Concealed
25 Carry Act, and law enforcement agency objections under the
26 Firearm Concealed Carry Act.

1 (v-5) Records of the Firearm Owner's Identification
2 Card Review Board that are exempted from disclosure under
3 Section 10 of the Firearm Owners Identification Card Act.

4 (w) Personally identifiable information which is
5 exempted from disclosure under subsection (g) of Section
6 19.1 of the Toll Highway Act.

7 (x) Information which is exempted from disclosure
8 under Section 5-1014.3 of the Counties Code or Section
9 8-11-21 of the Illinois Municipal Code.

10 (y) Confidential information under the Adult
11 Protective Services Act and its predecessor enabling
12 statute, the Elder Abuse and Neglect Act, including
13 information about the identity and administrative finding
14 against any caregiver of a verified and substantiated
15 decision of abuse, neglect, or financial exploitation of
16 an eligible adult maintained in the Registry established
17 under Section 7.5 of the Adult Protective Services Act.

18 (z) Records and information provided to a fatality
19 review team or the Illinois Fatality Review Team Advisory
20 Council under Section 15 of the Adult Protective Services
21 Act.

22 (aa) Information which is exempted from disclosure
23 under Section 2.37 of the Wildlife Code.

24 (bb) Information which is or was prohibited from
25 disclosure by the Juvenile Court Act of 1987.

26 (cc) Recordings made under the Law Enforcement

1 Officer-Worn Body Camera Act, except to the extent
2 authorized under that Act.

3 (dd) Information that is prohibited from being
4 disclosed under Section 45 of the Condominium and Common
5 Interest Community Ombudsperson Act.

6 (ee) Information that is exempted from disclosure
7 under Section 30.1 of the Pharmacy Practice Act.

8 (ff) Information that is exempted from disclosure
9 under the Revised Uniform Unclaimed Property Act.

10 (gg) Information that is prohibited from being
11 disclosed under Section 7-603.5 of the Illinois Vehicle
12 Code.

13 (hh) Records that are exempt from disclosure under
14 Section 1A-16.7 of the Election Code.

15 (ii) Information which is exempted from disclosure
16 under Section 2505-800 of the Department of Revenue Law of
17 the Civil Administrative Code of Illinois.

18 (jj) Information and reports that are required to be
19 submitted to the Department of Labor by registering day
20 and temporary labor service agencies but are exempt from
21 disclosure under subsection (a-1) of Section 45 of the Day
22 and Temporary Labor Services Act.

23 (kk) Information prohibited from disclosure under the
24 Seizure and Forfeiture Reporting Act.

25 (ll) Information the disclosure of which is restricted
26 and exempted under Section 5-30.8 of the Illinois Public

1 Aid Code.

2 (mm) Records that are exempt from disclosure under
3 Section 4.2 of the Crime Victims Compensation Act.

4 (nn) Information that is exempt from disclosure under
5 Section 70 of the Higher Education Student Assistance Act.

6 (oo) Communications, notes, records, and reports
7 arising out of a peer support counseling session
8 prohibited from disclosure under the First Responders
9 Suicide Prevention Act.

10 (pp) Names and all identifying information relating to
11 an employee of an emergency services provider or law
12 enforcement agency under the First Responders Suicide
13 Prevention Act.

14 (qq) Information and records held by the Department of
15 Public Health and its authorized representatives collected
16 under the Reproductive Health Act.

17 (rr) Information that is exempt from disclosure under
18 the Cannabis Regulation and Tax Act.

19 (ss) Data reported by an employer to the Department of
20 Human Rights pursuant to Section 2-108 of the Illinois
21 Human Rights Act.

22 (tt) Recordings made under the Children's Advocacy
23 Center Act, except to the extent authorized under that
24 Act.

25 (uu) Information that is exempt from disclosure under
26 Section 50 of the Sexual Assault Evidence Submission Act.

1 (vv) Information that is exempt from disclosure under
2 subsections (f) and (j) of Section 5-36 of the Illinois
3 Public Aid Code.

4 (ww) Information that is exempt from disclosure under
5 Section 16.8 of the State Treasurer Act.

6 (xx) Information that is exempt from disclosure or
7 information that shall not be made public under the
8 Illinois Insurance Code.

9 (yy) Information prohibited from being disclosed under
10 the Illinois Educational Labor Relations Act.

11 (zz) Information prohibited from being disclosed under
12 the Illinois Public Labor Relations Act.

13 (aaa) Information prohibited from being disclosed
14 under Section 1-167 of the Illinois Pension Code.

15 (bbb) Information that is prohibited from disclosure
16 by the Illinois Police Training Act and the Illinois State
17 Police Act.

18 (ccc) Records exempt from disclosure under Section
19 2605-304 of the Illinois State Police Law of the Civil
20 Administrative Code of Illinois.

21 (ddd) Information prohibited from being disclosed
22 under Section 35 of the Address Confidentiality for
23 Victims of Domestic Violence, Sexual Assault, Human
24 Trafficking, or Stalking Act.

25 (eee) Information prohibited from being disclosed
26 under subsection (b) of Section 75 of the Domestic

1 Violence Fatality Review Act.

2 (fff) Images from cameras under the Expressway Camera
3 Act. This subsection (fff) is inoperative on and after
4 July 1, 2025.

5 (ggg) Information prohibited from disclosure under
6 paragraph (3) of subsection (a) of Section 14 of the Nurse
7 Agency Licensing Act.

8 (hhh) Information submitted to the Illinois State
9 Police in an affidavit or application for an assault
10 weapon endorsement, assault weapon attachment endorsement,
11 .50 caliber rifle endorsement, or .50 caliber cartridge
12 endorsement under the Firearm Owners Identification Card
13 Act.

14 (iii) Data exempt from disclosure under Section 50 of
15 the School Safety Drill Act.

16 (jjj) ~~(hhh)~~ Information exempt from disclosure under
17 Section 30 of the Insurance Data Security Law.

18 (kkk) ~~(iii)~~ Confidential business information
19 prohibited from disclosure under Section 45 of the Paint
20 Stewardship Act.

21 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
22 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
23 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
24 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
25 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
26 eff. 1-1-24; 103-508, eff. 8-4-23; revised 9-5-23.)

1 (Text of Section after amendment by P.A. 103-472)

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21 Public Aid Code.

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8 by the Illinois Police Training Act and the Illinois State
9 Police Act.

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11 2605-304 of the Illinois State Police Law of the Civil
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15 Victims of Domestic Violence, Sexual Assault, Human
16 Trafficking, or Stalking Act.

17 (eee) Information prohibited from being disclosed
18 under subsection (b) of Section 75 of the Domestic
19 Violence Fatality Review Act.

20 (fff) Images from cameras under the Expressway Camera
21 Act. This subsection (fff) is inoperative on and after
22 July 1, 2025.

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24 paragraph (3) of subsection (a) of Section 14 of the Nurse
25 Agency Licensing Act.

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2 weapon endorsement, assault weapon attachment endorsement,
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5 Act.

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9 Section 30 of the Insurance Data Security Law.

10 (kkk) ~~(iii)~~ Confidential business information
11 prohibited from disclosure under Section 45 of the Paint
12 Stewardship Act.

13 (lll) ~~(iii)~~ Data exempt from disclosure under Section
14 2-3.196 of the School Code.

15 (mmm) Information exempt from disclosure under
16 subsection (g-1) of Section 6.1 of the Illinois Police
17 Training Act.

18 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
19 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
20 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
21 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
22 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
23 eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;
24 revised 9-5-23.)

25 Section 10. The Illinois State Police Act is amended by

1 adding Section 12.8 as follows:

2 (20 ILCS 2610/12.8 new)

3 Sec. 12.8. Illinois Law Enforcement Standards Appeal
4 Board.

5 (a) As used in this Section:

6 "Affected party" means a certified officer, an employer of
7 a certified officer who is a sheriff or a chief of police, or a
8 labor representative of a certified officer.

9 "Appeal Board" means the Illinois Law Enforcement
10 Standards Appeal Board.

11 "Training Standards Board" means the Illinois Law
12 Enforcement Training Standards Board.

13 (b) The Illinois Law Enforcement Standards Appeal Board is
14 created in the Illinois State Police. The Appeal Board shall
15 meet its costs and pay all receipts from the balance of the
16 Illinois Law Enforcement Standards Appeal Fund, a special fund
17 that is created in the State treasury, and, subject to
18 appropriation, may be expended by the Appeal Board as
19 necessary in exercising the Appeal Board's powers and duties
20 under this Section.

21 (c) The powers and duties of the Appeal Board are as
22 follows:

23 (1) The Appeal Board shall consider a request for
24 appeal of any decision of the Training Standards Board or
25 the Training Standards Board's staff that is brought to

1 the Appeal Board by an affected party.

2 (2) An affected party may request an appeal of a
3 decision of the Training Standards Board or its staff that
4 negatively affects the ability to carry out the duties of
5 law enforcement either by an individual or by a group of
6 individuals. The affected party shall make the request in
7 a manner and on forms established by and provided by the
8 Appeal Board.

9 (3) The Appeal Board shall establish and make public a
10 process by which the Appeal Board will determine which
11 appeals will go before the full Appeal Board.

12 (4) The Appeal Board may establish committees or
13 subcommittees.

14 (5) The Appeal Board shall hire an executive director.
15 The executive director is responsible for carrying out the
16 responsibilities of the Appeal Board, including the daily
17 operation of the Appeal Board. The executive director
18 shall have all lawful duties assigned by the Appeal Board,
19 which shall include hiring staff, entering contracts for
20 goods or services, and paying for all costs associated
21 with operation of the Appeal Board.

22 (6) Upon receiving an appeal request and granting an
23 appeal hearing, the Appeal Board may uphold the decision
24 of the Training Standards Board or its staff or it may
25 reverse the decision of the Training Standards Board or
26 its staff in whole or in part. If the Appeal Board reverses

1 the decision of the Training Standards Board, it shall
2 instruct the Training Standards Board on how to proceed in
3 its underlying actions that precipitated the reversal.

4 A decision of the Appeal Board is binding on the
5 Training Standards Board until the Appeal Board's decision
6 is reversed by a court. An appeal of a decision of the
7 Appeal Board may be brought in either Sangamon County
8 Circuit Court or the Cook County Circuit Court.

9 (d) The Appeal Board members shall be appointed as follows
10 and shall have terms of 4 years. For a member who ceases to
11 meet the minimum qualifications of the member's appointment,
12 the member shall complete the remainder of the member's term.
13 A vacancy shall be filled by an appointment meeting the
14 requirements of the position which is vacant for the remainder
15 of the term. The Appeal Board shall elect its officers from the
16 membership of the Appeal Board, which shall include, at a
17 minimum, a chairperson and a vice-chairperson. The general
18 membership of the Appeal Board includes the following
19 appointed members:

20 (1) one certified officer employed by a Sheriff
21 appointed by the Senate President;

22 (2) one sheriff appointed by the Senate President;

23 (3) one certified police officer employed by a
24 municipality with a population more than 1,000,000
25 appointed by the House Speaker;

26 (4) one chief of police appointed by the House

1 Speaker;

2 (5) one chief of police appointed by the Senate

3 Minority Leader;

4 (6) one county corrections officer appointed by the

5 Senate Minority Leader;

6 (7) one certified police officer who is employed by a

7 municipality with a population less than 1,000,000

8 appointed by the House Minority Leader;

9 (8) one sheriff appointed by the House Minority

10 Leader;

11 (9) one individual appointed by the Attorney General;

12 (10) one State's Attorney appointed by the Governor;

13 and

14 (11) one individual appointed by the Governor who

15 shall serve as the chairman until such time that the Board

16 conducts an election for officers.

17 Section 15. The Illinois Police Training Act is amended by
18 changing Sections 3, 6.1, 6.2, 6.3, 8.1, 8.2, and 9 and by
19 adding Sections 6.8, 6.9, and 6.10 as follows:

20 (50 ILCS 705/3) (from Ch. 85, par. 503)

21 Sec. 3. Board; composition; appointments; tenure;
22 vacancies.

23 (a) The Board shall be composed of 18 members selected as
24 follows: The Attorney General of the State of Illinois, the

1 Director of the Illinois State Police, the Director of
2 Corrections, the Superintendent of the Chicago Police
3 Department, the Sheriff of Cook County, the Clerk of the
4 Circuit Court of Cook County, who shall serve as ex officio
5 members, and the following to be appointed by the Governor: 2
6 members of a collective bargaining unit representing law
7 enforcement who are certified officers serving a city with a
8 population of more than 1,000,000 ~~mayors or village presidents~~
9 ~~of Illinois municipalities~~, 2 Illinois county sheriffs from
10 counties other than Cook County, 2 members of a collective
11 bargaining unit representing law enforcement who are certified
12 officers, one serving a county with a population of less than
13 5,000,000 and one serving a city with a population of less than
14 1,000,000 ~~managers of Illinois municipalities~~, 2 chiefs of
15 municipal police departments in Illinois having no
16 Superintendent of the Police Department on the Board, 2
17 citizens of Illinois who shall be certified law enforcement
18 officers and members of a collective bargaining unit ~~members~~
19 ~~of an organized enforcement officers' association~~, one active
20 member of a statewide association representing sheriffs, and
21 one active member of a statewide association representing
22 municipal police chiefs. The appointments of the Governor
23 shall be made on the first Monday of August in 1965 with 3 of
24 the appointments to be for a period of one year, 3 for 2 years,
25 and 3 for 3 years. Their successors shall be appointed in like
26 manner for terms to expire the first Monday of August each 3

1 years thereafter. All members shall serve until their
2 respective successors are appointed and qualify. Vacancies
3 shall be filled by the Governor for the unexpired terms. Any ex
4 officio member may appoint a designee to the Board who shall
5 have the same powers and immunities otherwise conferred to the
6 member of the Board, including the power to vote and be counted
7 toward quorum, so long as the member is not in attendance. Each
8 appointment must be made within 90 days of a vacancy
9 occurring.

10 (a-5) Within the Board is created a Review Committee. The
11 Review Committee shall review disciplinary cases in which the
12 Panel, the law enforcement officer, or the law enforcement
13 agency file for reconsideration of a decertification decision
14 made by the Board. The Review Committee shall be composed of 9
15 annually rotating members from the Board appointed by the
16 Board Chairman. One member of the Review Committee shall be
17 designated by the Board Chairman as the Chair. The Review
18 Committee shall sit in 3 member panels composed of one member
19 representing law enforcement management, one member
20 representing members of law enforcement, and one member who is
21 not a current or former member of law enforcement.

22 (b) When a Board member may have an actual, perceived, or
23 potential conflict of interest or appearance of bias that
24 could prevent the Board member from making a fair and
25 impartial decision regarding decertification:

26 (1) The Board member shall recuse himself or herself.

1 (2) If the Board member fails to recuse himself or
2 herself, then the Board may, by a simple majority of the
3 remaining members, vote to recuse the Board member. Board
4 members who are found to have voted on a matter in which
5 they should have recused themselves may be removed from
6 the Board by the Governor.

7 A conflict of interest or appearance of bias may include,
8 but is not limited to, matters where one of the following is a
9 party to a decision on a decertification or formal complaint:
10 someone with whom the member has an employment relationship;
11 any of the following relatives: spouse, parents, children,
12 adopted children, legal wards, stepchildren, step parents,
13 step siblings, half siblings, siblings, parents-in-law,
14 siblings-in-law, children-in-law, aunts, uncles, nieces, and
15 nephews; a friend; or a member of a professional organization,
16 association, or a union in which the member now actively
17 serves.

18 (c) A vacancy in members does not prevent a quorum of the
19 remaining sitting members from exercising all rights and
20 performing all duties of the Board.

21 (d) An individual serving on the Board shall not also
22 serve on the Panel.

23 (Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21;
24 102-694, eff. 1-7-22.)

25 (50 ILCS 705/6.1)

1 Sec. 6.1. Automatic decertification of full-time and
2 part-time law enforcement officers.

3 (a) The Board must review law enforcement officer conduct
4 and records to ensure that no law enforcement officer is
5 certified or provided a valid waiver if that law enforcement
6 officer has been convicted of, found guilty of, entered a plea
7 of guilty to, or entered a plea of nolo contendere to, a felony
8 offense under the laws of this State or any other state which
9 if committed in this State would be punishable as a felony. The
10 Board must also 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, or entered a
13 plea of guilty to, on or after January 1, 2022 (the effective
14 date of Public Act 101-652) of any misdemeanor specified in
15 this Section or if committed in any other state would be an
16 offense similar to Section 11-1.50, 11-6, 11-6.5, 11-6.6,
17 11-9.1, 11-9.1B, 11-14, 11-14.1, 11-30, 12-2, 12-3.2, 12-3.4,
18 12-3.5, 16-1, 17-1, 17-2, 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1,
19 any misdemeanor in violation of any Section of Part E of Title
20 III of the Criminal Code of 1961 or the Criminal Code of 2012,
21 or subsection (a) of Section 17-32 of the Criminal Code of 1961
22 or the Criminal Code of 2012, or to Section 5 or 5.2 of the
23 Cannabis Control Act, or any felony or misdemeanor in
24 violation of federal law or the law of any state that is the
25 equivalent of any of the offenses specified therein. The Board
26 must appoint investigators to enforce the duties conferred

1 upon the Board by this Act.

2 (a-1) (Blank). ~~For purposes of this Section, a person is~~
3 ~~"convicted of, or entered a plea of guilty to, plea of nolo~~
4 ~~contendere to, found guilty of" regardless of whether the~~
5 ~~adjudication of guilt or sentence is withheld or not entered~~
6 ~~thereon. This includes sentences of supervision, conditional~~
7 ~~discharge, or first offender probation, or any similar~~
8 ~~disposition provided for by law.~~

9 (b) It is the responsibility of the sheriff or the chief
10 executive officer of every law enforcement agency or
11 department within this State to report to the Board any
12 arrest, conviction, finding of guilt, plea of guilty, or plea
13 of nolo contendere to, of any officer for an offense
14 identified in this Section, regardless of whether the
15 adjudication of guilt or sentence is withheld or not entered
16 thereon, this includes sentences of supervision, conditional
17 discharge, or first offender probation.

18 (c) It is the duty and responsibility of every full-time
19 and part-time law enforcement officer in this State to report
20 to the Board within 14 days, and the officer's sheriff or chief
21 executive officer, of the officer's arrest, conviction, found
22 guilty of, or plea of guilty for an offense identified in this
23 Section. Any full-time or part-time law enforcement officer
24 who knowingly makes, submits, causes to be submitted, or files
25 a false or untruthful report to the Board must have the
26 officer's certificate or waiver immediately decertified or

1 revoked.

2 (d) Any person, or a local or State agency, or the Board is
3 immune from liability for submitting, disclosing, or releasing
4 information of arrests, convictions, or pleas of guilty in
5 this Section as long as the information is submitted,
6 disclosed, or released in good faith and without malice. The
7 Board has qualified immunity for the release of the
8 information.

9 (e) Any full-time or part-time law enforcement officer
10 with a certificate or waiver issued by the Board who is
11 convicted of, found guilty of, or entered a plea of guilty to,
12 or entered a plea of nolo contendere to any offense described
13 in this Section immediately becomes decertified or no longer
14 has a valid waiver. The decertification and invalidity of
15 waivers occurs as a matter of law. Failure of a convicted
16 person to report to the Board the officer's conviction as
17 described in this Section or any continued law enforcement
18 practice after receiving a conviction is a Class 4 felony.

19 (e-5) For purposes of this Section, a person is considered
20 to have been "convicted of, found guilty of, or entered a plea
21 of guilty to, plea of nolo contendere to" regardless of
22 whether the adjudication of guilt or sentence is withheld or
23 not entered thereon, including sentences of supervision,
24 conditional discharge, first offender probation, or any
25 similar disposition as provided for by law; except a person is
26 not considered to have been "convicted of, found guilty of, or

1 entered a plea of guilty to, plea of nolo contendere to" if the
2 person's charge is dismissed or expunged or the person is a
3 juvenile at the time of the arrest, at the time of
4 adjudication, or at the time of disposition of supervision.

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

16 (g) The Board must request and receive information and
17 assistance from any federal, state, local, or private
18 enforcement agency as part of the authorized criminal
19 background investigation. The Illinois State Police must
20 process, retain, and additionally provide and disseminate
21 information to the Board concerning criminal charges, arrests,
22 convictions, and their disposition, that have been filed
23 against a basic academy applicant, law enforcement applicant,
24 or law enforcement officer whose fingerprint identification
25 cards are on file or maintained by the Illinois State Police.
26 The Federal Bureau of Investigation must provide the Board any

1 criminal history record information contained in its files
2 pertaining to law enforcement officers or any applicant to a
3 Board certified basic law enforcement academy as described in
4 this Act based on fingerprint identification. The Board must
5 make payment of fees to the Illinois State Police for each
6 fingerprint card submission in conformance with the
7 requirements of paragraph 22 of Section 55a of the Civil
8 Administrative Code of Illinois.

9 (g-1) The Board may not disclose to any person or
10 organization the certification of or the decertification of a
11 law enforcement officer resulting from any process the Board
12 is engaged with until the decision is final and all appeals
13 have been exhausted, including disclosing information with a
14 State's Attorney or employer regarding the denial of a
15 training waiver. If information disclosed by the Board
16 violates this subsection, a law enforcement officer may seek
17 damages in the amount of 5 times the actual damages plus costs
18 against the Board.

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

23 (Source: P.A. 101-187, eff. 1-1-20; 101-652, eff. 1-1-22;
24 102-538, eff. 8-20-21; 102-694, eff. 1-7-22.)

1 Sec. 6.3. Discretionary decertification of full-time and
2 part-time law enforcement officers.

3 (a) Definitions. For purposes of this Section 6.3:

4 "Conviction" means a judgment of conviction or sentence
5 entered upon a plea of guilty, upon a verdict, or upon a
6 finding of guilty of an offense rendered by a jury or by a
7 court authorized to try the case without a jury. "Conviction"
8 does not include a judgment of conviction or sentence that is
9 dismissed or expunged and does not include the judgment of
10 conviction or sentence of a person who is a juvenile at the
11 time of the underlying arrest, at the time of the judgment of
12 conviction or sentence, or at the time of disposition of
13 supervision of the judgment of conviction or sentence.

14 "Duty to intervene" means an obligation to intervene to
15 prevent harm from occurring that arises when: an officer is
16 present, and has reason to know (1) that excessive force is
17 being used or that any constitutional violation has been
18 committed by a law enforcement official; and (2) the officer
19 has a realistic opportunity to intervene. This duty applies
20 equally to supervisory and nonsupervisory officers. If aid is
21 required, the officer shall not, when reasonable to administer
22 aid, knowingly and willingly refuse to render aid as defined
23 by State or federal law. An officer does not violate this duty
24 if the failure to render aid is due to circumstances such as
25 lack of appropriate specialized training, lack of resources or
26 equipment, or if it is unsafe or impracticable to render aid.

1 "Excessive use of force" means using force in violation of
2 State or federal law.

3 "False statement" means (1) any knowingly false statement
4 provided on a form or report, (2) that the writer does not
5 believe to be true, and (3) that the writer includes to mislead
6 a public servant in performing the public servant's official
7 functions.

8 "Perjury" means that as defined under Sections 32-2 and
9 32-3 of the Criminal Code of 2012.

10 "Tampers with or fabricates evidence" means if a law
11 enforcement officer (1) has reason to believe that an official
12 proceeding is pending or may be instituted, and (2) alters,
13 destroys, conceals, or removes any record, document, data,
14 video or thing to impair its validity or availability in the
15 proceeding.

16 (b) Decertification conduct. The Board has the authority
17 to decertify a full-time or a part-time law enforcement
18 officer upon a determination by the Board that the law
19 enforcement officer has:

20 (1) committed an act that would constitute a felony or
21 misdemeanor which could serve as basis for automatic
22 decertification, whether or not the law enforcement
23 officer was criminally prosecuted, and whether or not the
24 law enforcement officer's employment was terminated;

25 (2) exercised excessive use of force;

26 (3) failed to comply with the officer's duty to

1 intervene, including through acts or omissions;

2 (4) tampered with a dash camera or body-worn camera or
3 data recorded by a dash camera or body-worn camera or
4 directed another to tamper with or turn off a dash camera
5 or body-worn camera or data recorded by a dash camera or
6 body-worn camera for the purpose of concealing, destroying
7 or altering potential evidence;

8 (5) engaged in the following conduct relating to the
9 reporting, investigation, or prosecution of a crime:
10 committed perjury, made a false statement, or knowingly
11 tampered with or fabricated evidence; and

12 (6) engaged in any unprofessional, unethical,
13 deceptive, or deleterious conduct or practice harmful to
14 the public; such conduct or practice need not have
15 resulted in actual injury to any person. As used in this
16 paragraph, the term "unprofessional conduct" shall include
17 any departure from, or failure to conform to, the minimal
18 standards of acceptable and prevailing practice of an
19 officer.

20 (b-5) The Board has the authority to decertify a full-time
21 or part-time law enforcement officer notwithstanding whether a
22 law enforcement agency takes disciplinary action against a law
23 enforcement officer for the same underlying conduct as
24 outlined in subsection (b).

25 (c) Notice of Alleged Violation.

26 (1) The following individuals and agencies shall

1 notify the Board within 7 days of becoming aware of any
2 violation described in subsection (b):

3 (A) A law enforcement agency as defined in Section
4 2 or any law enforcement officer of this State. For
5 this subsection (c), law enforcement agency includes,
6 but is not limited to, a civilian review board, an
7 inspector general, and legal counsel for a law
8 enforcement agency.

9 (B) The Executive Director of the Board;

10 (C) A State's Attorney's Office of this State.

11 "Becoming aware" does not include confidential
12 communications between agency lawyers and agencies
13 regarding legal advice. For purposes of this subsection,
14 "law enforcement agency" does not include the Illinois
15 Attorney General when providing legal representation to a
16 law enforcement officer under the State Employee
17 Indemnification Act.

18 (2) Any person may also notify the Board of any
19 conduct the person believes a law enforcement officer has
20 committed as described in subsection (b). Such
21 notifications may be made confidentially. Notwithstanding
22 any other provision in state law or any collective
23 bargaining agreement, the Board shall accept notice and
24 investigate any allegations from individuals who remain
25 confidential.

26 (3) Upon written request, the Board shall disclose to

1 the individual or entity who filed a notice of violation
2 the status of the Board's review.

3 (d) Form. The notice of violation reported under
4 subsection (c) shall be on a form prescribed by the Board in
5 its rules. The form shall be publicly available by paper and
6 electronic means. The form shall include fields for the
7 following information, at a minimum:

8 (1) the full name, address, and telephone number of
9 the person submitting the notice;

10 (2) if submitted under subsection (c)(1), the agency
11 name and title of the person submitting the notice;

12 (3) the full name, badge number, employing agency, and
13 physical description of the officer, if known;

14 (4) the full name or names, address or addresses,
15 telephone number or numbers, and physical description or
16 descriptions of any witnesses, if known;

17 (5) a concise statement of facts that describe the
18 alleged violation and any copies of supporting evidence
19 including but not limited to any photographic, video, or
20 audio recordings of the incident;

21 (6) whether the person submitting the notice has
22 notified any other agency; and

23 (7) an option for an individual, who submits directly
24 to the Board, to consent to have the individual's identity
25 disclosed. The identity of any individual providing
26 information or reporting any possible or alleged violation

1 to the Board shall be kept confidential and may not be
2 disclosed without the consent of that individual, unless
3 the individual consents to disclosure of the individual's
4 name or disclosure of the individual's identity is
5 otherwise required by law. The confidentiality granted by
6 this subsection does not preclude the disclosure of the
7 identity of a person in any capacity other than as the
8 source of an allegation.

9 Nothing in this subsection (d) shall preclude the Board
10 from receiving, investigating, or acting upon allegations made
11 confidentially or in a format different from the form provided
12 for in this subsection.

13 (e) Preliminary review.

14 (1) The Board shall complete a preliminary review of
15 the allegations to determine whether there is sufficient
16 information to warrant a further investigation of any
17 violations of the Act. Upon initiating a preliminary
18 review of the allegations, the Board shall notify the head
19 of the law enforcement agency that employs the law
20 enforcement officer who is the subject of the allegations.
21 At the request of the Board, the law enforcement agency
22 must submit any copies of investigative findings,
23 evidence, or documentation to the Board in accordance with
24 rules adopted by the Board to facilitate the Board's
25 preliminary review. The Board may correspond with the law
26 enforcement agency, official records clerks or any

1 investigative agencies in conducting its preliminary
2 review.

3 (2) During the preliminary review, the Board will take
4 all reasonable steps to discover any and all objective
5 verifiable evidence relevant to the alleged violation
6 through the identification, retention, review, and
7 analysis of all currently available evidence, including,
8 but not limited to: all time-sensitive evidence, audio and
9 video evidence, physical evidence, arrest reports,
10 photographic evidence, GPS records, computer data, lab
11 reports, medical documents, and witness interviews. All
12 reasonable steps will be taken to preserve relevant
13 evidence identified during the preliminary investigation.

14 (3) If after a preliminary review of the alleged
15 violation or violations, the Board believes there is
16 sufficient information to warrant further investigation of
17 any violations of this Act, the alleged violation or
18 violations shall be assigned for investigation in
19 accordance with subsection (f).

20 (4) If after a review of the allegations, the Board
21 believes there is insufficient information supporting the
22 allegations to warrant further investigation, it may close
23 a notice. Notification of the Board's decision to close a
24 notice shall be sent to all relevant individuals,
25 agencies, and any entities that received notice of the
26 violation under subsection (c) within 30 days of the

1 notice being closed, except in cases where the notice is
2 submitted anonymously if the complainant is unknown.

3 (5) Except when the Board has received notice under
4 subparagraph (A) of paragraph (1) of subsection (c), no
5 later than 30 days after receiving notice, the Board shall
6 report any notice of violation it receives to the relevant
7 law enforcement agency, unless reporting the notice would
8 jeopardize any subsequent investigation. The Board shall
9 also record any notice of violation it receives to the
10 Officer Professional Conduct Database in accordance with
11 Section 9.2. The Board shall report to the appropriate
12 State's Attorney any alleged violations that contain
13 allegations, claims, or factual assertions that, if true,
14 would constitute a violation of Illinois law. The Board
15 shall inform the law enforcement officer via certified
16 mail that it has received a notice of violation against
17 the law enforcement officer.

18 If the Board determines that due to the circumstances
19 and the nature of the allegation that it would not be
20 prudent to notify the law enforcement officer and the
21 officer's law enforcement agency unless and until the
22 filing of a Formal Complaint, the Board shall document in
23 the file the reason or reasons a notification was not
24 made.

25 (6) If the law enforcement officer is involved in a
26 criminal proceeding on the same subject as the notice of

1 violation, the Board is responsible for maintaining a
2 current status report including court dates, hearings,
3 pleas, adjudication status and sentencing. A State's
4 Attorney's Office must notify the Board of any criminal
5 charges filed against a law enforcement officer, and must
6 provide updates of significant developments to the Board
7 in a timely manner but no later than 30 days after such
8 developments.

9 (f) Investigations; requirements. Investigations are to be
10 assigned after a preliminary review, unless the investigations
11 were closed under paragraph (4) of subsection (e), as follows
12 in paragraphs (1), (2), and (3) of this subsection (f).

13 (1) A law enforcement agency that submits a notice of
14 violation to the Board under subparagraph (A) of paragraph
15 (1) of subsection (c) shall be responsible for conducting
16 an investigation of the underlying allegations except
17 when: (i) the law enforcement agency refers the notice to
18 another law enforcement agency or the Board for
19 investigation and such other agency or the Board agrees to
20 conduct the investigation; (ii) an external, independent,
21 or civilian oversight agency conducts the investigation in
22 accordance with local ordinance or other applicable law;
23 or (iii) the Board has determined that it will conduct the
24 investigation based upon the facts and circumstances of
25 the alleged violation, including but not limited to,
26 investigations regarding the Chief or Sheriff of a law

1 enforcement agency, familial conflict of interests,
2 complaints involving a substantial portion of a law
3 enforcement agency, or complaints involving a policy of a
4 law enforcement agency. Any agency or entity conducting an
5 investigation under this paragraph (1) shall submit
6 quarterly reports to the Board regarding the progress of
7 the investigation. The quarterly report shall be reviewed
8 by the individual or individuals at the Board who
9 conducted the preliminary review, if available.

10 Any agency or entity conducting an investigation under
11 this paragraph (1) shall, within 7 days of completing an
12 investigation, deliver an Investigative Summary Report and
13 copies of any administrative evidence to the Board. If the
14 Board finds an investigation conducted under this
15 paragraph (1) is incomplete, unsatisfactory, or deficient
16 in any way, the Board may direct the investigating entity
17 or agency to take any additional investigative steps
18 deemed necessary to thoroughly and satisfactorily complete
19 the investigation, or the Board may take any steps
20 necessary to complete the investigation. The investigating
21 entity or agency or, when necessary, the Board will then
22 amend and re-submit the Investigative Summary Report to
23 the Board for approval.

24 The Board shall submit a report to the investigating
25 entity disclosing the name, address, and telephone numbers
26 of persons who have knowledge of facts which are the

1 subject of the investigation and identifying the subject
2 matter of their knowledge.

3 (2) The Board shall investigate and complete an
4 Investigative Summary Report when a State's Attorney's
5 Office submits a notice of violation to the Board under
6 (c) (1) (C).

7 (3) When a person submits a notice to the Board under
8 paragraph (2) of subsection (c), The Board shall assign
9 the investigation to the law enforcement agency that
10 employs the law enforcement officer, except when: (i) the
11 law enforcement agency requests to refer the notice to
12 another law enforcement agency or the Board for
13 investigation and such other agency or the Board agrees to
14 conduct the investigation; (ii) an external, independent,
15 or civilian oversight agency conducts the investigation in
16 accordance with local ordinance or other applicable law;
17 or (iii) the Board has determined that it will conduct the
18 investigation based upon the facts and circumstances of
19 the alleged violation, including but not limited to,
20 investigations regarding the Chief or Sheriff of a law
21 enforcement agency, familial conflict of interests,
22 complaints involving a substantial portion of a law
23 enforcement agency, or complaints involving a policy of a
24 law enforcement agency.

25 The investigating entity or agency shall submit
26 quarterly reports to the Board regarding the progress of

1 the investigation in a form to be determined by the Board.
2 The quarterly report shall be reviewed by the individual
3 at the Board who conducted the preliminary review, if
4 available.

5 The investigating entity or agency shall, within 7 days of
6 completing an investigation, deliver an Investigative
7 Summary Report and copies of any evidence to the Board. If
8 the Board finds an investigation conducted under this
9 subsection (f)(3) is incomplete, unsatisfactory, or
10 deficient in any way, the Board may direct the
11 investigating entity to take any additional investigative
12 steps deemed necessary to thoroughly and satisfactorily
13 complete the investigation, or the Board may take any
14 steps necessary to complete the investigation. The
15 investigating entity or agency or, when necessary, the
16 Board will then amend and re-submit the Investigative
17 Summary Report to the Board for approval. The
18 investigating entity shall cooperate with and assist the
19 Board, as necessary, in any subsequent investigation.

20 (4) Concurrent Investigations. The Board may, at any
21 point, initiate a concurrent investigation under this
22 section. The original investigating entity shall timely
23 communicate, coordinate, and cooperate with the Board to
24 the fullest extent. The Board shall promulgate rules that
25 shall address, at a minimum, the sharing of information
26 and investigative means such as subpoenas and interviewing

1 witnesses.

2 (5) Investigative Summary Report. An Investigative
3 Summary Report shall contain, at a minimum, the
4 allegations and elements within each allegation followed
5 by the testimonial, documentary, or physical evidence that
6 is relevant to each such allegation or element listed and
7 discussed in association with it. All persons who have
8 been interviewed and listed in the Investigative Summary
9 Report will be identified as a complainant, witness,
10 person with specialized knowledge, or law enforcement
11 employee.

12 (6) Each law enforcement agency shall adopt a written
13 policy regarding the investigation of conduct under
14 subsection (a) that involves a law enforcement officer
15 employed by that law enforcement agency. The written
16 policy adopted must include the following, at a minimum:

17 (a) Each law enforcement officer shall immediately
18 report any conduct under subsection (b) to the
19 appropriate supervising officer.

20 (b) The written policy under this Section shall be
21 available for inspection and copying under the Freedom
22 of Information Act, and not subject to any exemption
23 of that Act.

24 (7) Nothing in this Act shall prohibit a law
25 enforcement agency from conducting an investigation for
26 the purpose of internal discipline. However, any such

1 investigation shall be conducted in a manner that avoids
2 interference with, and preserves the integrity of, any
3 separate investigation by the Board being conducted.

4 (g) Formal complaints. Upon receipt of an Investigative
5 Summary Report, the Board shall review the Report and any
6 relevant evidence obtained and determine whether there is
7 reasonable basis to believe that the law enforcement officer
8 committed any conduct that would be deemed a violation of this
9 Act. If after reviewing the Report and any other relevant
10 evidence obtained, the Board determines that a reasonable
11 basis does exist, the Board shall file a formal complaint with
12 the Certification Review Panel.

13 (h) Formal Complaint Hearing.

14 (1) Upon issuance of a formal complaint, the Panel
15 shall set the matter for an initial hearing in front of an
16 administrative law judge. At least 30 days before the date
17 set for an initial hearing, the Panel must, in writing,
18 notify the law enforcement officer subject to the
19 complaint of the following:

20 (i) the allegations against the law enforcement
21 officer, the time and place for the hearing, and
22 whether the law enforcement officer's certification
23 has been temporarily suspended under Section 8.3;

24 (ii) the right to file a written answer to the
25 complaint with the Panel within 30 days after service
26 of the notice;

1 (iii) if the law enforcement officer fails to
2 comply with the notice of the default order in
3 paragraph (2), the Panel shall enter a default order
4 against the law enforcement officer along with a
5 finding that the allegations in the complaint are
6 deemed admitted, and that the law enforcement
7 officer's certification may be revoked as a result;
8 and

9 (iv) the law enforcement officer may request an
10 informal conference to surrender the officer's
11 certification.

12 (2) The Board shall send the law enforcement officer
13 notice of the default order. The notice shall state that
14 the officer has 30 days to notify the Board in writing of
15 their desire to have the order vacated and to appear
16 before the Board. If the law enforcement officer does not
17 notify the Board within 30 days, the Board may set the
18 matter for hearing. If the matter is set for hearing, the
19 Board shall send the law enforcement officer the notice of
20 the date, time and location of the hearing. If the law
21 enforcement officer or counsel for the officer does
22 appear, at the Board's discretion, the hearing may proceed
23 or may be continued to a date and time agreed upon by all
24 parties. If on the date of the hearing, neither the law
25 enforcement officer nor counsel for the officer appears,
26 the Board may proceed with the hearing for default in

1 their absence.

2 (3) If the law enforcement officer fails to comply
3 with paragraph (2), all of the allegations contained in
4 the complaint shall be deemed admitted and the law
5 enforcement officer shall be decertified if, by a majority
6 vote of the panel, the conduct charged in the complaint is
7 found to constitute sufficient grounds for decertification
8 under this Act. Notice of the decertification decision may
9 be served by personal delivery, by mail, or, at the
10 discretion of the Board, by electronic means as adopted by
11 rule to the address or email address specified by the law
12 enforcement officer in the officer's last communication
13 with the Board. Notice shall also be provided to the law
14 enforcement officer's employing law enforcement agency.

15 (4) The Board, at the request of the law enforcement
16 officer subject to the Formal Complaint, may suspend a
17 hearing on a Formal Complaint for no more than one year if
18 a concurrent criminal matter is pending. If the law
19 enforcement officer requests to have the hearing
20 suspended, the law enforcement officer's certification
21 shall be deemed inactive until the law enforcement
22 officer's Formal Complaint hearing concludes. The Board or
23 the law enforcement officer may request to have the
24 hearing suspended for up to 6 additional months for good
25 cause. This request may be renewed. For purposes of this
26 paragraph (4), "good cause" means an incident or

1 occurrence that is beyond the control of the requester and
2 that prevents the hearing from occurring, or holding the
3 hearing would impose an undue hardship or prejudice on the
4 requester.

5 (5) Surrender of certification or waiver. Upon the
6 Board's issuance of a complaint, and prior to hearing on
7 the matter, a law enforcement officer may choose to
8 surrender the officer's certification or waiver by
9 notifying the Board in writing of the officer's decision
10 to do so. Upon receipt of such notification from the law
11 enforcement officer, the Board shall immediately decertify
12 the officer, or revoke any waiver previously granted. In
13 the case of a surrender of certification or waiver, the
14 Board's proceeding shall terminate.

15 (6) Appointment of administrative law judges. The
16 Board shall retain any attorney licensed to practice law
17 in the State of Illinois to serve as an administrative law
18 judge in any action involving a law enforcement officer
19 under this Act. The administrative law judge shall be
20 retained to a term of no greater than 4 years. If more than
21 one judge is retained, the terms shall be staggered. The
22 administrative law judge has full authority to conduct the
23 hearings.

24 Administrative law judges will receive initial and
25 annual training that is adequate in quality, quantity,
26 scope, and type, and will cover, at minimum the following

1 topics:

2 (i) constitutional and other relevant law on
3 police-community encounters, including the law on the
4 use of force and stops, searches, and arrests;

5 (ii) police tactics;

6 (iii) investigations of police conduct;

7 (iv) impartial policing;

8 (v) policing individuals in crisis;

9 (vi) Illinois police policies, procedures, and
10 disciplinary rules;

11 (vii) procedural justice; and

12 (viii) community outreach.

13 The Board shall determine the content and extent of
14 the training within the scope provided for by this
15 subsection.

16 (7) Hearing. At the hearing, the administrative law
17 judge will hear the allegations alleged in the complaint.
18 The law enforcement officer, the counsel of the officer's
19 choosing, and the Board, or the officer's counsel, shall
20 be afforded the opportunity to present any pertinent
21 statements, testimony, evidence, and arguments. The law
22 enforcement officer shall be afforded the opportunity to
23 request that the Board compel the attendance of witnesses
24 and production of related documents. After the conclusion
25 of the hearing, the administrative law judge shall report
26 any findings of fact, conclusions of law, and recommended

1 disposition to the Panel. If the law enforcement officer
2 objects to any procedural or substantive legal portion of
3 the report, the officer may do so by written brief filed
4 with the Panel within 14 days after receipt of the report.
5 The Panel may grant reasonable extensions for good cause
6 shown or when mutually agreed upon by the parties.

7 No later than 28 days before the hearing, a party
8 shall disclose the following:

9 (i) The name and, if known, the address and
10 telephone number of each individual likely to have
11 information relevant to the hearing that the
12 disclosing party may use to support its claims or
13 defenses. This includes, but is not limited to, any
14 name that has previously been held as confidential by
15 the Board.

16 (ii) A copy of any documents and videos that are in
17 the possession, custody, or control of the party, and
18 that the disclosing party may use to support its
19 claims or defenses.

20 (8) Certification Review Meeting. Upon receipt of the
21 administrative law judge's findings of fact, conclusions
22 of law, and recommended disposition, and any submitted
23 objections from the law enforcement officer, the Panel
24 shall call for a certification review meeting.

25 In such a meeting, the Panel may adjourn into a closed
26 conference for the purposes of deliberating on the

1 evidence presented during the hearing. In closed
2 conference, the Panel shall consider the hearing officer's
3 findings of fact, conclusions of law, and recommended
4 disposition and may deliberate on all evidence and
5 testimony received and may consider the weight and
6 credibility to be given to the evidence received. No new
7 or additional evidence may be presented to the Panel.
8 After concluding its deliberations, the Panel shall
9 convene in open session for its consideration of the
10 matter. If a simple majority of the Panel finds that no
11 allegations in the complaint supporting one or more
12 charges of misconduct are proven by clear and convincing
13 evidence, then the Panel shall recommend to the Board that
14 the complaint be dismissed. If a simple majority of the
15 Panel finds that the allegations in the complaint
16 supporting one or more charges of misconduct are proven by
17 clear and convincing evidence, then the Panel shall
18 recommend to the Board to decertify the officer. The Panel
19 shall prepare a summary report as soon as practicable
20 after the completion of the meeting including the
21 following: the hearing officer's findings of fact,
22 conclusions of law, recommended disposition, and the
23 Panel's order.

24 (9) Final action by the Board. After receiving the
25 Panel's recommendations and any objections by the law
26 enforcement officer, and after due consideration of the

1 Panel's recommendations, the Board, by majority vote,
2 shall issue a final decision to decertify the law
3 enforcement officer or take no action in regard to the law
4 enforcement officer. No new or additional evidence may be
5 presented to the Board. If the Board makes a final
6 decision contrary to the recommendations of the Panel, the
7 Board shall set forth in its final written decision the
8 specific written reasons for not following the Panel's
9 recommendations. A copy of the Board's final decision
10 shall be served upon the law enforcement officer by the
11 Board, either personally or as provided in this Act for
12 the service of a notice of hearing. A copy of the Board's
13 final decision also shall be delivered to the last
14 employing law enforcement agency, the complainant, and the
15 Panel.

16 (10) Reconsideration of the Board's Decision. Within
17 30 days after service of the Board's final decision, the
18 Panel or the law enforcement officer may file a written
19 motion for reconsideration with the Review Committee. The
20 motion for reconsideration shall specify the particular
21 grounds for reconsideration. The non-moving party may
22 respond to the motion for reconsideration. The Review
23 Committee shall only address the issues raised by the
24 parties.

25 The Review Committee may deny the motion for
26 reconsideration, or it may grant the motion in whole or in

1 part and issue a new final decision in the matter. The
2 Review Committee must notify the law enforcement officer
3 and their last employing law enforcement agency within 14
4 days of a denial and state the reasons for denial.

5 (i) This Section applies to conduct by a full-time or
6 part-time law enforcement officer in violation of subsection
7 (b) that occurred before, on, or after the effective date of
8 this amendatory Act of the 102nd General Assembly.

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

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

14 (50 ILCS 705/6.8 new)

15 Sec. 6.8. Officer certification when departing employment.

16 (a) A police officer's or corrections officer's
17 certification is valid for one year after the officer departs
18 employment in good standing and with the officer's
19 certification still active. An employer, upon request by the
20 officer, may issue a statement to the officer providing that
21 the officer has left in good standing and shall also include
22 the date of termination of service.

23 (b) An officer is not required to receive a training
24 waiver if the officer resumes employment as a certified
25 officer with a department or agency in Illinois no later than

1 one year after the officer departs employment at the previous
2 department or agency under subsection (a). An officer who has
3 become deficient in any required training during the year of
4 continued certification under subsection (a) after departing
5 employment shall have one year from the date the officer is
6 reemployed by a new department or agency to complete all of the
7 deficient training.

8 (c) If an officer has continued certification under
9 subsection (a) and has a break in service of greater than one
10 year, the Board shall either (i) require the officer to
11 complete any training deficiencies prior to reemployment as a
12 certified officer or (ii) grant a training waiver and allow
13 the officer to complete any training deficiencies while
14 employed as a full-time officer within one year after
15 reemployment.

16 (d) Nothing in this Section permits an officer certified
17 as a part-time officer from serving as a full-time officer
18 without meeting the requirements and obtaining certification
19 as a full-time officer.

20 (50 ILCS 705/6.9 new)

21 Sec. 6.9. Denial of Certification; decertification.

22 (a) If the Board denies the decision of a training school
23 to approve a candidate to a qualified police training school,
24 the Board must inform the employer and the candidate of the
25 denial at least 14 days prior to the commencement of the start

1 of the training school.

2 (b) When decertifying an officer or when denying a
3 training waiver, the Board may only decertify the officer or
4 deny the training waiver for a criminal offense that would
5 have resulted, on the date and time the action was committed,
6 in decertification had the officer actually been employed as a
7 law enforcement officer at the time of the action.
8 Decertification may not happen retroactively for actions that
9 required certification after the date the actions were
10 committed.

11 (50 ILCS 705/6.10 new)

12 Sec. 6.10. Implementation of the federal Law Enforcement
13 Officer Safety Act of 2004. The Board and its staff are
14 responsible for facilitating and enabling coverage of active
15 and retired deputies, county correctional officers, and
16 correctional officers of the Department of Corrections in a
17 manner consistent with Public Act 102-779. If the Board and
18 its staff do not reasonably facilitate and enable coverage of
19 active or retired deputies, county correctional officers, or
20 correctional officers of the Department of Corrections under
21 the federal Law Enforcement Officer Safety Act of 2004 or if
22 the Board takes actions or refuses to take reasonable actions
23 that inhibit coverage, the deputy or officer may institute a
24 private right of action against the Board or its staff.

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

2 (Text of Section before amendment by P.A. 103-389)

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

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

20 If such training is required and not completed within the
21 applicable 6 months, then the officer must forfeit the
22 officer's position, or the employing agency must obtain a
23 waiver from the Board extending the period for compliance.
24 Such waiver shall be issued only for good and justifiable
25 reasons, and in no case shall extend more than 90 days beyond
26 the initial 6 months. Any hiring agency that fails to train a

1 law enforcement officer within this period shall be prohibited
2 from employing this individual in a law enforcement capacity
3 for one year from the date training was to be completed. If an
4 agency again fails to train the individual a second time, the
5 agency shall be permanently barred from employing this
6 individual in a law enforcement capacity.

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

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

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 officer's employing law enforcement

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

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

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

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 an employing agency for
25 conduct subject to decertification under this Act or
26 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 with a copy to the chief
12 administrator of the law enforcement officer's current or
13 new employing agency.

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

23 (4) Notwithstanding paragraph (3) of this subsection
24 (b), a law enforcement officer whose certification has
25 become inactive under paragraph (2) may have the officer's
26 employing agency submit a request for a waiver of training

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

17 (c) No provision of this Section shall be construed to
18 mean that a county corrections officer employed by a
19 governmental agency at the time of the effective date of this
20 amendatory Act, either as a probationary county corrections
21 officer or as a permanent county corrections officer, shall
22 require certification under the provisions of this Section. No
23 provision of this Section shall be construed to apply to
24 certification of elected county sheriffs.

25 (d) Within 14 days, a law enforcement officer shall report
26 to the Board: (1) any name change; (2) any change in

1 employment; or (3) the filing of any criminal indictment or
2 charges against the officer alleging that the officer
3 committed any offense as enumerated in Section 6.1 of this
4 Act.

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

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

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

23 (f) This Section does not apply to part-time law
24 enforcement officers or probationary part-time law enforcement
25 officers.

26 (g) Notwithstanding any provision of law to the contrary,

1 the changes made to this Section by Public Act 101-652, Public
2 Act 102-28, and Public Act 102-694 take effect July 1, 2022.

3 (Source: P.A. 102-28, eff. 6-25-21; 102-694, eff. 1-7-22;
4 103-154, eff. 6-30-23.)

5 (Text of Section after amendment by P.A. 103-389)

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 prior law enforcement or county
20 corrections experience, obtained in Illinois, in any other
21 state, or with an agency of the federal government, the basic
22 training requirement is determined by the Board to be
23 illogical and unreasonable. The Board may not require an
24 officer employed as a full-time certified officer by one
25 department or agency who simultaneously becomes employed as a

1 part-time officer by another department or agency to receive a
2 waiver of training or take any other action for purposes of the
3 second employment. Agencies seeking a reciprocity waiver for
4 training completed outside of Illinois must conduct a thorough
5 background check and provide verification of the officer's
6 prior training. After review and satisfaction of all requested
7 conditions, the officer shall be awarded an equivalency
8 certificate satisfying the requirements of this Section.
9 Within 60 days after the effective date of this amendatory Act
10 of the 103rd General Assembly, the Board shall adopt uniform
11 rules providing for a waiver process for a person previously
12 employed and qualified as a law enforcement or county
13 corrections officer under federal law or the laws of any other
14 state, or who has completed a basic law enforcement officer or
15 correctional officer academy who would be qualified to be
16 employed as a law enforcement officer or correctional officer
17 by the federal government or any other state. These rules
18 shall address the process for evaluating prior training
19 credit, a description and list of the courses typically
20 required for reciprocity candidates to complete prior to
21 taking the exam, and a procedure for employers seeking a
22 pre-activation determination for a reciprocity training
23 waiver. The rules shall provide that any eligible person
24 previously trained as a law enforcement or county corrections
25 officer under federal law or the laws of any other state shall
26 successfully complete the following prior to the approval of a

1 waiver:

2 (1) a training program or set of coursework approved
3 by the Board on the laws of this State relevant to the
4 duties and training requirements of law enforcement and
5 county correctional officers;

6 (2) firearms training; and

7 (3) successful passage of the equivalency
8 certification examination.

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) are exempt from the
4 requirement of certified status. Failure to be certified in
5 accordance with this Act shall cause the officer to forfeit
6 the officer's position.

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

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

13 (1) Except as provided in Section 6.8, a ~~A~~ law
14 enforcement officer's certification becomes inactive upon
15 termination, resignation, retirement, or separation from
16 the officer's employing law enforcement agency for any
17 reason. The Board shall re-activate a certification upon
18 written application from the law enforcement officer's law
19 enforcement agency that shows the law enforcement officer:
20 (i) has accepted a full-time law enforcement position with
21 that law enforcement agency, (ii) is not the subject of a
22 decertification proceeding, and (iii) meets all other
23 criteria for re-activation required by the Board. The
24 Board may also establish special training requirements to
25 be completed as a condition for re-activation.

26 The Board shall review a notice for reactivation from

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

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

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

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

1 administrator of the law enforcement officer's current or
2 new employing agency.

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

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

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

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

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

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

23 (e-1) Each employing law enforcement agency shall allow
24 and provide an opportunity for a law enforcement officer to
25 complete the mandated requirements in this Act. All mandated
26 training shall be provided at no cost to the employees.

1 Employees shall be paid for all time spent attending mandated
2 training.

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

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

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

18 (Source: P.A. 102-28, eff. 6-25-21; 102-694, eff. 1-7-22;
19 103-154, eff. 6-30-23; 103-389, eff. 1-1-24.)

20 (50 ILCS 705/8.2)

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

22 (a) A person hired to serve as a part-time law enforcement
23 officer must obtain from the Board a certificate (i) attesting
24 to the officer's successful completion of the part-time police
25 training course; (ii) attesting to the officer's satisfactory

1 completion of a training program of similar content and number
2 of hours that has been found acceptable by the Board under the
3 provisions of this Act; or (iii) a training waiver attesting
4 to the Board's determination that the part-time police
5 training course is unnecessary because of the person's prior
6 law enforcement experience obtained in Illinois, in any other
7 state, or with an agency of the federal government. The Board
8 may not require an officer employed as a part-time certified
9 officer by one department or agency who simultaneously becomes
10 employed as a part-time officer by another department or
11 agency to receive a waiver of training or take any other action
12 for purposes of the second employment. A person hired on or
13 after the effective date of this amendatory Act of the 92nd
14 General Assembly must obtain this certificate within 18 months
15 after the initial date of hire as a probationary part-time law
16 enforcement officer in the State of Illinois. The probationary
17 part-time law enforcement officer must be enrolled and
18 accepted into a Board-approved course within 6 months after
19 active employment by any department in the State. A person
20 hired on or after January 1, 1996 and before the effective date
21 of this amendatory Act of the 92nd General Assembly must
22 obtain this certificate within 18 months after the date of
23 hire. A person hired before January 1, 1996 must obtain this
24 certificate within 24 months after the effective date of this
25 amendatory Act of 1995. Agencies seeking a reciprocity waiver
26 for training completed outside of Illinois must conduct a

1 thorough background check and provide verification of the
2 officer's prior training. After review and satisfaction of all
3 requested conditions, the officer shall be awarded an
4 equivalency certificate satisfying the requirements of this
5 Section. Within 60 days after the effective date of this
6 amendatory Act of the 103rd General Assembly, the Board shall
7 adopt uniform rules providing for a waiver process for a
8 person previously employed and qualified as a law enforcement
9 or county corrections officer under federal law or the laws of
10 any other state, or who has completed a basic law enforcement
11 officer or correctional officer academy who would be qualified
12 to be employed as a law enforcement officer or correctional
13 officer by the federal government or any other state. These
14 rules shall address the process for evaluating prior training
15 credit, a description and list of the courses typically
16 required for reciprocity candidates to complete prior to
17 taking the exam, and a procedure for employers seeking a
18 pre-activation determination for a reciprocity training
19 waiver. The rules shall provide that any eligible person
20 previously trained as a law enforcement or county corrections
21 officer under federal law or the laws of any other state shall
22 successfully complete the following prior to the approval of a
23 waiver:

- 24 (1) a training program or set of coursework approved
25 by the Board on the laws of this State relevant to the
26 duties and training requirements of law enforcement and

1 county correctional officers;
2 (2) firearms training; and
3 (3) successful passage of the equivalency
4 certification examination.

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) Except as provided in Section 6.8, a ~~A~~ law
25 enforcement officer's certification becomes inactive upon
26 termination, resignation, retirement, or separation from

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

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

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

26 (3) Certification that has become inactive under

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

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

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

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

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

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

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

1 charges against the officer alleging that the officer
2 committed any offense as enumerated in Section 6.1 of this
3 Act.

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

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

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

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

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

1 1, 2022.

2 (Source: P.A. 102-694, eff. 1-7-22; 103-389, eff. 1-1-24.)

3 (50 ILCS 705/9) (from Ch. 85, par. 509)

4 Sec. 9. A special fund is hereby established in the State
5 Treasury to be known as the Traffic and Criminal Conviction
6 Surcharge Fund. Moneys in this Fund shall be expended as
7 follows:

8 (1) a portion of the total amount deposited in the
9 Fund may be used, as appropriated by the General Assembly,
10 for the ordinary and contingent expenses of the Illinois
11 Law Enforcement Training Standards Board;

12 (2) a portion of the total amount deposited in the
13 Fund shall be appropriated for the reimbursement of local
14 governmental agencies participating in training programs
15 certified by the Board, in an amount equaling 1/2 of the
16 total sum paid by such agencies during the State's
17 previous fiscal year for mandated training for
18 probationary law enforcement officers or probationary
19 county corrections officers and for optional advanced and
20 specialized law enforcement or county corrections
21 training; these reimbursements may include the costs for
22 tuition at training schools, the salaries of trainees
23 while in schools, and the necessary travel and room and
24 board expenses for each trainee; if the appropriations
25 under this paragraph (2) are not sufficient to fully

1 reimburse the participating local governmental agencies,
2 the available funds shall be apportioned among such
3 agencies, with priority first given to repayment of the
4 costs of mandatory training given to law enforcement
5 officer or county corrections officer recruits, then to
6 repayment of costs of advanced or specialized training for
7 permanent law enforcement officers or permanent county
8 corrections officers;

9 (3) a portion of the total amount deposited in the
10 Fund may be used to fund the Intergovernmental Law
11 Enforcement Officer's In-Service Training Act, veto
12 overridden October 29, 1981, as now or hereafter amended,
13 at a rate and method to be determined by the board;

14 (4) a portion of the Fund also may be used by the
15 Illinois State Police for expenses incurred in the
16 training of employees from any State, county, or municipal
17 agency whose function includes enforcement of criminal or
18 traffic law;

19 (5) a portion of the Fund may be used by the Board to
20 fund grant-in-aid programs and services for the training
21 of employees from any county or municipal agency whose
22 functions include corrections or the enforcement of
23 criminal or traffic law;

24 (6) for fiscal years 2013 through 2017 only, a portion
25 of the Fund also may be used by the Department of State
26 Police to finance any of its lawful purposes or functions;

1 (7) a portion of the Fund may be used by the Board,
2 subject to appropriation, to administer grants to local
3 law enforcement agencies for the purpose of purchasing
4 bulletproof vests under the Law Enforcement Officer
5 Bulletproof Vest Act; ~~and~~

6 (8) a portion of the Fund may be used by the Board to
7 create a law enforcement grant program available for units
8 of local government to fund crime prevention programs,
9 training, and interdiction efforts, including enforcement
10 and prevention efforts, relating to the illegal cannabis
11 market and driving under the influence of cannabis; ~~and~~

12 (9) 1.5% of each deposit into the Fund shall be
13 transferred by the Comptroller to the Illinois Law
14 Enforcement Standards Appeal Fund within 10 days after
15 deposit of the moneys.

16 All payments from the Traffic and Criminal Conviction
17 Surcharge Fund shall be made each year from moneys
18 appropriated for the purposes specified in this Section. No
19 more than 50% of any appropriation under this Act shall be
20 spent in any city having a population of more than 500,000. The
21 State Comptroller and the State Treasurer shall from time to
22 time, at the direction of the Governor, transfer from the
23 Traffic and Criminal Conviction Surcharge Fund to the General
24 Revenue Fund in the State Treasury such amounts as the
25 Governor determines are in excess of the amounts required to
26 meet the obligations of the Traffic and Criminal Conviction

1 Surcharge Fund.

2 (Source: P.A. 101-27, eff. 6-25-19; 101-652, eff. 1-1-22;
3 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

4 Section 20. The State Finance Act is amended by adding
5 Section 1.1015 as follows:

6 (30 ILCS 105/1.1015 new)

7 Sec. 1.1015. The Illinois Law Enforcement Standards Appeal
8 Fund.

9 Section 95. No acceleration or delay. Where this Act makes
10 changes in a statute that is represented in this Act by text
11 that is not yet or no longer in effect (for example, a Section
12 represented by multiple versions), the use of that text does
13 not accelerate or delay the taking effect of (i) the changes
14 made by this Act or (ii) provisions derived from any other
15 Public Act.

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2		Statutes amended in order of appearance
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4	20	ILCS 2610/12.8 new
5	50	ILCS 705/3 from Ch. 85, par. 503
6	50	ILCS 705/6.1
7	50	ILCS 705/6.3
8	50	ILCS 705/6.8 new
9	50	ILCS 705/6.9 new
10	50	ILCS 705/6.10 new
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14	30	ILCS 105/1.1015 new