



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2137

Introduced 10/19/2005, by Sen. Debbie DeFrancesco Halvorson

SYNOPSIS AS INTRODUCED:

New Act

20 ILCS 3930/7

from Ch. 38, par. 210-7

20 ILCS 3930/9

from Ch. 38, par. 210-9

Creates the Illinois Public Safety Agency Network Act. Provides for the creation of the Illinois Public Safety Agency Network (IPSAN) as a not-for-profit corporation to develop and operate comprehensive interoperable communications systems for law enforcement. Authorizes IPSAN to succeed the Illinois Criminal Justice Information Authority in the management, operation, and general oversight of law enforcement communications and information systems including existing ALERTS, ALECS, and PIMS networks. Makes corresponding changes to reflect this succession. Provides that IPSAN shall monitor existing criminal justice information systems, enter into contracts for computer software or designs developed for the Illinois criminal justice system, establish general policies concerning these information systems, and exercise any other powers that are reasonable and necessary to carry out the objectives and purposes of the Act. Provides for the appointment of an IPSAN Board of Directors. Sets forth powers and duties of the Board. Requires moneys of the Criminal Justice Information Systems Trust Fund to be deposited into the IPSAN operating fund. Establishes an Advisory Committee to assist the Board. Provides for a lease agreement program under which IPSAN may hire individuals employed by the Illinois Criminal Justice Information Authority or who are employed by the Office of the Governor in support of criminal justice information programs. Requires State executive branch agencies to consult with IPSAN in order to ensure the interoperability of existing and future public safety communication systems and criminal justice database programs or networks. Amends the Illinois Criminal Justice Information Act. Effective January 1, 2006.

LRB094 14553 RSP 49493 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning State government.

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

4 Section 1. Short title. This Act may be cited as the
5 Illinois Public Safety Agency Network Act.

6 Section 5. Definitions. As used in this Act, unless the
7 context requires otherwise:

8 "ALECS" means the Automated Law Enforcement Communications
9 System.

10 "ALERTS" means the Area-wide Law Enforcement Radio
11 Terminal System.

12 "Authority" means the Illinois Criminal Justice
13 Information Authority.

14 "Board" means the Board of Directors of Illinois Public
15 Safety Agency Network, Inc.

16 "IPSAN" or "Partnership" means Illinois Public Safety
17 Agency Network, Inc., the not-for-profit entity incorporated
18 as provided in this Act.

19 "PIMS" means the Police Information Management System.

20 "Trust Fund" means the Criminal Justice Information
21 Systems Trust Fund.

22 Section 10. Findings; purpose. The General Assembly finds
23 that it is important to promote intergovernmental cooperation
24 between units of local government. Therefore, the purpose of
25 IPSAN is to continue the ALERTS, PIMS, and ALECS systems, which
26 have been developed by the Authority, through the
27 intergovernmental cooperation of local public safety agencies,
28 including sheriffs' offices, municipal police departments, and
29 firefighting agencies, which have been funded wholly by local
30 taxpayers through user's fees since 1986. The General Assembly
31 also finds that development and future enhancements to public

1 safety communications and management systems and the promotion
2 of interoperability between all public safety disciplines are
3 in the best of interest of the people of the State of Illinois.

4 Section 15. Partnership established. A not-for-profit
5 corporation to be known as "Illinois Public Safety Agency
6 Network" is created. IPSAN shall be incorporated under the
7 General Not for Profit Corporation Act of 1986 and shall be
8 registered, incorporated, organized, and operated in
9 compliance with the laws of this State. IPSAN shall not be a
10 State agency. The General Assembly determines, however, that
11 public policy dictates that IPSAN operate in the most open and
12 accessible manner consistent with its public purpose. To this
13 end, the General Assembly specifically declares that IPSAN and
14 its Board and Advisory Committee shall adopt and adhere to the
15 provisions of the State Records Act, the Open Meetings Act, and
16 the Freedom of Information Act. IPSAN shall establish one or
17 more corporate offices as determined by the Board.

18 Section 20. Board of directors. IPSAN shall be governed by
19 a board of directors. The IPSAN Board shall consist of 12
20 members. Nine of the members shall be voting members, 3 of whom
21 shall be appointed by the Illinois Sheriffs' Association, 3 of
22 whom shall be appointed by the Illinois Association of Chiefs
23 of Police, and 3 of whom shall be appointed by the Illinois
24 Fire Chiefs Association, all of those Associations consisting
25 of representatives of criminal justice agencies that are the
26 users of criminal justice information systems developed and
27 operated for them by the Authority before the effective date of
28 this Act or by the IPSAN on or after the effective date of this
29 Act. Voting members shall be appointed in such a fashion as to
30 guarantee the representation of all 3 systems (ALERTS, ALECS,
31 and PIMS). The Director of the Illinois State Police, the
32 Sheriff of Cook County, and the Superintendent of the Chicago
33 Police Department, or the designee of each, shall be non-voting
34 ex officio members.

1 Of the initial members appointed, 6 members shall serve
2 4-year terms and 3 members shall serve 2-year terms, as
3 designated by the respective Associations. Thereafter, members
4 appointed shall serve 4-year terms. A vacancy among members
5 appointed shall be filled by appointment for the remainder of
6 the vacated term.

7 Members of the Board shall receive no compensation but
8 shall be reimbursed for expenses incurred in the performance of
9 their duties.

10 The Governor shall designate a temporary chair of the Board
11 from among the members, who shall serve until a permanent chair
12 is elected by the Board of Directors. The Board shall meet at
13 the call of the chair.

14 Not less than 90 days after a majority of the members of
15 the Board of Directors of the IPSAN are appointed, the Board
16 shall develop a policy adopted by resolution of the Board
17 stating the Board's plan for the use of services provided by
18 businesses owned by minorities, females, and persons with
19 disabilities, as defined under the Business Enterprise for
20 Minorities, Females, and Persons with Disabilities Act. The
21 Board shall provide a copy of this resolution to the Governor
22 and the General Assembly upon its adoption.

23 On December 31 of each year, the Board shall report to the
24 General Assembly and the Governor regarding the use of services
25 provided by businesses owned by minorities, females, and
26 persons with disabilities, as defined under the Business
27 Enterprise for Minorities, Females, and Persons with
28 Disabilities Act.

29 Section 25. Powers of IPSAN. IPSAN has the power to:

30 (1) Develop and operate comprehensive communications
31 systems or use previously developed comprehensive information
32 systems for the improvement and coordination of all aspects of
33 law enforcement, prosecution, and corrections.

34 (2) Monitor the operation of existing criminal justice
35 information systems in order to protect the constitutional

1 rights and privacy of individuals about whom criminal history
2 record information has been collected.

3 (3) Enter into contracts and cooperate with units of local
4 government outside of Illinois, other states' agencies, and
5 private organizations outside of Illinois to provide computer
6 software or design that has been developed for the Illinois
7 criminal justice system, or to participate in the cooperative
8 development or design of new software or systems to be used by
9 the Illinois criminal justice system and public safety
10 agencies. Revenues received as a result of such arrangement
11 shall be deposited into the IPSAN operating fund.

12 (4) Establish general policies concerning criminal justice
13 information systems and promulgate policies and procedures as
14 are necessary to the operation of IPSAN and to the uniform
15 consideration of appeals and audits.

16 (5) Advise and make recommendations to the Governor and the
17 General Assembly on policies relating to criminal justice
18 information systems.

19 (6) Exercise any other powers that are reasonable,
20 necessary, or convenient to fulfill its responsibilities to
21 carry out and to effectuate the objectives and purposes of this
22 Act, and to comply with the requirements of applicable federal
23 and State laws, rules, and regulations; except that the powers
24 do not include the power to subpoena or arrest.

25 (7) Charge fees for and recover the costs of its services.

26 (8) Participate in the authority and responsibility of the
27 State's criminal justice information systems, initiatives,
28 undertakings, and efforts. IPSAN and its Board may exercise
29 their powers and shall perform their duties in accordance with
30 the fulfillment of IPSAN's responsibility for the management
31 and operation of the ALERTS, PIMS, and ALECS systems.

32 (9) Assume from the Illinois Criminal Justice Information
33 Authority on January 1, 2006, all contractual personnel, books,
34 records, papers, documents, property, both real and personal,
35 and pending business in any way pertaining to the operations of
36 the ALERTS, ALECS, and PIMS systems managed by the Authority

1 including, but not limited to, radio frequencies, licenses,
2 software, hardware, IP addresses, proprietary information,
3 code, and other required information and elements necessary for
4 the successful operation, future development, and transition
5 of the systems.

6 (10) Make all necessary agreements to facilitate the use by
7 the members of IPSAN other criminal justice information systems
8 and networks operated by the State or federal government.

9 Section 30. Powers of the Board of Directors. The Board of
10 Directors shall have the power to:

11 (1) Secure funding for programs and activities of IPSAN
12 from federal, State, local, and private sources and from fees
13 charged for services and published materials; solicit,
14 receive, hold, invest, and administer any grant, payment, or
15 gift of funds or property; and make expenditures consistent
16 with the powers granted to it.

17 (2) Make and enter into contracts and other instruments
18 necessary or convenient for the exercise of its powers and
19 functions.

20 (3) Sue and be sued, and appear and defend in all actions
21 and proceedings, in its corporate name to the same extent as a
22 natural person.

23 (4) Adopt, use, and alter a common corporate seal for
24 IPSAN.

25 (5) Elect, employ, or appoint officers and agents as its
26 affairs require and allow them reasonable compensation.

27 (6) Adopt, amend, and repeal bylaws, not inconsistent with
28 the powers granted to it or the articles of incorporation, for
29 the administration of the affairs of IPSAN and the exercise of
30 its corporate powers.

31 (7) Acquire, enjoy, use, and dispose of patents,
32 copyrights, and trademarks and any licenses, radio
33 frequencies, royalties, and other rights or interests
34 thereunder or therein.

35 (8) Do all acts and things necessary or convenient to carry

1 out the powers granted to it.

2 (9) Appoint an Executive Director who shall serve as the
3 Chief Operations Officer of IPSAN and who shall direct and
4 supervise the administrative affairs and activities of the
5 Board and of IPSAN, in accordance with the Board's by-laws,
6 rules, and policies.

7 Section 35. Finances; audits; annual report.

8 (a) The current balance of the Criminal Justice Information
9 Systems Trust Fund upon the effective date of this Act and all
10 future moneys deposited into that Fund shall be promptly
11 transferred to the IPSAN operating fund.

12 (b) IPSAN may accept funds, grants, gifts, and services
13 from the government of the United States or its agencies, from
14 this State or its departments, agencies, or instrumentalities,
15 from any other governmental unit, and from private and civic
16 sources for the purpose of funding any projects authorized by
17 this Act. IPSAN may receive appropriations.

18 (c) Services of personnel, use of equipment and office
19 space, and other necessary services may be accepted from
20 members of the Board as part of IPSAN's financial support.

21 (d) The Board shall arrange for the annual financial audit
22 of IPSAN by one or more independent certified public
23 accountants in accordance with generally accepted accounting
24 principles. The annual audit results shall be included in the
25 annual report required under subsection (e) of this Section.

26 (e) IPSAN shall report annually on its activities and
27 finances to the Governor and the members of the General
28 Assembly.

29 Section 40. Advisory Committee. An Advisory Committee is
30 established for the benefit of IPSAN and its Board of Directors
31 in the performance of their powers, duties, and functions under
32 this Act. The Board shall provide for the number,
33 qualifications, and appointment of members of the Advisory
34 Committee.

1 Section 45. Employees. The Illinois Criminal Justice
2 Information Authority may establish a lease agreement program
3 under which IPSAN may hire any individual who, as of January 1,
4 2006, is employed by the Illinois Criminal Justice Information
5 Authority or who, as of January 1, 2006, is employed by the
6 Office of the Governor and has responsibilities specifically in
7 support of a criminal justice information program. Under the
8 agreement, the employee shall retain his or her status as a
9 State employee but shall work under the direct supervision of
10 IPSAN. Retention of State employee status shall include the
11 right to participate in the State Employees Retirement System.
12 The Department of Central Management Services and the Board
13 shall establish the terms and conditions of the lease
14 agreements.

15 Section 50. Other State programs. State executive branch
16 agencies shall consult with IPSAN in order to ensure the
17 interoperability of existing and future public safety
18 communication systems and criminal justice database programs
19 or networks authorized by law as of or after the effective date
20 of this Act.

21 Section 60. The Illinois Criminal Justice Information Act
22 is amended by changing Sections 7 and 9 as follows:

23 (20 ILCS 3930/7) (from Ch. 38, par. 210-7)

24 Sec. 7. Powers and Duties. Subject to the provisions of the
25 Illinois Public Safety Agency Network Act, the ~~The~~ Authority
26 shall have the following powers, duties and responsibilities:

27 (a) To develop and operate comprehensive information
28 systems for the improvement and coordination of all aspects
29 of law enforcement, prosecution and corrections;

30 (b) To define, develop, evaluate and correlate State
31 and local programs and projects associated with the
32 improvement of law enforcement and the administration of

1 criminal justice;

2 (c) To act as a central repository and clearing house
3 for federal, state and local research studies, plans,
4 projects, proposals and other information relating to all
5 aspects of criminal justice system improvement and to
6 encourage educational programs for citizen support of
7 State and local efforts to make such improvements;

8 (d) To undertake research studies to aid in
9 accomplishing its purposes;

10 (e) To monitor the operation of existing criminal
11 justice information systems in order to protect the
12 constitutional rights and privacy of individuals about
13 whom criminal history record information has been
14 collected;

15 (f) To provide an effective administrative forum for
16 the protection of the rights of individuals concerning
17 criminal history record information;

18 (g) To issue regulations, guidelines and procedures
19 which ensure the privacy and security of criminal history
20 record information consistent with State and federal laws;

21 (h) To act as the sole administrative appeal body in
22 the State of Illinois to conduct hearings and make final
23 determinations concerning individual challenges to the
24 completeness and accuracy of criminal history record
25 information;

26 (i) To act as the sole, official, criminal justice body
27 in the State of Illinois to conduct annual and periodic
28 audits of the procedures, policies, and practices of the
29 State central repositories for criminal history record
30 information to verify compliance with federal and state
31 laws and regulations governing such information;

32 (j) To advise the Authority's Statistical Analysis
33 Center;

34 (k) To apply for, receive, establish priorities for,
35 allocate, disburse and spend grants of funds that are made
36 available by and received on or after January 1, 1983 from

1 private sources or from the United States pursuant to the
2 federal Crime Control Act of 1973, as amended, and similar
3 federal legislation, and to enter into agreements with the
4 United States government to further the purposes of this
5 Act, or as may be required as a condition of obtaining
6 federal funds;

7 (l) To receive, expend and account for such funds of
8 the State of Illinois as may be made available to further
9 the purposes of this Act;

10 (m) To enter into contracts and to cooperate with units
11 of general local government or combinations of such units,
12 State agencies, and criminal justice system agencies of
13 other states for the purpose of carrying out the duties of
14 the Authority imposed by this Act or by the federal Crime
15 Control Act of 1973, as amended;

16 (n) To enter into contracts and cooperate with units of
17 general local government outside of Illinois, other
18 states' agencies, and private organizations outside of
19 Illinois to provide computer software or design that has
20 been developed for the Illinois criminal justice system, or
21 to participate in the cooperative development or design of
22 new software or systems to be used by the Illinois criminal
23 justice system. Revenues received as a result of such
24 arrangements shall be deposited in the Criminal Justice
25 Information Systems Trust Fund.

26 (o) To establish general policies concerning criminal
27 justice information systems and to promulgate such rules,
28 regulations and procedures as are necessary to the
29 operation of the Authority and to the uniform consideration
30 of appeals and audits;

31 (p) To advise and to make recommendations to the
32 Governor and the General Assembly on policies relating to
33 criminal justice information systems;

34 (q) To direct all other agencies under the jurisdiction
35 of the Governor to provide whatever assistance and
36 information the Authority may lawfully require to carry out

1 its functions;

2 (r) To exercise any other powers that are reasonable
3 and necessary to fulfill the responsibilities of the
4 Authority under this Act and to comply with the
5 requirements of applicable federal law or regulation;

6 (s) To exercise the rights, powers and duties which
7 have been vested in the Authority by the "Illinois Uniform
8 Conviction Information Act", enacted by the 85th General
9 Assembly, as hereafter amended; and

10 (t) To exercise the rights, powers and duties which
11 have been vested in the Authority by the Illinois Motor
12 Vehicle Theft Prevention Act.

13 The requirement for reporting to the General Assembly shall
14 be satisfied by filing copies of the report with the Speaker,
15 the Minority Leader and the Clerk of the House of
16 Representatives and the President, the Minority Leader and the
17 Secretary of the Senate and the Legislative Research Unit, as
18 required by Section 3.1 of "An Act to revise the law in
19 relation to the General Assembly", approved February 25, 1874,
20 as amended, and filing such additional copies with the State
21 Government Report Distribution Center for the General Assembly
22 as is required under paragraph (t) of Section 7 of the State
23 Library Act.

24 (Source: P.A. 85-922; 86-1408.)

25 (20 ILCS 3930/9) (from Ch. 38, par. 210-9)

26 Sec. 9. Criminal Justice Information Systems Trust Fund.
27 The special fund in the State Treasury known as the Criminal
28 Justice Information Systems Trust Fund shall be funded in part
29 from users' fees collected from criminal justice agencies that
30 are the users of information systems developed and operated for
31 them by the Authority. The users' fees shall be based on pro
32 rated shares according to the share of operating cost that is
33 attributed to each agency, as determined by the Authority.
34 Prior to the effective date of the Illinois Public Safety
35 Agency Network Act, the ~~The~~ General Assembly shall make an

1 appropriation from the Criminal Justice Information Systems
2 Trust Fund for the operating expenses of the Authority incident
3 to providing the services described in this Section. On and
4 after the effective date of the Illinois Public Safety Agency
5 Network Act, distributions from the Fund shall be made as
6 provided in that Act.

7 (Source: P.A. 86-1227.)

8 Section 93. Severability. The provisions of this Act are
9 severable under Section 1.31 of the Statute on Statutes.

10 Section 99. Effective date. This Act takes effect January
11 1, 2006.