



Rep. Thomas Holbrook

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09500HB5159ham004

LRB095 18226 AJ0 49949 a

1 AMENDMENT TO HOUSE BILL 5159

2 AMENDMENT NO. _____. Amend House Bill 5159, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Railroad Police Act is amended by changing
6 Section 2 as follows:

7 (610 ILCS 80/2) (from Ch. 114, par. 98)

8 Sec. 2. Conductors of all railroad trains, and the captain
9 or master of any boat carrying passengers within the
10 jurisdiction of this state, is vested with police powers while
11 on duty on their respective trains and boats, and may wear an
12 appropriate badge indicative of such authority.

13 In the policing of its properties any registered rail
14 carrier, as defined in Section 18c-7201 of the Illinois Vehicle
15 Code, may provide for the appointment and maintenance of such
16 police force as it may find necessary and practicable to aid

1 and supplement the police forces of any municipality in the
2 protection of its property and the protection of the persons
3 and property of its passengers and employees, or otherwise in
4 furtherance of the purposes for which such railroad was
5 organized. While engaged in the conduct of their employment,
6 the members of such railroad police force have and may exercise
7 like police powers as those conferred upon any peace officer
8 employed by a law enforcement agency of this State.

9 Any registered rail carrier that appoints and maintains a
10 police force shall comply with the following requirements:

11 (1) Establish an internal policy that includes
12 procedures to ensure objective oversight in addressing
13 allegations of abuse of authority or other misconduct on
14 the part of its police officers.

15 (2) Adopt appropriate policies and guidelines for
16 employee investigations by police officers. These policies
17 and guidelines shall provide for initiating employee
18 investigations only under the following conditions:

19 (A) There is reason to believe criminal misconduct
20 has occurred.

21 (B) In response to an employee accident.

22 (C) There is reason to believe that the interview
23 of an employee could result in workplace violence.

24 (D) There is a legitimate concern for the personal
25 safety of one or more employees.

26 These policies and guidelines shall provide for the

1 right of an employee to request a representative to be
2 present during any interview concerning a non-criminal
3 matter.

4 (3) File copies of the policies and guidelines adopted
5 under paragraphs (1) and (2) with the Illinois Law
6 Enforcement Training Standards Board, which shall make
7 them available for public inspection. The Board shall
8 review the policies and guidelines, and approve them if
9 they comply with the Act.

10 (4) Appeal of a rail carrier's decision. A person
11 adversely affected or aggrieved by a decision of a rail
12 carrier's internal investigation under this Act may appeal
13 the decision to the Illinois State Police. The appeal shall
14 be filed no later than 90 days after the issuance of the
15 decision. The State Police shall review the depth,
16 completeness, and objectivity of the rail carrier's
17 investigation, and may conduct its own investigation of the
18 complaint. The State Police may uphold, overturn, or modify
19 the rail carrier's decision by filing a report of its
20 findings and recommendations with the Illinois Commerce
21 Commission. Consistent with authority under Chapter 18C of
22 the Illinois Vehicle Code and the Commission rules of
23 practice, the Commission shall have the power to conduct
24 evidentiary hearings, make findings, and issue and enforce
25 orders, including sanctions under Section 18c-1704 of the
26 Illinois Vehicle Code.

1 Notwithstanding any other rulemaking authority that may
2 exist, neither the Governor nor any agency or agency head under
3 the jurisdiction of the Governor has any authority to make or
4 promulgate rules to implement or enforce this amendatory Act of
5 the 95th General Assembly. If, however, the Governor believes
6 that rules are necessary to implement or enforce the provisions
7 of this amendatory Act of the 95th General Assembly, the
8 Governor may suggest rules to the General Assembly by filing
9 them with the Clerk of the House and Secretary of the Senate
10 and by requesting that the General Assembly authorize such
11 rulemaking by law, enact those suggested rules into law, or
12 take any other appropriate action in the General Assembly's
13 discretion. Nothing contained in this amendatory Act of the
14 95th General Assembly shall be interpreted to grant rulemaking
15 authority under any other Illinois statute where such authority
16 is not otherwise explicitly given. For the purposes of this
17 amendatory Act of the 95th General Assembly, "rules" is given
18 the meaning contained in Section 1-70 of the Illinois
19 Administrative Procedure Act, and "agency" and "agency head"
20 are given the meanings contained in Sections 1-20 and 1-25 of
21 the Illinois Administrative Procedure Act to the extent that
22 such definitions apply to agencies or agency heads under the
23 jurisdiction of the Governor.

24 (Source: P.A. 94-846, eff. 1-1-07.)".