

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 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" shall be created. IPSAN shall be incorporated under
7 the 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 Open Meetings Act, the State Records 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 14
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 Corrections, the Director of the
32 Illinois Emergency Management Agency, the Director of the
33 Illinois State Police, the Sheriff of Cook County, and the
34 Superintendent of the Chicago Police Department, or the

1 designee of each, shall be non-voting ex officio members.

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

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

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

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

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

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

32 (1) Secure funding for programs and activities of IPSAN
33 from federal, State, local, and private sources and from fees
34 charged for services and published materials; solicit,
35 receive, hold, invest, and administer any grant, payment, or

1 gift of funds or property; and make expenditures consistent
2 with the powers granted to it.

3 (2) Make and enter into contracts, agreements, and other
4 instruments necessary or convenient for the exercise of its
5 powers and to facilitate the use by the members of IPSAN of
6 other criminal justice information systems and networks.

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

10 (4) Adopt, use, and alter a common corporate seal for
11 IPSAN.

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

14 (6) Adopt, amend, and repeal bylaws and policies, not
15 inconsistent with the powers granted to it or the articles of
16 incorporation, for the administration of the affairs of IPSAN
17 and the exercise of its corporate powers.

18 (7) Acquire, enjoy, use, and dispose of patents,
19 copyrights, and trademarks and any licenses, radio
20 frequencies, royalties, and other rights or interests
21 thereunder or therein.

22 (8) Do all acts and things necessary or convenient to carry
23 out the powers granted to it.

24 (9) Appoint an Executive Director who shall serve as the
25 Chief Operations Officer of IPSAN and who shall direct and
26 supervise the administrative affairs and activities of the
27 Board and of IPSAN, in accordance with the Board's bylaws,
28 rules, and policies.

29 Section 35. Finances; audits; annual report.

30 (a) The current balance of the Criminal Justice Information
31 Systems Trust Fund upon the effective date of this Act and all
32 future moneys deposited into that Fund shall be promptly
33 transferred to the IPSAN operating fund by the State Treasurer
34 notwithstanding current obligations as determined by the IPSAN
35 Board in cooperation with the Authority.

1 (b) IPSAN may accept funds, grants, gifts, and services
2 from the government of the United States or its agencies, from
3 this State or its departments, agencies, or instrumentalities,
4 from any other governmental unit, and from private and civic
5 sources for the purpose of funding any projects authorized by
6 this Act.

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

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

15 (e) IPSAN shall report annually on its activities and
16 finances to the Governor and the members of the General
17 Assembly.

18 Section 40. Advisory Committee. An Advisory Committee is
19 established for the benefit of IPSAN and its Board of Directors
20 in the performance of their powers, duties, and functions under
21 this Act. The Board shall provide for the number,
22 qualifications, and appointment of members of the Advisory
23 Committee.

24 Section 45. Employees. The Illinois Criminal Justice
25 Information Authority may establish a lease agreement program
26 under which IPSAN may hire any individual who, as of January 1,
27 2006, is employed by the Illinois Criminal Justice Information
28 Authority or who, as of January 1, 2006, is employed by the
29 Office of the Governor and has responsibilities specifically in
30 support of a criminal justice information program. Under the
31 agreement, the employee shall retain his or her status as a
32 State employee but shall work under the direct supervision of
33 IPSAN. Retention of State employee status shall include the
34 right to participate in the State Employees Retirement System.

1 The Department of Central Management Services and the Board
2 shall establish the terms and conditions of the lease
3 agreements.

4 Section 50. Other State programs. State executive branch
5 agencies shall consult with IPSAN in order to ensure the
6 interoperability of existing and future public safety
7 communication systems and criminal justice database programs
8 or networks authorized by law as of or after the effective date
9 of this Act.

10 Section 90. The Illinois Criminal Justice Information Act
11 is amended by changing Sections 7 and 9 as follows:

12 (20 ILCS 3930/7) (from Ch. 38, par. 210-7)

13 Sec. 7. Powers and Duties. The Authority shall have the
14 following powers, duties and responsibilities:

15 (a) To develop and operate comprehensive information
16 systems for the improvement and coordination of all aspects
17 of law enforcement, prosecution and corrections;

18 (b) To define, develop, evaluate and correlate State
19 and local programs and projects associated with the
20 improvement of law enforcement and the administration of
21 criminal justice;

22 (c) To act as a central repository and clearing house
23 for federal, state and local research studies, plans,
24 projects, proposals and other information relating to all
25 aspects of criminal justice system improvement and to
26 encourage educational programs for citizen support of
27 State and local efforts to make such improvements;

28 (d) To undertake research studies to aid in
29 accomplishing its purposes;

30 (e) To monitor the operation of existing criminal
31 justice information systems in order to protect the
32 constitutional rights and privacy of individuals about
33 whom criminal history record information has been

1 collected;

2 (f) To provide an effective administrative forum for
3 the protection of the rights of individuals concerning
4 criminal history record information;

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

8 (h) To act as the sole administrative appeal body in
9 the State of Illinois to conduct hearings and make final
10 determinations concerning individual challenges to the
11 completeness and accuracy of criminal history record
12 information;

13 (i) To act as the sole, official, criminal justice body
14 in the State of Illinois to conduct annual and periodic
15 audits of the procedures, policies, and practices of the
16 State central repositories for criminal history record
17 information to verify compliance with federal and state
18 laws and regulations governing such information;

19 (j) To advise the Authority's Statistical Analysis
20 Center;

21 (k) To apply for, receive, establish priorities for,
22 allocate, disburse and spend grants of funds that are made
23 available by and received on or after January 1, 1983 from
24 private sources or from the United States pursuant to the
25 federal Crime Control Act of 1973, as amended, and similar
26 federal legislation, and to enter into agreements with the
27 United States government to further the purposes of this
28 Act, or as may be required as a condition of obtaining
29 federal funds;

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

33 (m) To enter into contracts and to cooperate with units
34 of general local government or combinations of such units,
35 State agencies, and criminal justice system agencies of
36 other states for the purpose of carrying out the duties of

1 the Authority imposed by this Act or by the federal Crime
2 Control Act of 1973, as amended;

3 (n) To enter into contracts and cooperate with units of
4 general local government outside of Illinois, other
5 states' agencies, and private organizations outside of
6 Illinois to provide computer software or design that has
7 been developed for the Illinois criminal justice system, or
8 to participate in the cooperative development or design of
9 new software or systems to be used by the Illinois criminal
10 justice system. Revenues received as a result of such
11 arrangements shall be deposited in the Criminal Justice
12 Information Systems Trust Fund.

13 (o) To establish general policies concerning criminal
14 justice information systems and to promulgate such rules,
15 regulations and procedures as are necessary to the
16 operation of the Authority and to the uniform consideration
17 of appeals and audits;

18 (p) To advise and to make recommendations to the
19 Governor and the General Assembly on policies relating to
20 criminal justice information systems;

21 (q) To direct all other agencies under the jurisdiction
22 of the Governor to provide whatever assistance and
23 information the Authority may lawfully require to carry out
24 its functions;

25 (r) To exercise any other powers that are reasonable
26 and necessary to fulfill the responsibilities of the
27 Authority under this Act and to comply with the
28 requirements of applicable federal law or regulation;

29 (s) To exercise the rights, powers and duties which
30 have been vested in the Authority by the "Illinois Uniform
31 Conviction Information Act", enacted by the 85th General
32 Assembly, as hereafter amended; ~~and~~

33 (t) To exercise the rights, powers and duties which
34 have been vested in the Authority by the Illinois Motor
35 Vehicle Theft Prevention Act; and-

36 (u) To exercise the rights, powers, and duties vested

1 in the Authority by the Illinois Public Safety Agency
2 Network Act.

3 The requirement for reporting to the General Assembly shall
4 be satisfied by filing copies of the report with the Speaker,
5 the Minority Leader and the Clerk of the House of
6 Representatives and the President, the Minority Leader and the
7 Secretary of the Senate and the Legislative Research Unit, as
8 required by Section 3.1 of "An Act to revise the law in
9 relation to the General Assembly", approved February 25, 1874,
10 as amended, and filing such additional copies with the State
11 Government Report Distribution Center for the General Assembly
12 as is required under paragraph (t) of Section 7 of the State
13 Library Act.

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

15 (20 ILCS 3930/9) (from Ch. 38, par. 210-9)

16 Sec. 9. Criminal Justice Information Systems Trust Fund.
17 The special fund in the State Treasury known as the Criminal
18 Justice Information Systems Trust Fund shall be funded in part
19 from users' fees collected from criminal justice agencies that
20 are the users of information systems developed and operated for
21 them by the Authority. The users' fees shall be based on pro
22 rated shares according to the share of operating cost that is
23 attributed to each agency, as determined by the Authority.
24 Prior to the effective date of the Illinois Public Safety
25 Agency Network Act, the ~~The~~ General Assembly shall make an
26 appropriation from the Criminal Justice Information Systems
27 Trust Fund for the operating expenses of the Authority incident
28 to providing the services described in this Section. On and
29 after the effective date of the Illinois Public Safety Agency
30 Network Act, distributions from the Fund shall be made as
31 provided in that Act.

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

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

1 Section 95. The State Property Control Act is amended by
2 adding Section 7.6 as follows:

3 (30 ILCS 605/7.6 new)

4 Sec. 7.6. Illinois Public Safety Agency Network.
5 Notwithstanding any other provision of this Act or any other
6 law to the contrary, the administrator and the Illinois
7 Criminal Justice Information Authority are authorized under
8 this Section to transfer to the Illinois Public Safety Agency
9 Network, from the Illinois Criminal Justice Information
10 Authority, all contractual personnel, books, records, papers,
11 documents, property, both real and personal, and pending
12 business in any way pertaining to the operations of the ALERTS,
13 ALECS, and PIMS systems managed by the Authority including, but
14 not limited to, radio frequencies, licenses, software,
15 hardware, IP addresses, proprietary information, code, and
16 other required information and elements necessary for the
17 successful operation, future development, and transition of
18 the systems.

19 Section 99. Effective date. This Act takes effect July 1,
20 2006.