



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB5303

Introduced 01/25/06, by Rep. Rich Brauer

SYNOPSIS AS INTRODUCED:

20 ILCS 2905/2
20 ILCS 2910/1

from Ch. 127 1/2, par. 2
from Ch. 127 1/2, par. 501

Amends the State Fire Marshal Act and the Peace Officer Fire Investigation Act to allow arson investigators of the State Fire Marshal designated State Fire Marshal Special Agents to exercise peace officer powers and carry weapons at all times, rather than only in the course of arson investigations. Sets forth that these Special Agents may exercise these powers and carry weapons at all times, but only if they have satisfactorily completed (1) a training course approved by the Department of State Police that substantially conforms to the standards promulgated pursuant to the Peace Officer Firearm Training Act and (2) a course in fire and arson investigation approved by the Office of the State Fire Marshal pursuant to the Illinois Fire Protection Training Act. Provides that this authorization applies only to State Fire Marshal Special Agents excluding any fire investigator, fireman, police officer, or other employee of the Federal government; any fire investigator, fireman, police officer, or other employee of any unit of local government; or any fire investigator, fireman, police officer, or other employee of the State of Illinois other than an employee of the Office of the State Fire Marshal assigned to investigate arson. Effective immediately.

LRB094 17122 RSP 52409 b

1 AN ACT concerning law enforcement.

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

4 Section 5. The State Fire Marshal Act is amended by
5 changing Section 2 as follows:

6 (20 ILCS 2905/2) (from Ch. 127 1/2, par. 2)

7 Sec. 2. The Office shall have the following powers and
8 duties:

9 1. To exercise the rights, powers and duties which have
10 been vested by law in the Department of State Police as the
11 successor of the Department of Public Safety, State Fire
12 Marshal, inspectors, officers and employees of the State Fire
13 Marshal, including arson investigation. Arson investigations
14 shall be conducted by State Fire Marshal Special Agents, who
15 shall be peace officers as provided in the Peace Officer Fire
16 Investigation Act.

17 2. To keep a record, as may be required by law, of all
18 fires occurring in the State, together with all facts,
19 statistics and circumstances, including the origin of fires.

20 3. To exercise the rights, powers and duties which have
21 been vested in the Department of State Police by the "Boiler
22 and Pressure Vessel Safety Act", approved August 7, 1951, as
23 amended.

24 4. To administer the Illinois Fire Protection Training Act.

25 5. To aid in the establishment and maintenance of the
26 training facilities and programs of the Illinois Fire Service
27 Institute.

28 6. To disburse Federal grants for fire protection purposes
29 to units of local government.

30 7. To pay to or in behalf of the City of Chicago for the
31 maintenance, expenses, facilities and structures directly
32 incident to the Chicago Fire Department training program. Such

1 payments may be made either as reimbursements for expenditures
2 previously made by the City, or as payments at the time the
3 City has incurred an obligation which is then due and payable
4 for such expenditures. Payments for the Chicago Fire Department
5 training program shall be made only for those expenditures
6 which are not claimable by the City under "An Act relating to
7 fire protection training", certified November 9, 1971, as
8 amended.

9 8. To administer General Revenue Fund grants to areas not
10 located in a fire protection district or in a municipality
11 which provides fire protection services, to defray the
12 organizational expenses of forming a fire protection district.

13 9. In cooperation with the Illinois Environmental
14 Protection Agency, to administer the Illinois Leaking
15 Underground Storage Tank program in accordance with Section 4
16 of this Act and Section 22.12 of the Environmental Protection
17 Act.

18 10. To expend state and federal funds as appropriated by
19 the General Assembly.

20 11. To provide technical assistance, to areas not located
21 in a fire protection district or in a municipality which
22 provides fire protection service, to form a fire protection
23 district, to join an existing district, or to establish a
24 municipal fire department, whichever is applicable.

25 12. To exercise such other powers and duties as may be
26 vested in the Office by law.

27 (Source: P.A. 94-178, eff. 1-1-06.)

28 Section 10. The Peace Officer Fire Investigation Act is
29 amended by changing Section 1 as follows:

30 (20 ILCS 2910/1) (from Ch. 127 1/2, par. 501)

31 Sec. 1. Peace Officer Status.

32 (a) Any person who is a sworn member of any organized and
33 paid fire department of a political subdivision of this State
34 and is authorized to investigate fires or explosions for such

1 political subdivision ~~and, or who is employed by the Office of~~
2 ~~the State Fire Marshal~~ to determine the cause, origin and
3 circumstances of ~~such~~ fires or explosions that are suspected to
4 be arson or arson-related crimes, may be classified as a peace
5 officer by the political subdivision or agency employing such
6 person. A person so classified shall possess the same powers of
7 arrest, search and seizure and the securing and service of
8 warrants as sheriffs of counties, and police officers within
9 the jurisdiction of their political subdivision. While in the
10 actual investigation and matters incident thereto, such person
11 may carry weapons as may be necessary, but only if that person
12 has satisfactorily completed (1) a training program offered or
13 approved by the Illinois Law Enforcement Training Standards
14 Board which substantially conforms to standards promulgated
15 pursuant to the Illinois Police Training Act and the Peace
16 Officer Firearm Training Act ~~"An Act in relation to firearms~~
17 ~~training for peace officers", approved August 29, 1975, as~~
18 ~~amended; or in the case of employees of the Office of the State~~
19 ~~Fire Marshal, a training course approved by the Department of~~
20 ~~State Police which also substantially conforms to standards~~
21 ~~promulgated pursuant to "An Act in relation to firearms~~
22 ~~training for peace officers", approved August 29, 1975, as~~
23 ~~amended;~~ and (2) a course in fire and arson investigation
24 approved by the Office of the State Fire Marshal pursuant to
25 the Illinois Fire Protection Training Act. Such training need
26 not include exposure to vehicle and traffic law, traffic
27 control and accident investigation, or first aid, but shall
28 include training in the law relating to the rights of persons
29 suspected of involvement in criminal activities.

30 Any person granted the powers enumerated in this subsection
31 (a) ~~Section~~ may exercise such powers only during the actual
32 investigation of the cause, origin and circumstances of such
33 fires or explosions that are suspected to be arson or
34 arson-related crimes.

35 (b) Persons employed by the Office of the State Fire
36 Marshal to conduct arson investigations shall be designated

1 State Fire Marshal Special Agents and shall be peace officers
2 with all of the powers of peace officers in cities and sheriffs
3 in counties, except that they may exercise those powers
4 throughout the State. These Special Agents may exercise these
5 powers and carry weapons at all times, but only if they have
6 satisfactorily completed (1) a training course approved by the
7 Department of State Police that substantially conforms to the
8 standards promulgated pursuant to the Peace Officer Firearm
9 Training Act and (2) a course in fire and arson investigation
10 approved by the Office of the State Fire Marshal pursuant to
11 the Illinois Fire Protection Training Act. Such training need
12 not include exposure to vehicle and traffic law, traffic
13 control and accident investigation, or first aid, but shall
14 include training in the law relating to the rights of persons
15 suspected of involvement in criminal activities.

16 For purposes of this subsection (b), a "State Fire Marshal
17 Special Agent" does not include any fire investigator, fireman,
18 police officer, or other employee of the Federal government;
19 any fire investigator, fireman, police officer, or other
20 employee of any unit of local government; or any fire
21 investigator, fireman, police officer, or other employee of the
22 State of Illinois other than an employee of the Office of the
23 State Fire Marshal assigned to investigate arson.

24 The State Fire Marshal must authorize to each employee of
25 the Office of the State Fire Marshal who is exercising the
26 powers of a peace officer a distinct badge that, on its face,
27 (i) clearly states that the badge is authorized by the Office
28 of the State Fire Marshal and (ii) contains a unique
29 identifying number. No other badge shall be authorized by the
30 Office of the State Fire Marshal, except that a badge,
31 different from the badge issued to peace officers, may be
32 authorized by the Office of the State Fire Marshal for the use
33 of fire prevention inspectors employed by that Office. Nothing
34 in this subsection prohibits the State Fire Marshal from
35 issuing shields or other distinctive identification to
36 employees not exercising the powers of a peace officer if the

1 State Fire Marshal determines that a shield or distinctive
2 identification is needed by the employee to carry out his or
3 her responsibilities.

4 (Source: P.A. 92-339, eff. 8-10-01; 93-423, eff. 8-5-03.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.