

SB0740



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0740

Introduced 2/8/2007, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

50 ILCS 710/2	from Ch. 85, par. 516
55 ILCS 5/3-6013	from Ch. 34, par. 3-6013
65 ILCS 5/3.1-30-20	from Ch. 24, par. 3.1-30-20

Amends the Peace Officer Firearm Training Act, the Counties Code, and the Municipal Code. Provides that all auxiliary police officers and deputies must submit to a background check. Provides that an auxiliary officer or deputy who has completed an approved background check must be allowed to participate in firearm training. Effective immediately.

LRB095 07784 HLH 27945 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning law enforcement.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Peace Officer Firearm Training Act is
5 amended by changing Section 2 as follows:

6 (50 ILCS 710/2) (from Ch. 85, par. 516)

7 Sec. 2. Training course for peace officers.

8 (a) Successful completion of a 40 hour course of training
9 in use of a suitable type firearm shall be a condition
10 precedent to the possession and use of that respective firearm
11 by any peace officer in this State in connection with the
12 officer's official duties. The training must be approved by the
13 Illinois Law Enforcement Training Standards Board ("the
14 Board") and may be given in logical segments but must be
15 completed within 6 months from the date of the officer's
16 initial employment. To satisfy the requirements of this Act,
17 the training must include the following:

18 (1) Instruction in the dangers of misuse of the
19 firearm, safety rules, and care and cleaning of the
20 firearm.

21 (2) Practice firing on a range and qualification with
22 the firearm in accordance with the standards established by
23 the Board.

1 (3) Instruction in the legal use of firearms under the
2 Criminal Code of 1961 and relevant court decisions.

3 (4) A forceful presentation of the ethical and moral
4 considerations assumed by any person who uses a firearm.

5 (b) Any officer who successfully completes the Basic
6 Training Course prescribed for recruits by the Board shall be
7 presumed to have satisfied the requirements of this Act.

8 (c) The Board shall cause the training courses to be
9 conducted twice each year within each of the Mobile Team
10 Regions, but no training course need be held when there are no
11 police officers requiring the training.

12 (d) (Blank).

13 (e) The Board may waive, or may conditionally waive, the 40
14 hour course of training if, in the Board's opinion, the officer
15 has previously successfully completed a course of similar
16 content and duration. In cases of waiver, the officer shall
17 demonstrate his or her knowledge and proficiency by passing the
18 written examination on firearms and by successfully passing the
19 range qualification portion of the prescribed course of
20 training.

21 (f) The Board shall require that auxiliary police officers
22 complete a successful background check and shall not refuse
23 training to an auxiliary officer who has completed an approved
24 background check.

25 (Source: P.A. 94-984, eff. 6-30-06.)

1 Section 10. The Counties Code is amended by changing
2 Section 3-6013 as follows:

3 (55 ILCS 5/3-6013) (from Ch. 34, par. 3-6013)

4 Sec. 3-6013. Duties, training and compensation of
5 auxiliary deputies. Auxiliary deputies shall not supplement
6 members of the regular county police department or regular
7 deputies in the performance of their assigned and normal
8 duties, except as provided herein. Auxiliary deputies may be
9 assigned and directed by the sheriff to perform the following
10 duties in the county:

11 To aid or direct traffic within the county, to aid in
12 control of natural or human made disasters, to aid in case of
13 civil disorder as assigned and directed by the sheriff,
14 provided, that in emergency cases which render it impractical
15 for members of the regular county police department or regular
16 deputies to perform their assigned and normal duties, the
17 sheriff is hereby authorized to assign and direct auxiliary
18 deputies to perform such regular and normal duties.
19 Identification symbols worn by such auxiliary deputies shall be
20 different and distinct from those used by members of the
21 regular county police department or regular deputies. Such
22 auxiliary deputies shall at all times during the performance of
23 their duties be subject to the direction and control of the
24 sheriff of the county. Such auxiliary deputies shall not carry
25 firearms, except with the permission of the sheriff, and only

1 while in uniform and in the performance of their assigned
2 duties.

3 Auxiliary deputies, prior to entering upon any of their
4 duties, shall receive a course of training in the use of
5 weapons and other police procedures as shall be appropriate in
6 the exercise of the powers conferred upon them under this
7 Division, which training and course of study shall be
8 determined and provided by the sheriff of each county utilizing
9 auxiliary deputies, provided that, before being permitted to
10 carry a firearm an auxiliary deputy must have the same course
11 of training as required of peace officers in Section 2 of the
12 Peace Officer Firearm Training Act. The county authorities
13 shall require that all auxiliary deputies be residents of the
14 county served by them. Prior to the appointment of any
15 auxiliary deputy he or she shall submit to a background check
16 and his or her fingerprints shall be taken. No ~~and no~~ person
17 shall be appointed as such auxiliary deputy if he or she has
18 been convicted of a felony or other crime involving moral
19 turpitude. An auxiliary deputy who has completed a successful
20 background check must be allowed to participate in firearm
21 training.

22 Auxiliary deputies may not be paid a salary, except as
23 provided in Section 3-6036, but may be reimbursed for actual
24 expenses incurred in performing their assigned duty. The County
25 Board must approve such actual expenses and arrange for
26 payment.

1 Nothing in this Division shall preclude an auxiliary deputy
2 from holding a simultaneous appointment as an auxiliary police
3 officer pursuant to Section 3-6-5 of the Illinois Municipal
4 Code.

5 (Source: P.A. 94-984, eff. 6-30-06.)

6 Section 20. The Illinois Municipal Code is amended by
7 changing Section 3.1-30-20 as follows:

8 (65 ILCS 5/3.1-30-20) (from Ch. 24, par. 3.1-30-20)

9 Sec. 3.1-30-20. Auxiliary police officers.

10 (a) Auxiliary police officers shall not be members of the
11 regular police department of the municipality. Auxiliary
12 police officers shall not supplement members of the regular
13 police department of any municipality in the performance of
14 their assigned and normal duties, except as otherwise provided
15 in this Code. Auxiliary police officers shall only be assigned
16 to perform the following duties in a municipality: (i) to aid
17 or direct traffic within the municipality, (ii) to aid in
18 control of natural or man made disasters, and (iii) to aid in
19 case of civil disorder as directed by the chief of police. When
20 it is impractical for members of the regular police department
21 to perform those normal and regular police duties, however, the
22 chief of police of the regular police department may assign
23 auxiliary police officers to perform those normal and regular
24 police duties. Identification symbols worn by auxiliary police

1 officers shall be different and distinct from those used by
2 members of the regular police department. Auxiliary police
3 officers shall at all times during the performance of their
4 duties be subject to the direction and control of the chief of
5 police of the municipality. Auxiliary police officers shall not
6 carry firearms, except with the permission of the chief of
7 police and while in uniform and in the performance of their
8 duties. Auxiliary police officers, when on duty, shall also be
9 conservators of the peace and shall have the powers specified
10 in Section 3.1-15-25.

11 (b) Auxiliary police officers, before entering upon any of
12 their duties, shall receive a course of training in the use of
13 weapons and other police procedures appropriate for the
14 exercise of the powers conferred upon them under this Code. The
15 training and course of study shall be determined and provided
16 by the corporate authorities of each municipality employing
17 auxiliary police officers. Before being permitted to carry a
18 firearm, however, an auxiliary police officer must have the
19 same course of training as required of peace officers under
20 Section 2 of the Peace Officer Firearm Training Act and must
21 complete background check. The municipal authorities may
22 require that all auxiliary police officers be residents of the
23 municipality served by them. Before the appointment of an
24 auxiliary police officer, the person's fingerprints shall be
25 taken, and no person shall be appointed as an auxiliary police
26 officer if that person has been convicted of a felony or other

1 crime involving moral turpitude. An auxiliary police officer
2 who has completed a successful background check must be allowed
3 to participate in firearm training.

4 (c) The Line of Duty Compensation Act shall be applicable
5 to auxiliary police officers upon their death in the line of
6 duty described in this Code.

7 (Source: P.A. 94-984, eff. 6-30-06.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.