



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1498

Introduced 2/21/2007, by Rep. Paul D. Froehlich

SYNOPSIS AS INTRODUCED:

New Act
30 ILCS 805/8.31 new

Creates the Law Enforcement Zero Tolerance Drug Policy Act. Provides that a law enforcement officer who tests positive during a drug test administered by his or her employer or who refuses to submit to a drug test as ordered by his or her employer shall be discharged from employment pursuant to the disciplinary procedures of the employer. Limits the concurrent exercise of home rule powers. Amends the State Mandates Act to require implementation without reimbursement by the State. Effective immediately.

LRB095 09881 HLH 30092 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning 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 Law
5 Enforcement Zero Tolerance Drug Policy Act.

6 Section 5. Definitions. For the purposes of this Act:

7 "Law enforcement officer" means any peace officer, as
8 defined by Section 2-13 of the Criminal Code of 1961, who is
9 employed by any unit of local government, any school district,
10 or any State agency, as defined in Section 1-5 of the State
11 Officials and Employees Ethics Act, including supervisory and
12 command personnel, and any pay-grade investigator for the
13 Secretary of State as defined in Section 14-110 of the Illinois
14 Pension Code, not including Secretary of State sergeants,
15 lieutenants, commanders, or investigator trainees. The term
16 does not include crossing guards, parking enforcement
17 personnel, traffic wardens, or employees of any State's
18 Attorney's office. The term does not include persons subject to
19 Section 12.5 of the State Police Act or Section 3-7-2.5 of the
20 Unified Code of Corrections.

21 "Qualified drug test" means a drug test administered to a
22 law enforcement officer by his or her employer that is
23 administered in accordance with established procedures of the

1 employer.

2 Section 10. Zero tolerance drug policy.

3 Any law enforcement officer who tests positive during a
4 qualified drug test for any substance prohibited by the
5 Cannabis Control Act, the Illinois Controlled Substances Act,
6 or the Methamphetamine Control and Community Protection Act
7 shall be discharged from employment pursuant to the
8 disciplinary procedures of the employer. Refusal by any law
9 enforcement officer to submit to a qualified drug test is
10 construed as a positive result.

11 Nothing in this Section impairs any existing contract or
12 collective bargaining agreement.

13 Section 15. Home rule. A home rule unit may not regulate
14 the discipline of law enforcement officers in a manner that is
15 inconsistent with this Act. This Section is a limitation under
16 subsection (i) of Section 6 of Article VII of the Illinois
17 Constitution on the concurrent exercise by home rule units of
18 power and functions exercised by the State.

19 Section 90. The State Mandates Act is amended by adding
20 Section 8.31 as follows:

21 (30 ILCS 805/8.31 new)

22 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8

1 of this Act, no reimbursement by the State is required for the
2 implementation of any mandate created by this amendatory Act of
3 the 95th General Assembly.

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