



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 2/4/2004, by James F. Clayborne Jr.

**SYNOPSIS AS INTRODUCED:**

50 ILCS 705/6	from Ch. 85, par. 506
50 ILCS 705/6.1	
50 ILCS 705/6.2 new	
50 ILCS 705/8.1	from Ch. 85, par. 508.1
50 ILCS 705/8.2	

Amends the Illinois Police Training Act. Requires full-time and part-time police officers to be licensed rather than certified. Makes related changes. Provides that the Board has the power to require local governmental units to furnish personnel rosters, employment status reports, and annual training plans to the Board. Effective immediately.

LRB093 18840 MKM 44575 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning law enforcement training.

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

4 Section 5. The Illinois Police Training Act is amended by  
5 changing Sections 6, 6.1, 8.1, and 8.2 and adding Section 6.2  
6 as follows:

7 (50 ILCS 705/6) (from Ch. 85, par. 506)

8 Sec. 6. Powers and duties of Board; selection and  
9 certification of schools. The Board shall select and certify  
10 schools within the State of Illinois for the purpose of  
11 providing basic training for probationary police officers,  
12 probationary county corrections officers, and court security  
13 officers and of providing advanced or in-service training for  
14 permanent police officers or permanent county corrections  
15 officers, which schools may be either publicly or privately  
16 owned and operated. In addition, the Board has the following  
17 power and duties:

18 a. To require local governmental units to furnish such  
19 reports and information as the Board deems necessary to  
20 fully implement this Act, including, but not limited to,  
21 personnel rosters, employment status reports, and annual  
22 training plans.

23 b. To establish appropriate mandatory minimum  
24 standards relating to the training of probationary local  
25 law enforcement officers or probationary county  
26 corrections officers.

27 c. To provide appropriate licensure or certification  
28 to those probationary officers who successfully complete  
29 the prescribed minimum standard basic training course.

30 d. To review and approve annual training curriculum for  
31 county sheriffs.

32 e. To review and approve applicants to ensure that no

1 applicant is admitted to a certified academy unless the  
2 applicant is a person of good character and has not been  
3 convicted of a felony offense, any of the misdemeanors in  
4 Sections 11-6, 11-9.1, 11-14, 11-17, 11-19, 12-2, 12-15,  
5 16-1, 17-1, 17-2, 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a, or  
6 32-7 of the Criminal Code of 1961 or Section 5 or 5.2 of  
7 the Cannabis Control Act, or a crime involving moral  
8 turpitude under the laws of this State or any other state  
9 which if committed in this State would be punishable as a  
10 felony or a crime of moral turpitude. The Board may appoint  
11 investigators who shall enforce the duties conferred upon  
12 the Board by this Act.

13 (Source: P.A. 91-495, eff. 1-1-00.)

14 (50 ILCS 705/6.1)

15 Sec. 6.1. Revocation of license ~~Decertification~~ of  
16 full-time and part-time police officers.

17 (a) The Board must review police officer conduct and  
18 records to ensure that no police officer is licensed ~~certified~~  
19 or provided a valid waiver if that police officer has been  
20 convicted of or has pled guilty to a felony offense under the  
21 laws of this State or any other state which if committed in  
22 this State would be punishable as a felony. The Board must also  
23 ensure that no police officer is licensed ~~certified~~ or provided  
24 a valid waiver if that police officer has been convicted on or  
25 after the effective date of this amendatory Act of 1999 of any  
26 misdemeanor specified in this Section or if committed in any  
27 other state would be an offense similar to Section 11-6,  
28 11-9.1, 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1, 17-2,  
29 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7 of the Criminal  
30 Code of 1961 or to Section 5 or 5.2 of the Cannabis Control  
31 Act. The Board must appoint investigators to enforce the duties  
32 conferred upon the Board by this Act.

33 (b) It is the responsibility of the sheriff or the chief  
34 executive officer of every local law enforcement agency or  
35 department within this State to report to the Board any arrest

1 or conviction of any officer for an offense identified in this  
2 Section.

3 (c) It is the duty and responsibility of every full-time  
4 and part-time police officer in this State to report to the  
5 Board within 30 days, and the officer's sheriff or chief  
6 executive officer, of his or her arrest or conviction for an  
7 offense identified in this Section. Any full-time or part-time  
8 police officer who knowingly makes, submits, causes to be  
9 submitted, or files a false or untruthful report to the Board  
10 must have his or her license ~~certificate~~ or waiver immediately  
11 ~~decertified or~~ revoked.

12 (d) Any person, or a local or State agency, or the Board is  
13 immune from liability for submitting, disclosing, or releasing  
14 information of arrests or convictions in this Section as long  
15 as the information is submitted, disclosed, or released in good  
16 faith and without malice. The Board has qualified immunity for  
17 the release of the information.

18 (e) Whenever a ~~Any~~ full-time or part-time police officer  
19 with a license ~~certificate~~ or waiver issued by the Board ~~who~~ is  
20 convicted of or pleads guilty to any offense described in this  
21 Section, his or her license or waiver is automatically revoked  
22 by operation of law ~~immediately becomes decertified or no~~  
23 ~~longer has a valid waiver. The decertification and invalidity~~  
24 ~~of waivers occurs as a matter of law.~~ Failure of a convicted  
25 person to report to the Board his or her conviction as  
26 described in this Section or any continued law enforcement  
27 practice after receiving a conviction is a Class 4 felony.

28 (f) The Board's investigators are peace officers and have  
29 all the powers possessed by policemen in cities and by  
30 sheriff's, provided that the investigators may exercise those  
31 powers anywhere in the State, only after contact and  
32 cooperation with the appropriate local law enforcement  
33 authorities.

34 (g) The Board must request and receive information and  
35 assistance from any federal, state, or local governmental  
36 agency as part of the authorized criminal background

1 investigation. The Department of State Police must process,  
2 retain, and additionally provide and disseminate information  
3 to the Board concerning criminal charges, arrests,  
4 convictions, and their disposition, that have been filed  
5 before, on, or after the effective date of this amendatory Act  
6 of the 91st General Assembly against a basic academy applicant,  
7 law enforcement applicant, or law enforcement officer whose  
8 fingerprint identification cards are on file or maintained by  
9 the Department of State Police. The Federal Bureau of  
10 Investigation must provide the Board any criminal history  
11 record information contained in its files pertaining to law  
12 enforcement officers or any applicant to a Board certified  
13 basic law enforcement academy as described in this Act based on  
14 fingerprint identification. The Board must make payment of fees  
15 to the Department of State Police for each fingerprint card  
16 submission in conformance with the requirements of paragraph 22  
17 of Section 55a of the Civil Administrative Code of Illinois.

18 (h) A police officer who has been certified or granted a  
19 valid waiver may also be decertified or have his or her waiver  
20 revoked upon a determination by the Board that he or she, while  
21 under oath, has knowingly and willfully made false statements  
22 as to a material fact during a homicide proceeding. A  
23 determination may be made only after an investigation and  
24 hearing upon a verified complaint filed with the Illinois Law  
25 Enforcement Training Standards Board. No action may be taken by  
26 the Board regarding a complaint unless a majority of the  
27 members of the Board are present at the meeting at which the  
28 action is taken.

29 (1) The Board shall adopt rules governing the  
30 investigation and hearing of a verified complaint to assure  
31 the police officer due process and to eliminate conflicts  
32 of interest within the Board itself.

33 (2) Upon receipt of the initial verified complaint, the  
34 Board must make a finding within 30 days of receipt of the  
35 complaint as to whether sufficient evidence exists to  
36 support the complaint. The Board is empowered to

1 investigate and dismiss the complaint if it finds, by a  
2 vote of a majority of the members present, that there is  
3 insufficient evidence to support it. Upon the initial  
4 filing, the sheriff or police chief, or other employing  
5 agency, of the accused officer may suspend, with or without  
6 pay, the accused officer pending a decision of the Board.  
7 Upon a Board finding of insufficient evidence, the police  
8 officer shall be reinstated with back pay, benefits, and  
9 seniority status as appropriate. The sheriff or police  
10 chief, or employing agency, shall take such necessary  
11 action as is ordered by the Board.

12 (3) If the Board finds, by a vote of a majority of the  
13 members present, that sufficient evidence exists to  
14 support the complaint, it shall authorize a hearing before  
15 an administrative law judge within 45 days of the Board's  
16 finding, unless, based upon the complexity and extent of  
17 the allegations and charges, additional time is needed. In  
18 no event may a hearing before an administrative law judge  
19 take place later than 60 days after the Board's finding.

20 (i) The Board shall have the power and authority to appoint  
21 administrative law judges on a contractual basis. The  
22 Administrative law judges must be attorneys licensed to  
23 practice law in the State of Illinois. The Board shall also  
24 adopt rules governing the appointment of administrative law  
25 judges and the conduct of hearings consistent with the  
26 requirements of this Section. The administrative law judge  
27 shall hear all evidence and prepare a written recommendation of  
28 his or her findings to the Board. At the hearing the accused  
29 police officer shall be afforded the opportunity to:

30 (1) Be represented by counsel;

31 (2) Be heard in his or her own defense;

32 (3) Produce evidence in his or her defense;

33 (4) Request that the Board compel the attendance of  
34 witnesses and production of court records and documents.

35 (j) Once a case has been set for hearing, the person who  
36 filed the verified complaint shall have the opportunity to

1 produce evidence to support any charge against a police officer  
2 that he or she, while under oath, has knowingly and willfully  
3 made false statements as to a material fact during a homicide  
4 proceeding.

5 (1) The person who filed the verified complaint shall  
6 have the opportunity to be represented by counsel and shall  
7 produce evidence to support his or her charges;

8 (2) The person who filed the verified complaint may  
9 request the Board to compel the attendance of witnesses and  
10 production of court records and documents.

11 (k) The Board shall have the power to issue subpoenas  
12 requiring the attendance and testimony of witnesses and the  
13 production of court records and documents and shall have the  
14 power to administer oaths.

15 (l) The administrative law judge shall have the  
16 responsibility of receiving into evidence relevant testimony  
17 and documents, including court records, to support or disprove  
18 the allegations made by the person filing the verified  
19 complaint, and, at the close of the case, hear arguments. If  
20 the administrative law judge finds that there is not clear and  
21 convincing evidence to support the verified complaint that the  
22 police officer has, while under oath, knowingly and willfully  
23 made false statements as to a material fact during a homicide  
24 proceeding, the administrative law judge shall make a written  
25 recommendation of dismissal to the Board. If the administrative  
26 law judge finds that there is clear and convincing evidence to  
27 support the verified complaint that the police officer has,  
28 while under oath, knowingly and willfully made false statements  
29 as to a material fact during a homicide proceeding, the  
30 administrative law judge shall make a written recommendation of  
31 decertification to the Board.

32 (m) Any person, with the exception of the police officer  
33 who is the subject of the hearing, who is served by the Board  
34 with a subpoena to appear, testify or produce evidence and  
35 refuses to comply with the subpoena is guilty of a Class B  
36 misdemeanor. Any circuit court or judge, upon application by

1 the Board, may compel compliance with a subpoena issued by the  
2 Board.

3 (n) Within 15 days of receiving the recommendation, the  
4 Board shall consider the recommendation of the administrative  
5 law judge and the record of the hearing at a Board meeting. If,  
6 by a two-thirds vote of the members present at the Board  
7 meeting, the Board finds that there is clear and convincing  
8 evidence that the police officer has, while under oath,  
9 knowingly and willfully made false statements as to a material  
10 fact during a homicide proceeding, the Board shall order that  
11 the police officer be decertified as a full-time or part-time  
12 police officer. If less than two-thirds of the members present  
13 vote to decertify the police officer, the Board shall dismiss  
14 the complaint.

15 (o) The provisions of the Administrative Review Law shall  
16 govern all proceedings for the judicial review of any order  
17 rendered by the Board. The moving party shall pay the  
18 reasonable costs of preparing and certifying the record for  
19 review. If the moving party is the police officer and he or she  
20 prevails, the court may award the police officer actual costs  
21 incurred in all proceedings, including reasonable attorney  
22 fees. If the court awards the police officer the actual costs  
23 incurred in a proceeding, including reasonable attorney fees,  
24 the costs and attorney fees shall be paid, subject to  
25 appropriation, from the Illinois Law Enforcement Training  
26 Standards Board Costs and Attorney Fees Fund, a special fund  
27 that is created in the State Treasury. The Fund shall consist  
28 of moneys appropriated or transferred into the Fund for the  
29 purpose of making payments of costs and attorney fees in  
30 accordance with this subsection (o). The Illinois Law  
31 Enforcement Training Standards Board shall administer the Fund  
32 and adopt rules for the administration of the Fund and for the  
33 submission and disposition of claims for costs and attorney  
34 fees in accordance with this subsection (o).

35 (p) If the police officer is decertified under subsection  
36 (h), the Board shall notify the defendant who was a party to



1 the proceeding that resulted in the police officer's  
2 decertification and his or her attorney of the Board's  
3 decision. Notification shall be by certified mail, return  
4 receipt requested, sent to the party's last known address and  
5 to the party's attorney if any.

6 (q) Limitation of action.

7 (1) No complaint may be filed pursuant to this Section  
8 until after a verdict or other disposition is rendered in  
9 the underlying case or the underlying case is dismissed in  
10 the trial court.

11 (2) A complaint pursuant to this Section may not be  
12 filed more than 2 years after the final resolution of the  
13 case. For purposes of this Section, final resolution is  
14 defined as the trial court's ruling on the State  
15 post-conviction proceeding in the case in which it is  
16 alleged the police officer, while under oath, knowingly and  
17 willfully made false statements as to a material fact  
18 during a homicide proceeding. In the event a  
19 post-conviction petition is not filed, an action pursuant  
20 to this Section may not be commenced more than 2 years  
21 after the denial of a petition for certiorari to the United  
22 States Supreme Court, or if no petition for certiorari is  
23 filed, 2 years after the date such a petition should have  
24 been filed. In the event of an acquittal, no proceeding may  
25 be commenced pursuant to this Section more than 6 years  
26 after the date upon which judgment on the verdict of  
27 acquittal was entered.

28 (r) Interested parties. Only interested parties to the  
29 criminal prosecution in which the police officer allegedly,  
30 while under oath, knowingly and willfully made false statements  
31 as to a material fact during a homicide proceeding may file a  
32 verified complaint pursuant to this Section. For purposes of  
33 this Section, "interested parties" include the defendant and  
34 any police officer who has personal knowledge that the police  
35 officer who is the subject of the complaint has, while under  
36 oath, knowingly and willfully made false statements as to a

1 material fact during a homicide proceeding.

2 (Source: P.A. 93-605, eff. 11-19-03.)

3 (50 ILCS 705/6.2 new)

4 Sec. 6.2. Conversion of certificates to licenses.

5 (a) Beginning on the effective date of this amendatory Act  
6 of the 93rd General Assembly, the Board's recognition of  
7 persons who have successfully completed the prescribed minimum  
8 standard basic training course for police officers shall be  
9 known as licensure rather than certification.

10 (b) If a person has successfully completed the prescribed  
11 minimum standard basic training course for police officers and  
12 holds a valid certification to that effect on the effective  
13 date of this amendatory Act of the 93rd General Assembly, that  
14 certification shall be deemed to be a license for the purposes  
15 of this Act.

16 (c) If, on the effective date of this amendatory Act of the  
17 93rd General Assembly, a person holds a valid waiver from one  
18 of the certification requirements of this Act for police  
19 officers, that waiver shall be deemed a waiver from the  
20 corresponding licensure requirement of this Act.

21 (d) The Board shall replace the certificates or other  
22 evidences of certification or waiver for police officers in use  
23 on the effective date of this amendatory Act of the 93rd  
24 General Assembly with new credentials reflecting the change in  
25 nomenclature instituted by this amendatory Act.

26 (50 ILCS 705/8.1) (from Ch. 85, par. 508.1)

27 Sec. 8.1. Full-time police and county corrections  
28 officers.

29 (a) After January 1, 1976, no person shall receive a  
30 permanent appointment as a law enforcement officer as defined  
31 in this Act, nor shall any person receive, after the effective  
32 date of this amendatory Act of 1984, a permanent appointment as  
33 a county corrections officer, unless that person has been  
34 awarded, within 6 ~~six~~ months of his or her initial full-time

1 employment, a license or certificate attesting to his or her  
2 successful completion of the Minimum Standards Basic Law  
3 Enforcement and County Correctional Training Course as  
4 prescribed by the Board; or has been awarded a license or  
5 certificate attesting to his or her satisfactory completion of  
6 a training program of similar content and number of hours and  
7 which course has been found acceptable by the Board under the  
8 provisions of this Act; or by reason of extensive prior law  
9 enforcement or county corrections experience the basic  
10 training requirement is determined by the Board to be illogical  
11 and unreasonable.

12 If such training is required and not completed within the  
13 applicable 6 ~~six~~ months, then the officer must forfeit his or  
14 her position, or the employing agency must obtain a waiver from  
15 the Board extending the period for compliance. Such waiver  
16 shall be issued only for good and justifiable reasons, and in  
17 no case shall extend more than 90 days beyond the initial 6 ~~six~~  
18 months.

19 (b) No provision of this Section shall be construed to mean  
20 that a law enforcement officer employed by a local governmental  
21 agency at the time of the effective date of this amendatory  
22 Act, either as a probationary police officer or as a permanent  
23 police officer, shall require licensure or certification under  
24 the provisions of this Section.

25 No provision of this Section shall be construed to mean  
26 that a county corrections officer employed by a local  
27 governmental agency at the time of the effective date of this  
28 amendatory Act of 1984, either as a probationary county  
29 corrections or as a permanent county corrections officer, shall  
30 require certification under the provisions of this Section.

31 No provision of this Section shall be construed to apply to  
32 licensure or certification of elected county sheriffs.

33 (c) This Section does not apply to part-time police  
34 officers or probationary part-time police officers.

35 (Source: P.A. 89-170, eff. 1-1-96; 90-271, eff. 7-30-97.)

1 (50 ILCS 705/8.2)

2 Sec. 8.2. Part-time police officers.

3 (a) A person hired to serve as a part-time police officer  
4 must obtain from the Board a license or certificate (i)  
5 attesting to his or her successful completion of the part-time  
6 police training course; (ii) attesting to his or her  
7 satisfactory completion of a training program of similar  
8 content and number of hours that has been found acceptable by  
9 the Board under the provisions of this Act; or (iii) attesting  
10 to the Board's determination that the part-time police training  
11 course is unnecessary because of the person's extensive prior  
12 law enforcement experience. A person hired on or after the  
13 effective date of this amendatory Act of the 92nd General  
14 Assembly must obtain this certificate within 18 months after  
15 the initial date of hire as a probationary part-time police  
16 officer in the State of Illinois. The probationary part-time  
17 police officer must be enrolled and accepted into a  
18 Board-approved course within 6 months after active employment  
19 by any department in the State. A person hired on or after  
20 January 1, 1996 and before the effective date of this  
21 amendatory Act of the 92nd General Assembly must obtain this  
22 license or certificate within 18 months after the date of hire.  
23 A person hired before January 1, 1996 must obtain this license  
24 or certificate within 24 months after the effective date of  
25 this amendatory Act of 1995.

26 The employing agency may seek a waiver from the Board  
27 extending the period for compliance. A waiver shall be issued  
28 only for good and justifiable reasons, and the probationary  
29 part-time police officer may not practice as a part-time police  
30 officer during the waiver period. If training is required and  
31 not completed within the applicable time period, as extended by  
32 any waiver that may be granted, then the officer must forfeit  
33 his or her position.

34 (b) (Blank).

35 (c) The part-time police training course referred to in  
36 this Section shall be of similar content and the same number of

1 hours as the courses for full-time officers and shall be  
2 provided by Mobile Team In-Service Training Units under the  
3 Intergovernmental Law Enforcement Officer's In-Service  
4 Training Act or by another approved program or facility in a  
5 manner prescribed by the Board.

6 (d) For the purposes of this Section, the Board shall adopt  
7 rules defining what constitutes employment on a part-time  
8 basis.

9 (Source: P.A. 92-533, eff. 3-14-02.)

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.