



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5528

Introduced 2/9/2010, by Rep. Lisa M. Dugan

#### SYNOPSIS AS INTRODUCED:

20 ILCS 2910/1

from Ch. 127 1/2, par. 501

Amends the Peace Officer Fire Investigation Act. In provisions authorizing a peace officer to carry weapons under specified circumstances, provides that the person must complete a training program approved by the Illinois Law Enforcement Training Standards Board "including without limitation an arson investigator course and a firearms course offered by a State-sponsored institution of higher learning".

LRB096 19184 RLJ 34575 b

1 AN ACT concerning State government.

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

4 Section 5. The Peace Officer Fire Investigation Act is  
5 amended by changing Section 1 as follows:

6 (20 ILCS 2910/1) (from Ch. 127 1/2, par. 501)

7 Sec. 1. Peace Officer Status.

8 (a) Any person who is a sworn member of any organized and  
9 paid fire department of a political subdivision of this State  
10 and is authorized to investigate fires or explosions for such  
11 political subdivision and to determine the cause, origin and  
12 circumstances of fires or explosions that are suspected to be  
13 arson or arson-related crimes, may be classified as a peace  
14 officer by the political subdivision or agency employing such  
15 person. A person so classified shall possess the same powers of  
16 arrest, search and seizure and the securing and service of  
17 warrants as sheriffs of counties, and police officers within  
18 the jurisdiction of their political subdivision. While in the  
19 actual investigation and matters incident thereto, such person  
20 may carry weapons as may be necessary, but only if that person  
21 has satisfactorily completed (1) a training program offered or  
22 approved by the Illinois Law Enforcement Training Standards  
23 Board which substantially conforms to standards promulgated

1 pursuant to the Illinois Police Training Act and the Peace  
2 Officer Firearm Training Act including without limitation an  
3 arson investigator course and a firearms course offered by a  
4 State-sponsored institution of higher learning; and (2) a  
5 course in fire and arson investigation approved by the Office  
6 of the State Fire Marshal pursuant to the Illinois Fire  
7 Protection Training Act. Such training need not include  
8 exposure to vehicle and traffic law, traffic control and  
9 accident investigation, or first aid, but shall include  
10 training in the law relating to the rights of persons suspected  
11 of involvement in criminal activities.

12 Any person granted the powers enumerated in this subsection  
13 (a) may exercise such powers only during the actual  
14 investigation of the cause, origin and circumstances of such  
15 fires or explosions that are suspected to be arson or  
16 arson-related crimes.

17 (b) Persons employed by the Office of the State Fire  
18 Marshal to conduct arson investigations shall be designated  
19 State Fire Marshal Arson Investigator Special Agents and shall  
20 be peace officers with all of the powers of peace officers in  
21 cities and sheriffs in counties, except that they may exercise  
22 those powers throughout the State. These Special Agents may  
23 exercise these powers only when engaging in official duties  
24 during the actual investigation of the cause, origin, and  
25 circumstances of such fires or explosions that are suspected to  
26 be arson or arson-related crimes and may carry weapons at all

1 times, but only if they have satisfactorily completed (1) a  
2 training course approved by the Illinois Law Enforcement  
3 Training Standards Board that substantially conforms to the  
4 standards promulgated pursuant to the Peace Officer Firearm  
5 Training Act and (2) a course in fire and arson investigation  
6 approved by the Office of the State Fire Marshal pursuant to  
7 the Illinois Fire Protection Training Act. Such training need  
8 not include exposure to vehicle and traffic law, traffic  
9 control and accident investigation, or first aid, but shall  
10 include training in the law relating to the rights of persons  
11 suspected of involvement in criminal activities.

12 For purposes of this subsection (b), a "State Fire Marshal  
13 Arson Investigator Special Agent" does not include any fire  
14 investigator, fireman, police officer, or other employee of the  
15 federal government; any fire investigator, fireman, police  
16 officer, or other employee of any unit of local government; or  
17 any fire investigator, fireman, police officer, or other  
18 employee of the State of Illinois other than an employee of the  
19 Office of the State Fire Marshal assigned to investigate arson.

20 The State Fire Marshal must authorize to each employee of  
21 the Office of the State Fire Marshal who is exercising the  
22 powers of a peace officer a distinct badge that, on its face,  
23 (i) clearly states that the badge is authorized by the Office  
24 of the State Fire Marshal and (ii) contains a unique  
25 identifying number. No other badge shall be authorized by the  
26 Office of the State Fire Marshal, except that a badge,

1 different from the badge issued to peace officers, may be  
2 authorized by the Office of the State Fire Marshal for the use  
3 of fire prevention inspectors employed by that Office. Nothing  
4 in this subsection prohibits the State Fire Marshal from  
5 issuing shields or other distinctive identification to  
6 employees not exercising the powers of a peace officer if the  
7 State Fire Marshal determines that a shield or distinctive  
8 identification is needed by the employee to carry out his or  
9 her responsibilities.

10 (Source: P.A. 95-502, eff. 8-28-07.)