

HB0431



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB0431

Introduced 01/31/11, by Rep. Michael J. Madigan

SYNOPSIS AS INTRODUCED:

20 ILCS 2910/1

from Ch. 127 1/2, par. 501

Amends the Peace Officer Fire Investigation Act. Makes a technical change in a Section concerning peace officer status.

LRB097 03951 KMW 43990 b

A BILL FOR

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 ~~and~~ paid fire department of a political subdivision of this
10 State and is authorized to investigate fires or explosions for
11 such political subdivision and to determine the cause, origin
12 and circumstances of fires or explosions that are suspected to
13 be 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; and (2) a course in fire and
3 arson investigation approved by the Office of the State Fire
4 Marshal pursuant to the Illinois Fire Protection Training Act.
5 Such training need not include exposure to vehicle and traffic
6 law, traffic control and accident investigation, or first aid,
7 but shall include training in the law relating to the rights of
8 persons suspected of involvement in criminal activities.

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

14 (b) Persons employed by the Office of the State Fire
15 Marshal to conduct arson investigations shall be designated
16 State Fire Marshal Arson Investigator Special Agents and shall
17 be peace officers with all of the powers of peace officers in
18 cities and sheriffs in counties, except that they may exercise
19 those powers throughout the State. These Special Agents may
20 exercise these powers only when engaging in official duties
21 during the actual investigation of the cause, origin, and
22 circumstances of such fires or explosions that are suspected to
23 be arson or arson-related crimes and may carry weapons at all
24 times, but only if they have satisfactorily completed (1) a
25 training course approved by the Illinois Law Enforcement
26 Training Standards Board that substantially conforms to the

1 standards promulgated pursuant to the Peace Officer Firearm
2 Training Act and (2) a course in fire and arson investigation
3 approved by the Office of the State Fire Marshal pursuant to
4 the Illinois Fire Protection Training Act. Such training need
5 not include exposure to vehicle and traffic law, traffic
6 control and accident investigation, or first aid, but shall
7 include training in the law relating to the rights of persons
8 suspected of involvement in criminal activities.

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

17 The State Fire Marshal must authorize to each employee of
18 the Office of the State Fire Marshal who is exercising the
19 powers of a peace officer a distinct badge that, on its face,
20 (i) clearly states that the badge is authorized by the Office
21 of the State Fire Marshal and (ii) contains a unique
22 identifying number. No other badge shall be authorized by the
23 Office of the State Fire Marshal, except that a badge,
24 different from the badge issued to peace officers, may be
25 authorized by the Office of the State Fire Marshal for the use
26 of fire prevention inspectors employed by that Office. Nothing

1 in this subsection prohibits the State Fire Marshal from
2 issuing shields or other distinctive identification to
3 employees not exercising the powers of a peace officer if the
4 State Fire Marshal determines that a shield or distinctive
5 identification is needed by the employee to carry out his or
6 her responsibilities.

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