

1 AN ACT in relation to fire fighters.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Firemen's Disciplinary Act is amended by
5 changing Sections 2 and 3.2 as follows:

6 (50 ILCS 745/2) (from Ch. 85, par. 2502)

7 Sec. 2. For the purposes of this Act, unless clearly
8 required otherwise, the terms defined in this Section have
9 the meaning ascribed herein:

10 (a) "Fireman" means a person who is a "firefighter" or
11 "fireman" as defined in Sections 4-106 or 6-106 of the
12 Illinois Pension Code, and includes a person who is an
13 "employee" as defined in Section 15-107 of the Illinois
14 Pension Code and whose primary duties relate to firefighting.

15 (b) "Informal inquiry" means a meeting by supervisory or
16 command personnel with a fireman upon whom an allegation of
17 misconduct has come to the attention of such supervisory or
18 command personnel, the purpose of which meeting is to mediate
19 a citizen complaint or discuss the facts to determine whether
20 a formal investigation should be commenced.

21 (c) "Formal investigation" means the process of
22 investigation ordered by a commanding officer during which
23 the questioning of a fireman is intended to gather evidence
24 of misconduct which may be the basis for filing charges
25 seeking his or her removal, discharge, or suspension from
26 duty in excess of 24 duty 72 hours.

27 (d) "Interrogation" means the questioning of a fireman
28 pursuant to an investigation initiated by the respective
29 State or local governmental unit in connection with an
30 alleged violation of such unit's rules which may be the basis
31 for filing charges seeking his or her suspension, removal, or

1 discharge. The term does not include questioning as part of
2 an informal inquiry as to allegations of misconduct relating
3 to minor infractions of agency rules which may be noted on
4 the fireman's record but which may not in themselves result
5 in removal, discharge, or suspension from duty in excess of
6 24 duty 72 hours.

7 (e) "Administrative proceeding" means any non-judicial
8 hearing which is authorized to recommend, approve or order
9 the suspension, removal, or discharge of a fireman.

10 (Source: P.A. 85-606.)

11 (50 ILCS 745/3.2) (from Ch. 85, par. 2505)

12 Sec. 3.2. No fireman shall be subjected to questioning
13 in relation to an allegation of misconduct without first
14 being informed in writing of the allegations and whether the
15 allegations, if proven, involve minor infractions or may
16 result in removal, discharge, or suspension from duty in
17 excess of 24 duty 72 hours. If an administrative proceeding
18 is instituted, the fireman shall be informed beforehand of
19 the names of all complainants and all information necessary
20 to reasonably apprise the fireman of the nature of the
21 charges and the preparation of a defense.

22 (Source: P.A. 85-606.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.