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LRB094 14553 RSP 56625 a

1 AMENDMENT TO SENATE BILL 2137

2 AMENDMENT NO. _____. Amend Senate Bill 2137, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

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

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

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

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

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

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

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

20 "PIMS" means the Police Information Management System.

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

23 Section 10. Findings; purpose. The General Assembly finds

1 that it is important to promote intergovernmental cooperation
2 between units of local government. Therefore, the purpose of
3 IPSAN is to continue the ALERTS, PIMS, and ALECS systems, which
4 have been developed by the Authority, through the
5 intergovernmental cooperation of local public safety agencies,
6 including sheriffs' offices, municipal police departments, and
7 firefighting agencies, which have been funded by local
8 taxpayers through user's fees since 1986. The General Assembly
9 also finds that development and future enhancements to public
10 safety communications and management systems and the promotion
11 of interoperability between all public safety disciplines are
12 in the best of interest of the people of the State of Illinois.

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

27 Section 20. Board of directors. IPSAN shall be governed by
28 a board of directors. The IPSAN Board shall consist of 14
29 members. Nine of the members shall be voting members, 3 of whom
30 shall be appointed by the Illinois Sheriffs' Association, 3 of
31 whom shall be appointed by the Illinois Association of Chiefs
32 of Police, and 3 of whom shall be appointed by the Illinois

1 Fire Chiefs Association, all of those Associations consisting
2 of representatives of criminal justice agencies that are the
3 users of criminal justice information systems developed and
4 operated for them by the Authority before the effective date of
5 this Act or by the IPSAN on or after the effective date of this
6 Act. Voting members shall be appointed in such a fashion as to
7 guarantee the representation of all 3 systems (ALERTS, ALECS,
8 and PIMS). The Director of Corrections, the Director of the
9 Illinois Emergency Management Agency, the Director of the
10 Illinois State Police, the Sheriff of Cook County, and the
11 Superintendent of the Chicago Police Department, or the
12 designee of each, shall be non-voting ex officio members.

13 Of the initial members appointed, 6 members shall serve
14 4-year terms and 3 members shall serve 2-year terms, as
15 designated by the respective Associations. Thereafter, members
16 appointed shall serve 4-year terms. A vacancy among members
17 appointed shall be filled by appointment for the remainder of
18 the vacated term.

19 Members of the Board shall receive no compensation but
20 shall be reimbursed for reasonable expenses incurred in the
21 performance of their duties.

22 The Board shall designate a temporary chair of the Board
23 from among the members, who shall serve until a permanent chair
24 is elected by the Board of Directors. The Board shall meet at
25 the call of the chair.

26 Not less than 90 days after a majority of the members of
27 the Board of Directors of the IPSAN are appointed, the Board
28 shall develop a policy adopted by resolution of the Board
29 stating the Board's plan for the use of services provided by
30 businesses owned by minorities, females, and persons with
31 disabilities, as defined under the Business Enterprise for
32 Minorities, Females, and Persons with Disabilities Act. The
33 Board shall provide a copy of this resolution to the Governor
34 and the General Assembly upon its adoption.

1 On December 31 of each year, the Board shall report to the
2 General Assembly and the Governor regarding the use of services
3 provided by businesses owned by minorities, females, and
4 persons with disabilities, as defined under the Business
5 Enterprise for Minorities, Females, and Persons with
6 Disabilities Act.

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

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

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

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

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

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

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

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

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

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

8 Section 35. Finances; audits; annual report.

9 (a) The current balance of the Criminal Justice Information
10 Systems Trust Fund upon the effective date of this Act and all
11 future moneys deposited into that Fund shall be promptly
12 transferred to the IPSAN operating fund by the State Treasurer
13 notwithstanding current obligations as determined by the IPSAN
14 Board in cooperation with the Authority.

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

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

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

29 (e) IPSAN shall report annually on its activities and
30 finances to the Governor and the members of the General
31 Assembly.

32 Section 40. Advisory Committee. An Advisory Committee is

1 established for the benefit of IPSAN and its Board of Directors
2 in the performance of their powers, duties, and functions under
3 this Act. The Board shall provide for the number,
4 qualifications, and appointment of members of the Advisory
5 Committee.

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

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

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

28 (20 ILCS 3930/7) (from Ch. 38, par. 210-7)

29 Sec. 7. Powers and Duties. Subject to the provisions of the
30 Illinois Public Safety Agency Network Act, the ~~The~~ Authority

1 shall have the following powers, duties and responsibilities:

2 (a) To develop and operate comprehensive information
3 systems for the improvement and coordination of all aspects
4 of law enforcement, prosecution and corrections;

5 (b) To define, develop, evaluate and correlate State
6 and local programs and projects associated with the
7 improvement of law enforcement and the administration of
8 criminal justice;

9 (c) To act as a central repository and clearing house
10 for federal, state and local research studies, plans,
11 projects, proposals and other information relating to all
12 aspects of criminal justice system improvement and to
13 encourage educational programs for citizen support of
14 State and local efforts to make such improvements;

15 (d) To undertake research studies to aid in
16 accomplishing its purposes;

17 (e) To monitor the operation of existing criminal
18 justice information systems in order to protect the
19 constitutional rights and privacy of individuals about
20 whom criminal history record information has been
21 collected;

22 (f) To provide an effective administrative forum for
23 the protection of the rights of individuals concerning
24 criminal history record information;

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

28 (h) To act as the sole administrative appeal body in
29 the State of Illinois to conduct hearings and make final
30 determinations concerning individual challenges to the
31 completeness and accuracy of criminal history record
32 information;

33 (i) To act as the sole, official, criminal justice body
34 in the State of Illinois to conduct annual and periodic

1 audits of the procedures, policies, and practices of the
2 State central repositories for criminal history record
3 information to verify compliance with federal and state
4 laws and regulations governing such information;

5 (j) To advise the Authority's Statistical Analysis
6 Center;

7 (k) To apply for, receive, establish priorities for,
8 allocate, disburse and spend grants of funds that are made
9 available by and received on or after January 1, 1983 from
10 private sources or from the United States pursuant to the
11 federal Crime Control Act of 1973, as amended, and similar
12 federal legislation, and to enter into agreements with the
13 United States government to further the purposes of this
14 Act, or as may be required as a condition of obtaining
15 federal funds;

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

19 (m) To enter into contracts and to cooperate with units
20 of general local government or combinations of such units,
21 State agencies, and criminal justice system agencies of
22 other states for the purpose of carrying out the duties of
23 the Authority imposed by this Act or by the federal Crime
24 Control Act of 1973, as amended;

25 (n) To enter into contracts and cooperate with units of
26 general local government outside of Illinois, other
27 states' agencies, and private organizations outside of
28 Illinois to provide computer software or design that has
29 been developed for the Illinois criminal justice system, or
30 to participate in the cooperative development or design of
31 new software or systems to be used by the Illinois criminal
32 justice system. Revenues received as a result of such
33 arrangements shall be deposited in the Criminal Justice
34 Information Systems Trust Fund.

1 (o) To establish general policies concerning criminal
2 justice information systems and to promulgate such rules,
3 regulations and procedures as are necessary to the
4 operation of the Authority and to the uniform consideration
5 of appeals and audits;

6 (p) To advise and to make recommendations to the
7 Governor and the General Assembly on policies relating to
8 criminal justice information systems;

9 (q) To direct all other agencies under the jurisdiction
10 of the Governor to provide whatever assistance and
11 information the Authority may lawfully require to carry out
12 its functions;

13 (r) To exercise any other powers that are reasonable
14 and necessary to fulfill the responsibilities of the
15 Authority under this Act and to comply with the
16 requirements of applicable federal law or regulation;

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

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

24 The requirement for reporting to the General Assembly shall
25 be satisfied by filing copies of the report with the Speaker,
26 the Minority Leader and the Clerk of the House of
27 Representatives and the President, the Minority Leader and the
28 Secretary of the Senate and the Legislative Research Unit, as
29 required by Section 3.1 of "An Act to revise the law in
30 relation to the General Assembly", approved February 25, 1874,
31 as amended, and filing such additional copies with the State
32 Government Report Distribution Center for the General Assembly
33 as is required under paragraph (t) of Section 7 of the State
34 Library Act.

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

2 (20 ILCS 3930/9) (from Ch. 38, par. 210-9)

3 Sec. 9. Criminal Justice Information Systems Trust Fund.
4 The special fund in the State Treasury known as the Criminal
5 Justice Information Systems Trust Fund shall be funded in part
6 from users' fees collected from criminal justice agencies that
7 are the users of information systems developed and operated for
8 them by the Authority. The users' fees shall be based on pro
9 rated shares according to the share of operating cost that is
10 attributed to each agency, as determined by the Authority.
11 Prior to the effective date of the Illinois Public Safety
12 Agency Network Act, the ~~The~~ General Assembly shall make an
13 appropriation from the Criminal Justice Information Systems
14 Trust Fund for the operating expenses of the Authority incident
15 to providing the services described in this Section. On and
16 after the effective date of the Illinois Public Safety Agency
17 Network Act, distributions from the Fund shall be made as
18 provided in that Act.

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

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

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

24 (30 ILCS 605/7.6 new)

25 Sec. 7.6. Illinois Public Safety Agency Network.
26 Notwithstanding any other provision of this Act or any other
27 law to the contrary, the administrator and the Illinois
28 Criminal Justice Information Authority are authorized under
29 this Section to transfer to the Illinois Public Safety Agency
30 Network, from the Illinois Criminal Justice Information

1 Authority, all contractual personnel, books, records, papers,
2 documents, property, both real and personal, and pending
3 business in any way pertaining to the operations of the ALERTS,
4 ALECS, and PIMS systems managed by the Authority including, but
5 not limited to, radio frequencies, licenses, software,
6 hardware, IP addresses, proprietary information, code, and
7 other required information and elements necessary for the
8 successful operation, future development, and transition of
9 the systems.

10 Section 99. Effective date. This Act takes effect July 1,
11 2007."