



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1246

Introduced 2/15/2007, by Rep. Jay C. Hoffman

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. Provides that arson investigations conducted by the State Fire Marshal's Office shall be conducted by State Fire Marshal Special Agents. Authorizes State Fire Marshal Special Agents to exercise peace officer powers only during the actual investigation of the cause, origin and circumstances of such fires or explosions that are suspected to be arson or arson-related crimes and to carry weapons when conducting arson investigations. Provides that this authorization applies only to State Fire Marshal Special Agents and does not apply to 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. Provides that State Fire Marshal Special Agents are exempt from the training course requirements established by the Illinois Law Enforcement Training Standards Board for conservators of the peace, under Section 10.5 of the Illinois Police Training Act. Effective immediately.

LRB095 09547 CMK 29746 b

1 AN ACT concerning fire safety.

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 conducted by the State Fire Marshal's Office shall be conducted
15 by State Fire Marshal Special Agents, who shall be peace
16 officers as provided in the Peace Officer Fire Investigation
17 Act.

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

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

1 amended.

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

3 5. To aid in the establishment and maintenance of the
4 training facilities and programs of the Illinois Fire Service
5 Institute.

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

8 7. To pay to or in behalf of the City of Chicago for the
9 maintenance, expenses, facilities and structures directly
10 incident to the Chicago Fire Department training program. Such
11 payments may be made either as reimbursements for expenditures
12 previously made by the City, or as payments at the time the
13 City has incurred an obligation which is then due and payable
14 for such expenditures. Payments for the Chicago Fire Department
15 training program shall be made only for those expenditures
16 which are not claimable by the City under "An Act relating to
17 fire protection training", certified November 9, 1971, as
18 amended.

19 8. To administer General Revenue Fund grants to areas not
20 located in a fire protection district or in a municipality
21 which provides fire protection services, to defray the
22 organizational expenses of forming a fire protection district.

23 9. In cooperation with the Illinois Environmental
24 Protection Agency, to administer the Illinois Leaking
25 Underground Storage Tank program in accordance with Section 4
26 of this Act and Section 22.12 of the Environmental Protection

1 Act.

2 10. To expend state and federal funds as appropriated by
3 the General Assembly.

4 11. To provide technical assistance, to areas not located
5 in a fire protection district or in a municipality which
6 provides fire protection service, to form a fire protection
7 district, to join an existing district, or to establish a
8 municipal fire department, whichever is applicable.

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

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

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

14 (20 ILCS 2910/1) (from Ch. 127 1/2, par. 501)

15 Sec. 1. Peace Officer Status.

16 (a) Any person who is a sworn member of any organized and
17 paid fire department of a political subdivision of this State
18 and is authorized to investigate fires or explosions for such
19 political subdivision ~~and, or who is employed by the Office of~~
20 ~~the State Fire Marshal~~ to determine the cause, origin and
21 circumstances of ~~such~~ fires or explosions that are suspected to
22 be arson or arson-related crimes, may be classified as a peace
23 officer by the political subdivision or agency employing such
24 person. A person so classified shall possess the same powers of

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

24 Any person granted the powers enumerated in this subsection
25 (a) ~~Section~~ may exercise such powers only during the actual
26 investigation of the cause, origin and circumstances of such

1 fires or explosions that are suspected to be arson or
2 arson-related crimes.

3 (b) Persons employed by the Office of the State Fire
4 Marshal to conduct arson investigations shall be designated
5 State Fire Marshal Special Agents and shall be peace officers
6 with all of the powers of peace officers in cities and sheriffs
7 in counties, except that they may exercise those powers
8 throughout the State. These Special Agents may exercise these
9 powers only during the actual investigation of the cause,
10 origin, and circumstances of such fires or explosions that are
11 suspected to be arson or arson-related crimes and may carry
12 weapons at all times, but only if they have satisfactorily
13 completed (1) a training course approved by the Illinois Law
14 Enforcement Training Standards Board that substantially
15 conforms to the standards promulgated pursuant to the Peace
16 Officer Firearm Training Act and (2) a course in fire and arson
17 investigation approved by the Office of the State Fire Marshal
18 pursuant to the Illinois Fire Protection Training Act. Such
19 training need not include exposure to vehicle and traffic law,
20 traffic control and accident investigation, or first aid, but
21 shall include training in the law relating to the rights of
22 persons suspected of involvement in criminal activities.

23 State Fire Marshal Special Agents are exempt from the
24 training course requirements established by the Illinois Law
25 Enforcement Training Standards Board for conservators of the
26 peace, under Section 10.5 of the Illinois Police Training Act.

1 For purposes of this subsection (b), a "State Fire Marshal
2 Special Agent" does not include any fire investigator, fireman,
3 police officer, or other employee of the Federal government;
4 any fire investigator, fireman, police officer, or other
5 employee of any unit of local government; or any fire
6 investigator, fireman, police officer, or other employee of the
7 State of Illinois other than an employee of the Office of the
8 State Fire Marshal assigned to investigate arson.

9 The State Fire Marshal must authorize to each employee of
10 the Office of the State Fire Marshal who is exercising the
11 powers of a peace officer a distinct badge that, on its face,
12 (i) clearly states that the badge is authorized by the Office
13 of the State Fire Marshal and (ii) contains a unique
14 identifying number. No other badge shall be authorized by the
15 Office of the State Fire Marshal, except that a badge,
16 different from the badge issued to peace officers, may be
17 authorized by the Office of the State Fire Marshal for the use
18 of fire prevention inspectors employed by that Office. Nothing
19 in this subsection prohibits the State Fire Marshal from
20 issuing shields or other distinctive identification to
21 employees not exercising the powers of a peace officer if the
22 State Fire Marshal determines that a shield or distinctive
23 identification is needed by the employee to carry out his or
24 her responsibilities.

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

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.