



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5088

by Rep. Jaime M. Andrade, Jr.

SYNOPSIS AS INTRODUCED:

20 ILCS 2605/2605-25	was 20 ILCS 2605/55a-1
20 ILCS 2605/2605-30	was 20 ILCS 2605/55a-2
20 ILCS 2605/2605-35	was 20 ILCS 2605/55a-3
20 ILCS 2605/2605-40	was 20 ILCS 2605/55a-4
20 ILCS 2605/2605-45	was 20 ILCS 2605/55a-5
20 ILCS 2605/2605-50	was 20 ILCS 2605/55a-6
20 ILCS 2605/2605-52	
20 ILCS 2605/2605-125 new	
20 ILCS 2605/2605-300	was 20 ILCS 2605/55a in part
20 ILCS 2605/2605-330	was 20 ILCS 2605/55a in part

Amends the Department of State Police Law of the Civil Administrative Code of Illinois. Provides that the Department of State Police is divided into the Office of the Statewide 9-1-1 Administrator (removes the Illinois State Police Academy) and 5 divisions (rather than 4 divisions): the Division of Patrol (rather than the Division of Operations), the Division of Investigation, the Division of Forensic Services, the Division of Administration, and the Division of Internal Investigation. Provides that for each Division, the Director of State Police shall appoint one Deputy Director and one Assistant Deputy Director. Provides that the position of Deputy Director may be given an appointed rank of Colonel and the Assistant Deputy Director may be given an appointed rank of Lieutenant Colonel. Eliminates the Office of Coordination of Gang Prevention in the Division of Operations. Makes other changes. Effective immediately.

LRB100 20626 SLF 36062 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 Department of State Police Law of the Civil
5 Administrative Code of Illinois is amended by changing Sections
6 2605-25, 2605-30, 2605-35, 2605-40, 2605-45, 2605-50, 2605-52,
7 2605-300, and 2605-330 and by adding Section 2605-125 as
8 follows:

9 (20 ILCS 2605/2605-25) (was 20 ILCS 2605/55a-1)

10 Sec. 2605-25. Department organization ~~divisions~~. The
11 Department is divided into the ~~Illinois State Police Academy,~~
12 ~~the~~ Office of the Statewide 9-1-1 Administrator~~,~~ and 5 ~~4~~
13 divisions: the Division of Patrol Operations, the Division of
14 Investigation, the Division of Forensic Services, the Division
15 of Administration, and the Division of Internal Investigation.
16 (Source: P.A. 98-634, eff. 6-6-14; 99-6, eff. 6-29-15.)

17 (20 ILCS 2605/2605-30) (was 20 ILCS 2605/55a-2)

18 Sec. 2605-30. Division of Patrol Operations ~~(formerly~~
19 ~~State Troopers)~~.

20 (a) The Division of Patrol Operations shall exercise the
21 following functions ~~and those in Section 2605-35~~:

22 (1) (Blank). ~~Cooperate with federal and State~~

1 ~~authorities requesting utilization of the Department's~~
2 ~~radio network system under the Illinois Aeronautics Act.~~

3 (2) Exercise the rights, powers, and duties of the
4 State Police under the State Police Act.

5 (3) (Blank). ~~Exercise the rights, powers, and duties~~
6 ~~vested by law in the Department by the State Police Radio~~
7 ~~Act.~~

8 (3.5) Exercise the rights, powers, and duties of the
9 Department vested by law in the Department and the Illinois
10 State Police by the Criminal Code of 2012.

11 (4) Exercise the rights, powers, and duties of the
12 Department vested by law in the Department and the Illinois
13 State Police by the Illinois Vehicle Code.

14 (5) Exercise other duties that have been or may be
15 vested by law in the Illinois State Police.

16 (6) Exercise other duties that may be assigned by the
17 Director in order to fulfill the responsibilities and to
18 achieve the purposes of the Department.

19 (b) The Director shall appoint one Deputy Director and one
20 Assistant Deputy Director to operate the Division. The position
21 of Deputy Director may be given an appointed rank of Colonel
22 and the Assistant Deputy Director may be given an appointed
23 rank of Lieutenant Colonel.

24 (c) The Director shall appoint 2 Region Commanders to
25 oversee each patrol district. The position of Region Commander
26 may be given an appointed rank of Major. Each Region Commander

1 shall have a direct reporting structure to the Division's
2 Assistant Deputy Director.

3 (d) The Director shall create 21 patrol districts and each
4 shall have an appointed commander who shall have a direct
5 reporting structure to the Region Commander.

6 (Source: P.A. 91-239, eff. 1-1-00; 91-760, eff. 1-1-01.)

7 (20 ILCS 2605/2605-35) (was 20 ILCS 2605/55a-3)

8 Sec. 2605-35. Division of Investigation Operations
9 ~~(formerly Criminal Investigation).~~

10 (a) The Division of Investigation Operations shall
11 exercise the following functions ~~and those in Section 2605-30:~~

12 (1) Exercise the rights, powers, and duties vested by
13 law in the Department by the Illinois Horse Racing Act of
14 1975.

15 (2) Investigate the origins, activities, personnel,
16 and incidents of crime and enforce the criminal laws of
17 this State related thereto.

18 (3) Enforce all laws regulating the production, sale,
19 prescribing, manufacturing, administering, transporting,
20 having in possession, dispensing, delivering,
21 distributing, or use of controlled substances,
22 methamphetamine, and cannabis.

23 (4) Cooperate with the police of cities, villages, and
24 incorporated towns and with the police officers of any
25 county in enforcing the laws of the State and in making

1 arrests and recovering property.

2 (5) Apprehend and deliver up any person charged in this
3 State or any other state with treason or a felony or other
4 crime who has fled from justice and is found in this State.

5 (6) Investigate recipients and providers under the
6 Illinois Public Aid Code and any personnel involved in the
7 administration of the Code who are suspected of any
8 violation of the Code pertaining to fraud in the
9 administration, receipt, or provision of assistance and
10 pertaining to any violation of criminal law; and exercise
11 the functions required under Section 2605-220 in the
12 conduct of those investigations.

13 (7) Conduct other investigations as provided by law.

14 (8) Exercise the powers and perform the duties that
15 have been vested in the Department by the Sex Offender
16 Registration Act and the Sex Offender Community
17 Notification Law; and promulgate reasonable rules and
18 regulations necessitated thereby.

19 (9) Exercise other duties that may be assigned by the
20 Director in order to fulfill the responsibilities and
21 achieve the purposes of the Department.

22 (b) The Director shall appoint one Deputy Director and one
23 Assistant Deputy Director to operate the Division. The position
24 of Deputy Director may be given an appointed rank of Colonel
25 and the Assistant Deputy Director may be given an appointed
26 rank of Lieutenant Colonel. ~~There is hereby established in the~~

1 ~~Division of Operations the Office of Coordination of Gang~~
2 ~~Prevention, hereafter referred to as the Office.~~

3 ~~The Office shall consult with units of local government and~~
4 ~~school districts to assist them in gang control activities and~~
5 ~~to administer a system of grants to units of local government~~
6 ~~and school districts that, upon application, have demonstrated~~
7 ~~a workable plan to reduce gang activity in their area. The~~
8 ~~grants shall not include reimbursement for personnel, nor shall~~
9 ~~they exceed 75% of the total request by any applicant. The~~
10 ~~grants may be calculated on a proportional basis, determined by~~
11 ~~funds available to the Department for this purpose. The~~
12 ~~Department has the authority to promulgate appropriate rules~~
13 ~~and regulations to administer this program.~~

14 ~~The Office shall establish mobile units of trained~~
15 ~~personnel to respond to gang activities.~~

16 ~~The Office shall also consult with and use the services of~~
17 ~~religious leaders and other celebrities to assist in gang~~
18 ~~control activities.~~

19 ~~The Office may sponsor seminars, conferences, or any other~~
20 ~~educational activity to assist communities in their gang crime~~
21 ~~control activities.~~

22 (c) The Director shall appoint 2 Region Commanders to
23 oversee each investigative zone. The position of Region
24 Commander may be given an appointed rank of Major. Each Region
25 Commander shall have a direct reporting structure to the
26 Division's Assistant Deputy Director.

1 (d) The Director shall create 7 investigative zones and
2 each shall have an appointed commander having a direct
3 reporting structure to the Region Commander.

4 (Source: P.A. 94-945, eff. 6-27-06.)

5 (20 ILCS 2605/2605-40) (was 20 ILCS 2605/55a-4)

6 Sec. 2605-40. Division of Forensic Services.

7 (a) The Division of Forensic Services shall exercise the
8 following functions:

9 (1) (Blank). ~~Exercise the rights, powers, and duties~~
10 ~~vested by law in the Department by the Criminal~~
11 ~~Identification Act.~~

12 (2) Exercise the rights, powers, and duties vested by
13 law in the Department by Section 2605-300 of this Law.

14 (3) Provide assistance to local law enforcement
15 agencies through training, management, and consultant
16 services.

17 (4) (Blank).

18 (5) Exercise other duties that may be assigned by the
19 Director in order to fulfill the responsibilities and
20 achieve the purposes of the Department.

21 (6) Establish and operate a forensic science
22 laboratory system, including a forensic toxicological
23 laboratory service, for the purpose of testing specimens
24 submitted by coroners and other law enforcement officers in
25 their efforts to determine whether alcohol, drugs, or

1 poisonous or other toxic substances have been involved in
2 deaths, accidents, or illness. Forensic toxicological
3 laboratories shall be established in Springfield, Chicago,
4 and elsewhere in the State as needed.

5 (6.5) Establish administrative rules in order to set
6 forth standardized requirements for the disclosure of
7 toxicology results and other relevant documents related to
8 a toxicological analysis. These administrative rules are
9 to be adopted to produce uniform and sufficient information
10 to allow a proper, well-informed determination of the
11 admissibility of toxicology evidence and to ensure that
12 this evidence is presented competently. These
13 administrative rules are designed to provide a minimum
14 standard for compliance of toxicology evidence and is not
15 intended to limit the production and discovery of material
16 information. These administrative rules shall be submitted
17 by the Department of State Police into the rulemaking
18 process under the Illinois Administrative Procedure Act on
19 or before June 30, 2017.

20 (7) Subject to specific appropriations made for these
21 purposes, establish and coordinate a system for providing
22 accurate and expedited forensic science and other
23 investigative and laboratory services to local law
24 enforcement agencies and local State's Attorneys in aid of
25 the investigation and trial of capital cases.

26 (b) The Director shall appoint one Deputy Director and one

1 Assistant Deputy Director to operate the Division. The position
2 of Deputy Director may be given an appointed rank of Colonel
3 and the Assistant Deputy Director may be given an appointed
4 rank of Lieutenant Colonel.

5 (Source: P.A. 99-801, eff. 1-1-17.)

6 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)

7 Sec. 2605-45. Division of Administration.

8 (a) The Division of Administration shall exercise the
9 following functions:

10 (1) Exercise the rights, powers, and duties vested by
11 law in the Department by the Criminal Identification
12 ~~Governor's Office of Management and Budget Act.~~

13 (2) Pursue research and the publication of studies
14 pertaining to local law enforcement activities.

15 (3) Exercise the rights, powers, and duties vested by
16 law in the Department by the State Police Radio Act
17 ~~Personnel Code.~~

18 (4) Operate an electronic data processing and computer
19 center for the storage and retrieval of data pertaining to
20 criminal activity.

21 (5) Exercise the rights, powers, and duties vested in
22 the Department by the Firearm Concealed Carry Act ~~former~~
23 ~~Division of State Troopers by Section 17 of the State~~
24 ~~Police Act.~~

25 (6) (Blank). ~~Exercise the rights, powers, and duties~~

1 ~~vested in the Department by "An Act relating to internal~~
2 ~~auditing in State government", approved August 11, 1967~~
3 ~~(repealed; now the Fiscal Control and Internal Auditing~~
4 ~~Act, 30 ILCS 10/).~~

5 (6.5) Exercise the rights, powers, and duties vested in
6 the Department by the Firearm Owners Identification Card
7 Act.

8 (7) Exercise other duties that may be assigned by the
9 Director to fulfill the responsibilities and achieve the
10 purposes of the Department.

11 (b) The Director shall appoint one Deputy Director and one
12 Assistant Deputy Director to operate the Division. The position
13 of Deputy Director may be given an appointed rank of Colonel
14 and the Assistant Deputy Director may be given an appointed
15 rank of Lieutenant Colonel.

16 (Source: P.A. 94-793, eff. 5-19-06.)

17 (20 ILCS 2605/2605-50) (was 20 ILCS 2605/55a-6)

18 Sec. 2605-50. Division of Internal Investigation.

19 (a) The Division of Internal Investigation shall initiate
20 internal departmental investigations and, at the direction of
21 the Governor, investigate complaints and initiate
22 investigations of official misconduct by State officers and
23 State employees under the jurisdiction of the Governor.

24 (b) The Director shall appoint one Deputy Director and one
25 Assistant Deputy Director to operate the Division. The position

1 of Deputy Director may be given an appointed rank of Colonel
2 and the Assistant Deputy Director may be given an appointed
3 rank of Lieutenant Colonel.

4 (Source: P.A. 91-239, eff. 1-1-00.)

5 (20 ILCS 2605/2605-52)

6 Sec. 2605-52. Office of the Statewide 9-1-1 Administrator.

7 (a) ~~The There shall be established an Office of the~~
8 ~~Statewide 9 1 1 Administrator within the Department. Beginning~~
9 ~~January 1, 2016, the~~ Office of the Statewide 9-1-1
10 Administrator shall be responsible for developing,
11 implementing, and overseeing a uniform statewide 9-1-1 system
12 for all areas of the State outside of municipalities having a
13 population over 500,000.

14 (b) The Governor shall appoint, with the advice and consent
15 of the Senate, a Statewide 9-1-1 Administrator. The
16 Administrator shall serve for a term of 2 years, and until a
17 successor is appointed and qualified; except that the term of
18 the first 9-1-1 Administrator appointed under this Act shall
19 expire on the third Monday in January, 2017. The Administrator
20 shall not hold any other remunerative public office. The
21 Administrator shall receive an annual salary as set by the
22 Governor.

23 (c) The Department, from appropriations made to it for that
24 purpose, shall make grants to 9-1-1 Authorities for the purpose
25 of defraying costs associated with 9-1-1 system consolidations

1 awarded by the Administrator under Section 15.4b of the
2 Emergency Telephone System Act.

3 (Source: P.A. 99-6, eff. 6-29-15; 100-20, eff. 7-1-17.)

4 (20 ILCS 2605/2605-125 new)

5 Sec. 2605-125. Firearm Concealed Carry Act. To exercise the
6 rights, powers, and duties that have been vested in the
7 Department of State Police by the Firearm Concealed Carry Act.

8 (20 ILCS 2605/2605-300) (was 20 ILCS 2605/55a in part)

9 Sec. 2605-300. Records; crime laboratories; personnel. To
10 do the following:

11 (1) Be a central repository and custodian of criminal
12 statistics for the State.

13 (2) Be a central repository for criminal history record
14 information.

15 (3) Procure and file for record information that is
16 necessary and helpful to plan programs of crime prevention,
17 law enforcement, and criminal justice.

18 (4) Procure and file for record copies of fingerprints
19 that may be required by law.

20 (5) Establish general and field crime laboratories.

21 (6) Register and file for record information that may
22 be required by law for the issuance of firearm owner's
23 identification cards under the Firearm Owners
24 Identification Card Act and concealed carry licenses under

1 the Firearm Concealed Carry Act.

2 (7) Employ laboratory technicians and other specially
3 qualified persons to aid in the identification of criminal
4 activity, and may employ polygraph operators.

5 (8) Undertake other identification, information,
6 laboratory, statistical, or registration activities that
7 may be required by law.

8 (9) When authorized in law, collect and transmit
9 fingerprints to the Federal Bureau of Investigation to be
10 retained and searched against fingerprint records,
11 including latents, now and hereafter filed.

12 (Source: P.A. 98-63, eff. 7-9-13; 99-801, eff. 1-1-17.)

13 (20 ILCS 2605/2605-330) (was 20 ILCS 2605/55a in part)

14 Sec. 2605-330. Firefighter applicant criminal history
15 records checks. Upon the request of the chief of a fire
16 department or the board of trustees of a fire protection
17 district, the Department shall conduct fingerprint-based
18 criminal history records checks of both State and Federal
19 Bureau of Investigation criminal history record databases
20 ~~concerning prospective firefighters and report to the~~
21 ~~requesting chief or the board of trustees of a fire protection~~
22 ~~district any conviction information about those persons. These~~
23 fingerprints shall be checked against the fingerprint records
24 now and hereafter filed in the Department and the Federal
25 Bureau of Investigation criminal history records databases.

1 The Department shall furnish, pursuant to a positive
2 identification, all Illinois conviction information and shall
3 forward the national criminal history record information to the
4 requesting chief or the board of trustees of the fire
5 protection district. The Department may charge the requesting
6 chief or board of trustees a fee for conducting the criminal
7 history records check. The fee shall be deposited into the
8 State Police Services Fund and shall not exceed the cost of the
9 inquiry. The Department may prescribe the form and manner for
10 requesting and furnishing conviction information under this
11 Section.

12 (Source: P.A. 92-16, eff. 6-28-01; 93-952, eff. 1-1-05.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.