



## 98TH GENERAL ASSEMBLY

### State of Illinois

### 2013 and 2014

#### SB2791

Introduced 1/30/2014, by Sen. Toi W. Hutchinson

#### SYNOPSIS AS INTRODUCED:

610 ILCS 80/2	from Ch. 114, par. 98
610 ILCS 80/3	from Ch. 114, par. 99
610 ILCS 80/4	from Ch. 114, par. 100

Amends the Railroad Police Act. Provides that members of railroad police forces may issue administrative citations in accordance with the provisions of local law. Provides that passengers may be removed from a train or boat for conduct or language that annoys or vexes employees. Provides that this removal, if not done at the location of the offending conduct, may be done at an available public station or dock. Provides that for the purposes of removing an offending passenger, the conductor or captain may only command the assistance of passengers that are willing and able to render assistance. Provides before removing the passenger the conductor or captain must refund the passenger's fare minus the portion attributable to distance already travelled. Provides that no operating rule, bulletin, directive, or other order of a carrier shall contradict or limit this authority. Provides that the captain or master, or employees of a boat, rather than only steamboats, may arrest a passenger that has committed a crime or misdemeanor and take him or her before a judge of the circuit court in any county through which the boat passes on its trip, filing an affidavit with the judge of the circuit court charging the passenger with that crime or misdemeanor. Effective immediately.

LRB098 14669 MLW 49512 b

1 AN ACT concerning transportation.

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

4 Section 5. The Railroad Police Act is amended by changing  
5 Sections 2, 3, and 4 as follows:

6 (610 ILCS 80/2) (from Ch. 114, par. 98)

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

12 In the policing of its properties any registered rail  
13 carrier, as defined in Section 18c-7201 of the Illinois Vehicle  
14 Code, may provide for the appointment and maintenance of a ~~such~~  
15 police force ~~as it may find necessary and practicable~~ to aid  
16 and supplement the police forces of any municipality in the  
17 protection of its property and the protection of the persons  
18 and property of its passengers and employees, or ~~otherwise~~ in  
19 furtherance of the purposes for which the ~~such~~ railroad was  
20 organized. While engaged in the conduct of their employment,  
21 the members of the ~~such~~ railroad police force have and may  
22 exercise the same ~~like~~ police powers ~~as those~~ conferred upon  
23 any peace officer employed by a law enforcement agency of this

1 State, including the authority to issue administrative  
2 citations in accordance with the provisions of county or  
3 municipal ordinances.

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

6 (1) Establish an internal policy that includes  
7 procedures to ensure objective oversight in addressing  
8 allegations of abuse of authority or other misconduct on  
9 the part of its police officers.

10 (2) Adopt appropriate policies and guidelines for  
11 employee investigations by police officers. These policies  
12 and guidelines shall provide for initiating employee  
13 investigations only under the following conditions:

14 (A) There is reason to believe criminal misconduct  
15 has occurred.

16 (B) In response to an employee accident.

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

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

21 These policies and guidelines shall provide for the  
22 right of an employee to request a representative to be  
23 present during any interview concerning a non-criminal  
24 matter.

25 (3) File copies of the policies and guidelines adopted  
26 under paragraphs (1) and (2) with the Illinois Law

1 Enforcement Training Standards Board, which shall make  
2 them available for public inspection. The Board shall  
3 review the policies and guidelines, and approve them if  
4 they comply with the Act.

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

22 Rulemaking authority to implement this amendatory Act of  
23 the 95th General Assembly, if any, is conditioned on the rules  
24 being adopted in accordance with all provisions of the Illinois  
25 Administrative Procedure Act and all rules and procedures of  
26 the Joint Committee on Administrative Rules; any purported rule

1 not so adopted, for whatever reason, is unauthorized.

2 (Source: P.A. 94-846, eff. 1-1-07; 95-1010, eff. 6-1-09.)

3 (610 ILCS 80/3) (from Ch. 114, par. 99)

4 Sec. 3. When any passenger shall be guilty of disorderly  
5 conduct, or use any obscene language, to the annoyance and  
6 vexation of passengers or employees, or play any games of cards  
7 or other games of chance for money or other valuable thing,  
8 upon any railroad train or boat steamboat, the conductor of the  
9 ~~such~~ train and captain or master of the boat ~~such steamboat~~ is  
10 ~~hereby~~ authorized to stop the his train or boat steamboat, at  
11 or near any place where an such offense has been committed or  
12 at an available public station or dock, and remove the eject  
13 ~~such~~ passenger from the train or boat using only the such force  
14 ~~as may be~~ necessary to accomplish the such removal, and may  
15 command the assistance of the employees of the railroad company  
16 or boat steamboat, or any of the other passengers willing and  
17 able to assist with the in such removal; but before removing  
18 the passenger the conductor or captain or master doing so he  
19 shall tender to the such passenger ~~such proportion of~~ the total  
20 fare the passenger he has paid, minus the portion of the total  
21 fare attributable to the distance travelled by the passenger  
22 prior to being removed from the train or boat as the distance  
23 ~~he then is from the place to which he has paid his fare, bears~~  
24 ~~to the whole distance for which he has paid his fare. No~~  
25 operating rule, bulletin, directive, or other order of a

1 carrier shall contradict or limit the authority granted in this  
2 Section.

3 (Source: Laws 1877, p. 166.)

4 (610 ILCS 80/4) (from Ch. 114, par. 100)

5 Sec. 4. When any passenger commits ~~shall be guilty of~~ any  
6 crime or misdemeanor upon any train~~7~~ or boat ~~steamboat~~~~7~~, the  
7 conductor, captain or master, or employees of that ~~such~~ train~~7~~  
8 or boat~~7~~, may arrest that ~~such~~ passenger and take him or her  
9 before any judge of the circuit court, in any county through  
10 which the ~~such~~ boat or train may pass, or in which its trip may  
11 begin or terminate, and file an affidavit before the ~~such~~ judge  
12 ~~of the circuit court~~, charging the passenger ~~him~~ with the ~~such~~  
13 crime or misdemeanor.

14 (Source: Laws 1965, p. 3687.)

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.