



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB0681

Introduced 1/31/2005, by Rep. Jay C. Hoffman

SYNOPSIS AS INTRODUCED:

50 ILCS 705/6	from Ch. 85, par. 506
50 ILCS 705/6.1	
50 ILCS 705/6.2 new	
50 ILCS 705/8.1	from Ch. 85, par. 508.1
50 ILCS 705/8.2	

Amends the Illinois Police Training Act. Requires police officers to be licensed rather than certified. Provides a process to convert certificates to licenses. Authorizes the Board to require local government units to submit personnel rosters, employment status reports, and annual training plans. Provides that no police officer may be licensed or given a waiver if he or she has been convicted of or pled guilty to a felony (now, convicted of).

LRB094 06391 AJO 36476 b

1 AN ACT concerning law enforcement training.

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

4 Section 5. The Illinois Police Training Act is amended by
5 changing Sections 6, 6.1, 8.1, and 8.2 and adding Section 6.2
6 as follows:

7 (50 ILCS 705/6) (from Ch. 85, par. 506)

8 Sec. 6. Powers and duties of Board; selection and
9 certification of schools. The Board shall select and certify
10 schools within the State of Illinois for the purpose of
11 providing basic training for probationary police officers,
12 probationary county corrections officers, and court security
13 officers and of providing advanced or in-service training for
14 permanent police officers or permanent county corrections
15 officers, which schools may be either publicly or privately
16 owned and operated. In addition, the Board has the following
17 power and duties:

18 a. To require local governmental units to furnish such
19 reports and information as the Board deems necessary to
20 fully implement this Act, including, but not limited to,
21 personnel rosters, employment status reports, and annual
22 training plans.

23 b. To establish appropriate mandatory minimum
24 standards relating to the training of probationary local
25 law enforcement officers or probationary county
26 corrections officers.

27 c. To provide appropriate licensure or certification
28 to those probationary officers who successfully complete
29 the prescribed minimum standard basic training course.

30 d. To review and approve annual training curriculum for
31 county sheriffs.

32 e. To review and approve applicants to ensure that no

1 applicant is admitted to a certified academy unless the
2 applicant is a person of good character and has not been
3 convicted of a felony offense, any of the misdemeanors in
4 Sections 11-6, 11-9.1, 11-14, 11-17, 11-19, 12-2, 12-15,
5 16-1, 17-1, 17-2, 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a, or
6 32-7 of the Criminal Code of 1961 or Section 5 or 5.2 of
7 the Cannabis Control Act, or a crime involving moral
8 turpitude under the laws of this State or any other state
9 which if committed in this State would be punishable as a
10 felony or a crime of moral turpitude. The Board may appoint
11 investigators who shall enforce the duties conferred upon
12 the Board by this Act.

13 (Source: P.A. 91-495, eff. 1-1-00.)

14 (50 ILCS 705/6.1)

15 Sec. 6.1. Revocation of license ~~Decertification~~ of
16 full-time and part-time police officers.

17 (a) The Board must review police officer conduct and
18 records to ensure that no police officer is licensed ~~certified~~
19 or provided a valid waiver if that police officer has been
20 convicted of or has pled guilty to a felony offense under the
21 laws of this State or any other state which if committed in
22 this State would be punishable as a felony. The Board must also
23 ensure that no police officer is licensed ~~certified~~ or provided
24 a valid waiver if that police officer has been convicted on or
25 after the effective date of this amendatory Act of 1999 of any
26 misdemeanor specified in this Section or if committed in any
27 other state would be an offense similar to Section 11-6,
28 11-9.1, 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1, 17-2,
29 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7 of the Criminal
30 Code of 1961 or to Section 5 or 5.2 of the Cannabis Control
31 Act. The Board must appoint investigators to enforce the duties
32 conferred upon the Board by this Act.

33 (b) It is the responsibility of the sheriff or the chief
34 executive officer of every local law enforcement agency or
35 department within this State to report to the Board any arrest

1 or conviction of any officer for an offense identified in this
2 Section.

3 (c) It is the duty and responsibility of every full-time
4 and part-time police officer in this State to report to the
5 Board within 30 days, and the officer's sheriff or chief
6 executive officer, of his or her arrest or conviction for an
7 offense identified in this Section. Any full-time or part-time
8 police officer who knowingly makes, submits, causes to be
9 submitted, or files a false or untruthful report to the Board
10 must have his or her license ~~certificate~~ or waiver immediately
11 ~~decertified or~~ revoked.

12 (d) Any person, or a local or State agency, or the Board is
13 immune from liability for submitting, disclosing, or releasing
14 information of arrests or convictions in this Section as long
15 as the information is submitted, disclosed, or released in good
16 faith and without malice. The Board has qualified immunity for
17 the release of the information.

18 (e) Whenever a ~~Any~~ full-time or part-time police officer
19 with a license ~~certificate~~ or waiver issued by the Board ~~who~~ is
20 convicted of or pleads guilty to any offense described in this
21 Section , his or her license or waiver is automatically revoked
22 by operation of law. ~~immediately becomes decertified or no~~
23 ~~longer has a valid waiver. The decertification and invalidity~~
24 ~~of waivers occurs as a matter of law.~~ Failure of a convicted
25 person to report to the Board his or her conviction as
26 described in this Section or any continued law enforcement
27 practice after receiving a conviction is a Class 4 felony.

28 (f) The Board's investigators are peace officers and have
29 all the powers possessed by policemen in cities and by
30 sheriff's, provided that the investigators may exercise those
31 powers anywhere in the State, only after contact and
32 cooperation with the appropriate local law enforcement
33 authorities.

34 (g) The Board must request and receive information and
35 assistance from any federal, state, or local governmental
36 agency as part of the authorized criminal background

1 investigation. The Department of State Police must process,
2 retain, and additionally provide and disseminate information
3 to the Board concerning criminal charges, arrests,
4 convictions, and their disposition, that have been filed
5 before, on, or after the effective date of this amendatory Act
6 of the 91st General Assembly against a basic academy applicant,
7 law enforcement applicant, or law enforcement officer whose
8 fingerprint identification cards are on file or maintained by
9 the Department of State Police. The Federal Bureau of
10 Investigation must provide the Board any criminal history
11 record information contained in its files pertaining to law
12 enforcement officers or any applicant to a Board certified
13 basic law enforcement academy as described in this Act based on
14 fingerprint identification. The Board must make payment of fees
15 to the Department of State Police for each fingerprint card
16 submission in conformance with the requirements of paragraph 22
17 of Section 55a of the Civil Administrative Code of Illinois.

18 (h) A police officer who has been licensed ~~certified~~ or
19 granted a valid waiver shall also ~~be decertified or~~ have his or
20 her license or waiver revoked upon a determination by the
21 Illinois Labor Relations Board State Panel that he or she,
22 while under oath, has knowingly and willfully made false
23 statements as to a material fact going to an element of the
24 offense of murder. If an appeal is filed, the determination
25 shall be stayed.

26 (1) In the case of an acquittal on a charge of murder,
27 a verified complaint may be filed:

28 (A) by the defendant; or

29 (B) by a police officer with personal knowledge of
30 perjured testimony.

31 The complaint must allege that a police officer, while under
32 oath, knowingly and willfully made false statements as to a
33 material fact going to an element of the offense of murder. The
34 verified complaint must be filed with the Executive Director of
35 the Illinois Law Enforcement Training Standards Board within 2
36 years of the judgment of acquittal.

1 (2) Within 30 days, the Executive Director of the
2 Illinois Law Enforcement Training Standards Board shall
3 review the verified complaint and determine whether the
4 verified complaint is frivolous and without merit, or
5 whether further investigation is warranted. The Illinois
6 Law Enforcement Training Standards Board shall notify the
7 officer and the Executive Director of the Illinois Labor
8 Relations Board State Panel of the filing of the complaint
9 and any action taken thereon. If the Executive Director of
10 the Illinois Law Enforcement Training Standards Board
11 determines that the verified complaint is frivolous and
12 without merit, it shall be dismissed. The Executive
13 Director of the Illinois Law Enforcement Training
14 Standards Board has sole discretion to make this
15 determination and this decision is not subject to appeal.

16 (i) If the Executive Director of the Illinois Law
17 Enforcement Training Standards Board determines that the
18 verified complaint warrants further investigation, he or she
19 shall refer the matter to a task force of investigators created
20 for this purpose. This task force shall consist of 8 sworn
21 police officers: 2 from the Illinois State Police, 2 from the
22 City of Chicago Police Department, 2 from county police
23 departments, and 2 from municipal police departments. These
24 investigators shall have a minimum of 5 years of experience in
25 conducting criminal investigations. The investigators shall be
26 appointed by the Executive Director of the Illinois Law
27 Enforcement Training Standards Board. Any officer or officers
28 acting in this capacity pursuant to this statutory provision
29 will have statewide police authority while acting in this
30 investigative capacity. Their salaries and expenses for the
31 time spent conducting investigations under this paragraph
32 shall be reimbursed by the Illinois Law Enforcement Training
33 Standards Board.

34 (j) Once the Executive Director of the Illinois Law
35 Enforcement Training Standards Board has determined that an
36 investigation is warranted, the verified complaint shall be

1 assigned to an investigator or investigators. The investigator
2 or investigators shall conduct an investigation of the verified
3 complaint and shall write a report of his or her findings. This
4 report shall be submitted to the Executive Director of the
5 Illinois Labor Relations Board State Panel.

6 Within 30 days, the Executive Director of the Illinois
7 Labor Relations Board State Panel shall review the
8 investigative report and determine whether sufficient evidence
9 exists to conduct an evidentiary hearing on the verified
10 complaint. If the Executive Director of the Illinois Labor
11 Relations Board State Panel determines upon his or her review
12 of the investigatory report that a hearing should not be
13 conducted, the complaint shall be dismissed. This decision is
14 in the Executive Director's sole discretion, and this dismissal
15 may not be appealed.

16 If the Executive Director of the Illinois Labor Relations
17 Board State Panel determines that there is sufficient evidence
18 to warrant a hearing, a hearing shall be ordered on the
19 verified complaint, to be conducted by an administrative law
20 judge employed by the Illinois Labor Relations Board State
21 Panel. The Executive Director of the Illinois Labor Relations
22 Board State Panel shall inform the Executive Director of the
23 Illinois Law Enforcement Training Standards Board and the
24 person who filed the complaint of either the dismissal of the
25 complaint or the issuance of the complaint for hearing. The
26 Executive Director shall assign the complaint to the
27 administrative law judge within 30 days of the decision
28 granting a hearing.

29 (k) In the case of a finding of guilt on the offense of
30 murder, if a new trial is granted on direct appeal, or a state
31 post-conviction evidentiary hearing is ordered, based on a
32 claim that a police officer, under oath, knowingly and
33 willfully made false statements as to a material fact going to
34 an element of the offense of murder, the Illinois Labor
35 Relations Board State Panel shall hold a hearing to determine
36 whether the officer should be decertified if an interested

1 party requests such a hearing within 2 years of the court's
2 decision. The complaint shall be assigned to an administrative
3 law judge within 30 days so that a hearing can be scheduled.

4 At the hearing, the accused officer shall be afforded the
5 opportunity to:

6 (1) Be represented by counsel of his or her own
7 choosing;

8 (2) Be heard in his or her own defense;

9 (3) Produce evidence in his or her defense;

10 (4) Request that the Illinois Labor Relations Board
11 State Panel compel the attendance of witnesses and
12 production of related documents including but not limited
13 to court documents and records.

14 Once a case has been set for hearing, the verified
15 complaint shall be referred to the Department of Professional
16 Regulation. That office shall prosecute the verified complaint
17 at the hearing before the administrative law judge. The
18 Department of Professional Regulation shall have the
19 opportunity to produce evidence to support the verified
20 complaint and to request the Illinois Labor Relations Board
21 State Panel to compel the attendance of witnesses and the
22 production of related documents, including, but not limited to,
23 court documents and records. The Illinois Labor Relations Board
24 State Panel shall have the power to issue subpoenas requiring
25 the attendance of and testimony of witnesses and the production
26 of related documents including, but not limited to, court
27 documents and records and shall have the power to administer
28 oaths.

29 The administrative law judge shall have the responsibility
30 of receiving into evidence relevant testimony and documents,
31 including court records, to support or disprove the allegations
32 made by the person filing the verified complaint and, at the
33 close of the case, hear arguments. If the administrative law
34 judge finds that there is not clear and convincing evidence to
35 support the verified complaint that the police officer has,
36 while under oath, knowingly and willfully made false statements

1 as to a material fact going to an element of the offense of
2 murder, the administrative law judge shall make a written
3 recommendation of dismissal to the Illinois Labor Relations
4 Board State Panel. If the administrative law judge finds that
5 there is clear and convincing evidence that the police officer
6 has, while under oath, knowingly and willfully made false
7 statements as to a material fact that goes to an element of the
8 offense of murder, the administrative law judge shall make a
9 written recommendation so concluding to the Illinois Labor
10 Relations Board State Panel. The hearings shall be transcribed.
11 The Executive Director of the Illinois Law Enforcement Training
12 Standards Board shall be informed of the administrative law
13 judge's recommended findings and decision and the Illinois
14 Labor Relations Board State Panel's subsequent review of the
15 recommendation.

16 (l) An officer named in any complaint filed pursuant to
17 this Act shall be indemnified for his or her reasonable
18 attorney's fees and costs by his or her employer. These fees
19 shall be paid in a regular and timely manner. The State, upon
20 application by the public employer, shall reimburse the public
21 employer for the accused officer's reasonable attorney's fees
22 and costs. At no time and under no circumstances will the
23 accused officer be required to pay his or her own reasonable
24 attorney's fees or costs.

25 (m) The accused officer shall not be placed on unpaid
26 status because of the filing or processing of the verified
27 complaint until there is a final non-appealable order
28 sustaining his or her guilt and his or her certification is
29 revoked. Nothing in this Act, however, restricts the public
30 employer from pursuing discipline against the officer in the
31 normal course and under procedures then in place.

32 (n) The Illinois Labor Relations Board State Panel shall
33 review the administrative law judge's recommended decision and
34 order and determine by a majority vote whether or not there was
35 clear and convincing evidence that the accused officer, while
36 under oath, knowingly and willfully made false statements as to

1 a material fact going to the offense of murder. Within 30 days
2 of service of the administrative law judge's recommended
3 decision and order, the parties may file exceptions to the
4 recommended decision and order and briefs in support of their
5 exceptions with the Illinois Labor Relations Board State Panel.
6 The parties may file responses to the exceptions and briefs in
7 support of the responses no later than 15 days after the
8 service of the exceptions. If exceptions are filed by any of
9 the parties, the Illinois Labor Relations Board State Panel
10 shall review the matter and make a finding to uphold, vacate,
11 or modify the recommended decision and order. If the Illinois
12 Labor Relations Board State Panel concludes that there is clear
13 and convincing evidence that the accused officer, while under
14 oath, knowingly and willfully made false statements as to a
15 material fact going to an element of the offense murder, the
16 Illinois Labor Relations Board State Panel shall inform the
17 Illinois Law Enforcement Training Standards Board and the
18 Illinois Law Enforcement Training Standards Board shall revoke
19 the accused officer's license ~~certification~~. If the accused
20 officer appeals that determination to the Appellate Court, as
21 provided by this Act, he or she may petition the Appellate
22 Court to stay the revocation of his or her license
23 ~~certification~~ pending the court's review of the matter.

24 (o) None of the Illinois Labor Relations Board State
25 Panel's findings or determinations shall set any precedent in
26 any of its decisions decided pursuant to the Illinois Public
27 Labor Relations Act by the Illinois Labor Relations Board State
28 Panel or the courts.

29 (p) A party aggrieved by the final order of the Illinois
30 Labor Relations Board State Panel may apply for and obtain
31 judicial review of an order of the Illinois Labor Relations
32 Board State Panel, in accordance with the provisions of the
33 Administrative Review Law, except that such judicial review
34 shall be afforded directly in the Appellate Court for the
35 district in which the accused officer resides. Any direct
36 appeal to the Appellate Court shall be filed within 35 days

1 from the date that a copy of the decision sought to be reviewed
2 was served upon the party affected by the decision.

3 (q) Interested parties. Only interested parties to the
4 criminal prosecution in which the police officer allegedly,
5 while under oath, knowingly and willfully made false statements
6 as to a material fact going to an element of the offense of
7 murder may file a verified complaint pursuant to this Section.
8 For purposes of this Section, "interested parties" shall be
9 limited to the defendant and any police officer who has
10 personal knowledge that the police officer who is the subject
11 of the complaint has, while under oath, knowingly and willfully
12 made false statements as to a material fact going to an element
13 of the offense of murder.

14 (r) Semi-annual reports. The Executive Director of the
15 Illinois Labor Relations Board shall submit semi-annual
16 reports to the Governor, President, and Minority Leader of the
17 Senate, and to the Speaker and Minority Leader of the House of
18 Representatives beginning on June 30, 2004, indicating:

19 (1) the number of verified complaints received
20 since the date of the last report;

21 (2) the number of investigations initiated since
22 the date of the last report;

23 (3) the number of investigations concluded since
24 the date of the last report;

25 (4) the number of investigations pending as of the
26 reporting date;

27 (5) the number of hearings held since the date of
28 the last report; and

29 (6) the number of officers whose licenses have been
30 revoked ~~decertified~~ since the date of the last report.

31 (Source: P.A. 93-605, eff. 11-19-03; 93-655, eff. 1-20-04.)

32 (50 ILCS 705/6.2 new)

33 Sec. 6.2. Conversion of certificates to licenses.

34 (a) Beginning on the effective date of this amendatory Act
35 of the 94th General Assembly, the Board's recognition of

1 persons who have successfully completed the prescribed minimum
2 standard basic training course for police officers shall be
3 known as licensure rather than certification.

4 (b) If a person has successfully completed the prescribed
5 minimum standard basic training course for police officers and
6 holds a valid certification to that effect on the effective
7 date of this amendatory Act of the 94th General Assembly, that
8 certification shall be deemed to be a license for the purposes
9 of this Act.

10 (c) If, on the effective date of this amendatory Act of the
11 94th General Assembly, a person holds a valid waiver from one
12 of the certification requirements of this Act for police
13 officers, that waiver shall be deemed a waiver from the
14 corresponding licensure requirement of this Act.

15 (d) The Board shall replace the certificates or other
16 evidences of certification or waiver for police officers in use
17 on the effective date of this amendatory Act of the 94th
18 General Assembly with new credentials reflecting the change in
19 nomenclature instituted by this amendatory Act.

20 (50 ILCS 705/8.1) (from Ch. 85, par. 508.1)

21 Sec. 8.1. Full-time police and county corrections
22 officers.

23 (a) After January 1, 1976, no person shall receive a
24 permanent appointment as a law enforcement officer as defined
25 in this Act, nor shall any person receive, after the effective
26 date of this amendatory Act of 1984, a permanent appointment as
27 a county corrections officer, unless that person has been
28 awarded, within 6 ~~six~~ months of his or her initial full-time
29 employment, a license or certificate attesting to his or her
30 successful completion of the Minimum Standards Basic Law
31 Enforcement and County Correctional Training Course as
32 prescribed by the Board; or has been awarded a license or
33 certificate attesting to his or her satisfactory completion of
34 a training program of similar content and number of hours and
35 which course has been found acceptable by the Board under the

1 provisions of this Act; or by reason of extensive prior law
2 enforcement or county corrections experience the basic
3 training requirement is determined by the Board to be illogical
4 and unreasonable.

5 If such training is required and not completed within the
6 applicable 6 ~~six~~ months, then the officer must forfeit his or
7 her position, or the employing agency must obtain a waiver from
8 the Board extending the period for compliance. Such waiver
9 shall be issued only for good and justifiable reasons, and in
10 no case shall extend more than 90 days beyond the initial 6 ~~six~~
11 months.

12 (b) No provision of this Section shall be construed to mean
13 that a law enforcement officer employed by a local governmental
14 agency at the time of the effective date of this amendatory
15 Act, either as a probationary police officer or as a permanent
16 police officer, shall require licensure or certification under
17 the provisions of this Section.

18 No provision of this Section shall be construed to mean
19 that a county corrections officer employed by a local
20 governmental agency at the time of the effective date of this
21 amendatory Act of 1984, either as a probationary county
22 corrections or as a permanent county corrections officer, shall
23 require certification under the provisions of this Section.

24 No provision of this Section shall be construed to apply to
25 licensure or certification of elected county sheriffs.

26 (c) This Section does not apply to part-time police
27 officers or probationary part-time police officers.

28 (Source: P.A. 89-170, eff. 1-1-96; 90-271, eff. 7-30-97.)

29 (50 ILCS 705/8.2)

30 Sec. 8.2. Part-time police officers.

31 (a) A person hired to serve as a part-time police officer
32 must obtain from the Board a license or certificate (i)
33 attesting to his or her successful completion of the part-time
34 police training course; (ii) attesting to his or her
35 satisfactory completion of a training program of similar

1 content and number of hours that has been found acceptable by
2 the Board under the provisions of this Act; or (iii) attesting
3 to the Board's determination that the part-time police training
4 course is unnecessary because of the person's extensive prior
5 law enforcement experience. A person hired on or after the
6 effective date of this amendatory Act of the 92nd General
7 Assembly must obtain this certificate within 18 months after
8 the initial date of hire as a probationary part-time police
9 officer in the State of Illinois. The probationary part-time
10 police officer must be enrolled and accepted into a
11 Board-approved course within 6 months after active employment
12 by any department in the State. A person hired on or after
13 January 1, 1996 and before the effective date of this
14 amendatory Act of the 92nd General Assembly must obtain this
15 license or certificate within 18 months after the date of hire.
16 A person hired before January 1, 1996 must obtain this license
17 or certificate within 24 months after the effective date of
18 this amendatory Act of 1995.

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

27 (b) (Blank).

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

35 (d) For the purposes of this Section, the Board shall adopt
36 rules defining what constitutes employment on a part-time

1 basis.

2 (Source: P.A. 92-533, eff. 3-14-02.)