



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB3872

by Rep. Michael Unes

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-6012	from Ch. 34, par. 3-6012
55 ILCS 5/3-6013	from Ch. 34, par. 3-6013
65 ILCS 5/3.1-30-20	from Ch. 24, par. 3.1-30-20

Amends the Counties Code. Provides that auxiliary deputies may aid special law enforcement teams involved in, but not limited to, searches and rescues, civil disturbances, bomb threat responses, tactical or special operations team deployments, hostage negotiations, hazmat responses, executive and dignitary protection, and counter-terrorism. Further provides for training and residency requirements for auxiliary deputies assigned to perform duties to aid special law enforcement teams. Amends the Illinois Municipal Code with similar changes concerning auxiliary officers. Effective immediately.

LRB099 11190 AWJ 31716 b

1 AN ACT concerning local government.

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

4 Section 5. The Counties Code is amended by changing  
5 Sections 3-6012 and 3-6013 as follows:

6 (55 ILCS 5/3-6012) (from Ch. 34, par. 3-6012)

7 Sec. 3-6012. Auxiliary deputies. The sheriff of any county  
8 in Illinois may, with the advice and consent of the county  
9 board appoint auxiliary deputies in such number as the county  
10 board shall from time to time deem necessary. However, such  
11 number of appointed auxiliary deputies shall not increase,  
12 except for auxiliary deputies appointed to a special law  
13 enforcement team pursuant to Section 3-6013, after January 1,  
14 1982 if vacancies exist within the certified ranks of the  
15 department. Such auxiliary deputies shall not be regular  
16 appointed deputies pursuant to Section 3-6008, nor shall they  
17 be members of a county police department established pursuant  
18 to Divisions 3-7 and 3-8.

19 (Source: P.A. 86-962.)

20 (55 ILCS 5/3-6013) (from Ch. 34, par. 3-6013)

21 Sec. 3-6013. Duties, training and compensation of  
22 auxiliary deputies. Auxiliary deputies shall not supplement

1 members of the regular county police department or regular  
2 deputies in the performance of their assigned and normal  
3 duties, except as provided herein. Auxiliary deputies may be  
4 assigned and directed by the sheriff to perform the following  
5 duties in the county:

6 To aid or direct traffic within the county; 7 to aid in  
7 control of natural or human made disasters; 8 to aid in case of  
8 civil disorder; and to aid special law enforcement teams  
9 involved in, but not limited to, searches and rescues, civil  
10 disturbances, bomb threat responses, tactical or special  
11 operations team deployments, hostage negotiations, hazmat  
12 responses, executive and dignitary protection, and  
13 counter-terrorism as assigned and directed by the sheriff,  
14 provided, that in emergency cases which render it impractical  
15 for members of the regular county police department or regular  
16 deputies to perform their assigned and normal duties, the  
17 sheriff is hereby authorized to assign and direct auxiliary  
18 deputies to perform such regular and normal duties.  
19 Identification symbols worn by such auxiliary deputies shall be  
20 different and distinct from those used by members of the  
21 regular county police department or regular deputies. Such  
22 auxiliary deputies shall at all times during the performance of  
23 their duties be subject to the direction and control of the  
24 sheriff of the county. Such auxiliary deputies shall not carry  
25 firearms, except with the permission of the sheriff, and only  
26 while in uniform and in the performance of their assigned

1 duties.

2 Auxiliary deputies, prior to entering upon any of their  
3 duties, shall receive a course of training in the use of  
4 weapons and other police procedures as shall be appropriate in  
5 the exercise of the powers conferred upon them under this  
6 Division, which training and course of study shall be  
7 determined and provided by the sheriff of each county utilizing  
8 auxiliary deputies, provided that, before being permitted to  
9 carry a firearm an auxiliary deputy must have the same course  
10 of training as required of peace officers in Section 2 of the  
11 Peace Officer and Probation Officer Firearm Training Act.  
12 Auxiliary deputies assigned to perform duties to aid special  
13 law enforcement teams shall have completed acceptable training  
14 as designated and approved by the sheriff or the Law  
15 Enforcement Training Standards Board. The county authorities  
16 shall require that all auxiliary deputies be residents of the  
17 county served by them. However, auxiliary deputies assigned to  
18 perform duties to aid special law enforcement teams may reside  
19 outside the limits of the county with the approval of the  
20 sheriff. Prior to the appointment of any auxiliary deputy his  
21 or her fingerprints shall be taken and no person shall be  
22 appointed as such auxiliary deputy if he or she has been  
23 convicted of a felony or other crime involving moral turpitude.

24 Auxiliary deputies may receive such compensation as is set  
25 by the County Board, with the advice and consent of the  
26 Sheriff, not to exceed the lowest hourly pay of a full-time

1 sworn member of the regular county police or sheriff's  
2 department and not be paid a salary, except as provided in  
3 Section 3-6036, but may be reimbursed for actual expenses  
4 incurred in performing their assigned duty. The County Board  
5 must approve such actual expenses and arrange for payment.

6 Nothing in this Division shall preclude an auxiliary deputy  
7 from holding a simultaneous appointment as an auxiliary police  
8 officer pursuant to Section 3-6-5 of the Illinois Municipal  
9 Code.

10 For purposes of this Section, "special law enforcement  
11 team" shall include a team or unit operating entirely within  
12 the State of Illinois, unless otherwise authorized by law or  
13 interstate compact, including, but not limited to, a search and  
14 rescue team, a civil disturbance unit, a Special Weapons and  
15 Tactics (SWAT) team, and a special operations team.

16 (Source: P.A. 97-379, eff. 8-15-11; 98-725, eff. 1-1-15.)

17 Section 10. The Illinois Municipal Code is amended by  
18 changing Section 3.1-30-20 as follows:

19 (65 ILCS 5/3.1-30-20) (from Ch. 24, par. 3.1-30-20)

20 Sec. 3.1-30-20. Auxiliary police officers.

21 (a) Auxiliary police officers shall not be members of the  
22 regular police department of the municipality. Auxiliary  
23 police officers shall not supplement members of the regular  
24 police department of any municipality in the performance of

1 their assigned and normal duties, except as otherwise provided  
2 in this Code. Auxiliary police officers shall only be assigned  
3 to perform the following duties in a municipality: (i) to aid  
4 or direct traffic within the municipality, (ii) to aid in  
5 control of natural or man made disasters, ~~and~~ (iii) to aid in  
6 case of civil disorder as directed by the chief of police, and  
7 (iv) to aid special law enforcement teams involved in, but not  
8 limited to, searches and rescues, civil disturbances, bomb  
9 threat responses, tactical or special operations team  
10 deployments, hostage negotiations, hazmat responses, executive  
11 and dignitary protection, and counter-terrorism. Auxiliary  
12 officers assigned to perform duties pursuant to part (iv) of  
13 this subsection shall have completed acceptable training as  
14 designated and approved by the chief of police or the Law  
15 Enforcement Training Standards Board. When it is impractical  
16 for members of the regular police department to perform those  
17 normal and regular police duties, however, the chief of police  
18 of the regular police department may assign auxiliary police  
19 officers to perform those normal and regular police duties.  
20 Identification symbols worn by auxiliary police officers shall  
21 be different and distinct from those used by members of the  
22 regular police department. Auxiliary police officers shall at  
23 all times during the performance of their duties be subject to  
24 the direction and control of the chief of police of the  
25 municipality. Auxiliary police officers shall not carry  
26 firearms, except with the permission of the chief of police and

1 while in uniform and in the performance of their duties.  
2 Auxiliary police officers, when on duty, shall also be  
3 conservators of the peace and shall have the powers specified  
4 in Section 3.1-15-25. For purposes of this Section, "special  
5 law enforcement team" shall include a team or unit operating  
6 entirely within the State of Illinois, unless otherwise  
7 authorized by law or interstate compact, including, but not  
8 limited to, a search and rescue team, a civil disturbance unit,  
9 a Special Weapons and Tactics (SWAT) team, and a special  
10 operations team.

11 (b) Auxiliary police officers, before entering upon any of  
12 their duties, shall receive a course of training in the use of  
13 weapons and other police procedures appropriate for the  
14 exercise of the powers conferred upon them under this Code. The  
15 training and course of study shall be determined and provided  
16 by the corporate authorities of each municipality employing  
17 auxiliary police officers. Before being permitted to carry a  
18 firearm, however, an auxiliary police officer must have the  
19 same course of training as required of peace officers under  
20 Section 2 of the Peace Officer and Probation Officer Firearm  
21 Training Act. The municipal authorities may require that all  
22 auxiliary police officers be residents of the municipality  
23 served by them. However, auxiliary officers assigned to perform  
24 duties pursuant to part (iv) of subsection (a) may reside  
25 outside the limits of the municipality with the approval of the  
26 chief of police. Before the appointment of an auxiliary police

1 officer, the person's fingerprints shall be taken, and no  
2 person shall be appointed as an auxiliary police officer if  
3 that person has been convicted of a felony or other crime  
4 involving moral turpitude.

5 (c) The Line of Duty Compensation Act shall be applicable  
6 to auxiliary police officers upon their death in the line of  
7 duty described in this Code.

8 (Source: P.A. 98-725, eff. 1-1-15.)

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