



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1953

Introduced 2/6/2025, by Sen. Doris Turner

SYNOPSIS AS INTRODUCED:

50 ILCS 705/6.1
55 ILCS 5/3-8002

from Ch. 34, par. 3-8002

Amends the Illinois Police Training Act. Provides that no law enforcement agency shall make an offer of employment for the position of probationary police officer, probationary part-time police officer, full-time law enforcement officer, or part-time law enforcement officer without requiring the execution of a signed release from the applicant, directing any and all entities that previously employed the individual to produce or make available for inspection all employment records, including background investigation materials collected in connection with making an offer of employment, duty-related physical and psychological fitness-for-duty examinations, work performance records, criminal, civil, or administrative investigations of conduct, arrests, convictions, findings of guilt, pleas of guilty, or pleas of nolo contendere. Provides that, with specified exceptions, all records shall be produced without any redaction and no nondisclosure, separation, or settlement agreement shall prevent the production of these records. Provides that the provisions do not apply to the extent that they would impair an existing collective bargaining agreement. Sets forth provisions concerning: (i) the procedures for requesting employment records; (ii) the deadlines for providing the records; (iii) the penalties for failing to produce the records in accordance with the provisions; and (iv) an example of an acceptable release form. Requires the receipt of a written release for an entity to have immunity for the release of information. Makes other changes to immunity-related provisions. Amends the Sheriff's Merit System Law of the Counties Code. Provides that the county board of any county having a population of at least 75,000 must adopt and implement, by ordinance, the merit system provided by the Sheriff's Merit System Law. Provides that the county board of any county having a population of less than 75,000 (rather than 1,000,000) which does not have a merit board or merit commission for sheriff's personnel may adopt and implement, by ordinance, the merit system provided by the Sheriff's Merit System Law. Makes other and conforming changes.

LRB104 12056 RTM 22151 b

A BILL FOR

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 Illinois Police Training Act is amended by
5 changing Section 6.1 as follows:

6 (50 ILCS 705/6.1)

7 Sec. 6.1. Automatic decertification of full-time and
8 part-time law enforcement officers.

9 (a) The Board must review law enforcement officer conduct
10 and records to ensure that no law enforcement officer is
11 certified or provided a valid waiver if that law enforcement
12 officer has been convicted of, found guilty of, entered a plea
13 of guilty to, or entered a plea of nolo contendere to, a felony
14 offense under the laws of this State or any other state which
15 if committed in this State would be punishable as a felony. The
16 Board must also ensure that no law enforcement officer is
17 certified or provided a valid waiver if that law enforcement
18 officer has been convicted of, found guilty of, or entered a
19 plea of guilty to, on or after January 1, 2022 (the effective
20 date of Public Act 101-652) of any misdemeanor specified in
21 this Section or if committed in any other state would be an
22 offense similar to Section 11-1.50, 11-6, 11-6.5, 11-6.6,
23 11-9.1, 11-9.1B, 11-14, 11-14.1, 11-30, 12-2, 12-3.2, 12-3.4,

1 12-3.5, 16-1, 17-1, 17-2, 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1,
2 any misdemeanor in violation of any Section of Part E of Title
3 III of the Criminal Code of 1961 or the Criminal Code of 2012,
4 or subsection (a) of Section 17-32 of the Criminal Code of 1961
5 or the Criminal Code of 2012, or to Section 5 or 5.2 of the
6 Cannabis Control Act, or any felony or misdemeanor in
7 violation of federal law or the law of any state that is the
8 equivalent of any of the offenses specified therein. The Board
9 must appoint investigators to enforce the duties conferred
10 upon the Board by this Act.

11 (a-1) For purposes of this Section, a person is "convicted
12 of, or entered a plea of guilty to, plea of nolo contendere to,
13 found guilty of" regardless of whether the adjudication of
14 guilt or sentence is withheld or not entered thereon. This
15 includes sentences of supervision, conditional discharge, or
16 first offender probation, or any similar disposition provided
17 for by law.

18 (b) It is the responsibility of the sheriff or the chief
19 executive officer of every law enforcement agency or
20 department within this State to report to the Board any
21 arrest, conviction, finding of guilt, plea of guilty, or plea
22 of nolo contendere to, of any officer for an offense
23 identified in this Section, regardless of whether the
24 adjudication of guilt or sentence is withheld or not entered
25 thereon, this includes sentences of supervision, conditional
26 discharge, or first offender probation.

1 (c) It is the duty and responsibility of every full-time
2 and part-time law enforcement officer in this State to report
3 to the Board within 14 days, and the officer's sheriff or chief
4 executive officer, of the officer's arrest, conviction, found
5 guilty of, or plea of guilty for an offense identified in this
6 Section. Any full-time or part-time law enforcement officer
7 who knowingly makes, submits, causes to be submitted, or files
8 a false or untruthful report to the Board must have the
9 officer's certificate or waiver immediately decertified or
10 revoked.

11 (d) The Board and any ~~Any person, or a~~ local or State
12 agency, sheriff, police chief, county, municipality, private
13 business or corporation, or other person ~~the Board~~ is immune
14 from suit or liability for submitting, disclosing, or
15 releasing information of employment records, including
16 background investigations materials collected in connection
17 with making an offer of employment, duty-related physical and
18 psychological fitness-for-duty examinations, work performance
19 records, criminal, civil, or administrative investigations of
20 conduct, arrests, convictions, findings of guilt, or ~~or~~ pleas of
21 guilty, or pleas of nolo contendere under ~~in~~ this Section upon
22 receiving a written release for those records executed and
23 presented in accordance with this Section, as long as the
24 information is submitted, disclosed, or released in good faith
25 and without malice. The Board has qualified immunity for the
26 release of the information.

1 (1) No law enforcement agency shall make an offer of
2 employment for the position of probationary police
3 officer, probationary part-time police officer, full-time
4 law enforcement officer, or part-time law enforcement
5 officer without requiring the execution of a signed
6 release from the applicant, presented in accordance with
7 this subsection, directing any and all entities that
8 previously employed the individual to produce or make
9 available for inspection all employment records, including
10 background investigations materials collected in
11 connection with making an offer of employment,
12 duty-related physical and psychological fitness-for-duty
13 examinations, work performance records, criminal, civil,
14 or administrative investigations of conduct, arrests,
15 convictions, findings of guilt, pleas of guilty, or pleas
16 of nolo contendere.

17 (2) Any law enforcement agency or other previous
18 employer that receives a signed request for the records of
19 any current or former employee, as described in
20 subparagraph (1), shall produce those records to the
21 requesting law enforcement agency within 14 days after
22 receipt of that request. If additional time is required
23 for production of the requested records, the producing law
24 enforcement agency or other previous employer may advise
25 the requesting law enforcement agency that an extension of
26 up to 14 days is required. The producing law enforcement

1 agency shall also execute and provide a signed
2 verification that indicates all responsive records have
3 been provided and that no known records have been
4 intentionally withheld. The producing law enforcement
5 agency or other previous employer must also certify in
6 writing that it is not aware of any other credible,
7 verifiable, relevant, and material information regarding
8 the applicant that would reflect negatively on the
9 applicant's fitness for employment as an officer and that
10 is not contained in the records produced.

11 (3) The requesting law enforcement agency or the Board
12 may be required to pay the reasonable costs and expenses
13 of the agency that is collecting and producing responsive
14 records.

15 (4) With the exception of Social Security numbers,
16 individual taxpayer-identification numbers, driver's
17 license and state identification card numbers, financial
18 account numbers, and debit and credit card numbers, all
19 records referenced in subparagraph (1) shall be produced
20 without any redaction, and no nondisclosure, separation,
21 or settlement agreement shall prevent the production of
22 these records. If some records have been sealed or
23 otherwise protected by a court order, then the requesting
24 agency shall be advised in writing so it can seek
25 appropriate relief from the court that entered the sealing
26 or nondisclosure order.

1 (5) If an entity required to produce records in
2 accordance with this Section fails to produce the
3 requested records, the requesting law enforcement agency
4 may seek a court order to compel the production of those
5 records. In addition to granting equitable relief, the
6 circuit court may also award the requesting agency fees
7 and costs, including reasonable attorney's fees incurred
8 in seeking a court order.

9 (6) The requesting law enforcement agency shall
10 receive and review all materials before making an offer of
11 employment.

12 (7) The requirements of this Section are in addition
13 to and not in lieu of the other investigations required
14 under the Act.

15 (8) The provisions of this Section do not apply to the
16 extent that they are inconsistent with provisions
17 otherwise agreed to in collective bargaining agreements in
18 effect on the effective date of this amendatory Act of the
19 104th General Assembly. A collective bargaining agreement
20 that conflicts with this Section may not be entered into,
21 modified, or extended on or after the effective date of
22 this amendatory Act of the 104th General Assembly. These
23 provisions also do not apply if the previous law
24 enforcement employer has been provided with a directive
25 and explanation, in writing, from the State's Attorney of
26 the county in which the previous law enforcement employer

1 is located that the previous law enforcement employer is
2 not legally authorized to provide the requested
3 information.

4 (9) The written release to be signed and executed by
5 an applicant, directing any agency that previously
6 employed the applicant to produce or make available for
7 inspection all of the applicant's employment records, as
8 required by this Section, may take the following form:

9 CONSENT AND RELEASE FOR BACKGROUND INVESTIGATION

10 Acknowledgment of Consent

11 I, [Applicant's Name], acknowledge that I am seeking
12 employment in a safety-sensitive field and that establishing
13 my employment eligibility requires a thorough investigation
14 into my background and character.

15 Furthermore, I acknowledge and agree that as a condition
16 of being considered for employment with [Prospective
17 Employer's Name] ("employer"), or for maintaining my continued
18 employment with the employer, it is required that I consent to
19 a complete and thorough investigation of my background to
20 determine whether I am a suitable candidate for the position
21 of [Name of Job Title] with the employer.

22 Mandatory Background Investigation

23 I authorize the employer to conduct a background
24 investigation of me, which shall include, but shall not be
25 limited to, a:

26 (1) a review of my complete employment history;

- 1 (2) a review of my complete criminal history;
2 (3) a review of driving records;
3 (4) a background check with the Department of Children
4 and Family Services;
5 (5) interviews with my personal references;
6 (6) a review of all internal investigation files from
7 any previous employers;
8 (7) a verification of academic credentials and
9 licenses;
10 (8) a review of my military service history, if any;
11 and
12 (9) a review of Illinois Law Enforcement Training
13 Standards Board's records and officer misconduct database.
14 Credit Check

15 I hereby consent to the employer obtaining and reviewing
16 any credit and consumer reports, as permitted under the
17 federal Fair Credit Reporting Act and local or state credit
18 privacy laws, if applicable. I understand that the Fair Credit
19 Reporting Act, 15 U.S.C. 1681, et seq, authorizes me to
20 request a copy of any consumer credit report from the consumer
21 reporting agency that compiled the report.

22 Consent to Release of Information

23 I hereby consent to the release of all employment records,
24 including, but not limited to:

- 25 (1) job applications;
26 (2) personnel files;

1 (3) internal investigations;

2 (4) separation agreements;

3 (5) pre-employment evaluations;

4 (6) tests;

5 (7) questionnaires;

6 (8) fitness-for-duty examinations; and

7 (9) any other information obtained about me by the
8 entity to whom this Consent is presented.

9 Consent to Required Interviews and Evaluations

10 I further agree to participate in a personal interview,
11 testing process, polygraph examination, post-offer
12 psychological evaluation and medical evaluation, or any
13 combination of those examinations or tests, as determined by
14 the employer.

15 Confidentiality

16 All information obtained by the employer under this
17 background investigation shall be confidential and safeguarded
18 against disclosure to all unauthorized persons as required by
19 law. However, nothing prevents the employer from using the
20 information obtained to evaluate my suitability for
21 employment.

22 I specifically consent to the disclosure of information
23 that may be covered by a settlement agreement or other
24 confidentiality provision entered into with my former
25 employers, and I waive any rights to enforce any prior
26 confidentiality agreement against my former employer about

1 this disclosure.

2 Waiver of Privacy

3 I waive any right or claim to privacy in such information
4 and consent to the disclosure of information that may be
5 exempt from disclosure by law.

6 I waive any right I may have to be notified by any
7 individuals and organizations named in my application for
8 employment before the release of any information to the
9 employer, including the release of information concerning any
10 disciplinary action taken against me by former employers.

11 Indemnification

12 In exchange for this release of all of my personnel
13 information, I, agree to release, discharge, and hold harmless
14 any person, firm, or entity and their employees and agents
15 that disclose information in response to receipt of this
16 consent, from any liability for all claims, liabilities,
17 causes of action, known or unknown, fixed or contingent, that
18 arise from or that are in any manner connected to the
19 disclosure of any personal information as described above. I
20 further release and hold harmless the employer and the
21 employer's respective personnel, employees, and agents from
22 any liability resulting from or in connection with, the
23 results of this background investigation concerning my fitness
24 for employment or continued employment at .. or the decision to
25 hire me, not to hire me, or retain me in my position.

26 Signature

1 I agree to electronically sign this document and certify
 2 that I have read, understand, and agree to the terms and
 3 conditions set forth in this document and that this is a
 4 complete waiver under Section 10 of Employment Record
 5 Disclosure Act.

6 Signature.....
 7 Printed Name
 8 Social Security No.....

9 (e) Any full-time or part-time law enforcement officer
 10 with a certificate or waiver issued by the Board who is
 11 convicted of, found guilty of, or entered a plea of guilty to,
 12 or entered a plea of nolo contendere to any offense described
 13 in this Section immediately becomes decertified or no longer
 14 has a valid waiver. The decertification and invalidity of
 15 waivers occurs as a matter of law. Failure of a convicted
 16 person to report to the Board the officer's conviction as
 17 described in this Section or any continued law enforcement
 18 practice after receiving a conviction is a Class 4 felony.

19 For purposes of this Section, a person is considered to
 20 have been "convicted of, found guilty of, or entered a plea of
 21 guilty to, plea of nolo contendere to" regardless of whether
 22 the adjudication of guilt or sentence is withheld or not
 23 entered thereon, including sentences of supervision,
 24 conditional discharge, first offender probation, or any
 25 similar disposition as provided for by law.

26 (f) The Board's investigators shall be law enforcement

1 officers as defined in Section 2 of this Act. The Board shall
2 not waive the training requirement unless the investigator has
3 had a minimum of 5 years experience as a sworn officer of a
4 local, State, or federal law enforcement agency. An
5 investigator shall not have been terminated for good cause,
6 decertified, had his or her law enforcement license or
7 certificate revoked in this or any other jurisdiction, or been
8 convicted of any of the conduct listed in subsection (a). Any
9 complaint filed against the Board's investigators shall be
10 investigated by the Illinois State Police.

11 (g) The Board must request and receive information and
12 assistance from any federal, state, local, or private
13 enforcement agency as part of the authorized criminal
14 background investigation. The Illinois State Police must
15 process, retain, and additionally provide and disseminate
16 information to the Board concerning criminal charges, arrests,
17 convictions, and their disposition, that have been filed
18 against a basic academy applicant, law enforcement applicant,
19 or law enforcement officer whose fingerprint identification
20 cards are on file or maintained by the Illinois State Police.
21 The Federal Bureau of Investigation must provide the Board any
22 criminal history record information contained in its files
23 pertaining to law enforcement officers or any applicant to a
24 Board-certified ~~Board-certified~~ basic law enforcement academy
25 as described in this Act based on fingerprint identification.
26 The Board must make payment of fees to the Illinois State

1 Police for each fingerprint card submission in conformance
2 with the requirements of paragraph 22 of Section 55a of the
3 Civil Administrative Code of Illinois.

4 (g-5) Notwithstanding any provision of law to the
5 contrary, the changes to this Section made by this amendatory
6 Act of the 102nd General Assembly and Public Act 101-652 shall
7 apply prospectively only from July 1, 2022.

8 (Source: P.A. 101-187, eff. 1-1-20; 101-652, eff. 1-1-22;
9 102-538, eff. 8-20-21; 102-694, eff. 1-7-22.)

10 Section 10. The Counties Code is amended by changing
11 Section 3-8002 as follows:

12 (55 ILCS 5/3-8002) (from Ch. 34, par. 3-8002)

13 Sec. 3-8002. Applicability and adoption. The county board
14 of every county having a county police department merit board
15 established under the County Police Department Act (repealed)
16 or a merit commission for sheriff's personnel established
17 under Section 58.1 of "An Act to revise the law in relation to
18 counties", approved March 31, 1874, as amended (repealed),
19 shall adopt and implement the merit system provided by this
20 Division and shall modify the merit system now in effect in
21 that county as may be necessary to comply with this Division.

22 The county board of any county having a population of at
23 least 75,000 ~~less than 1,000,000~~ which does not have a merit
24 board or merit commission for sheriff's personnel must ~~may~~

1 adopt and implement by ordinance the merit system provided by
2 this Division. For counties with a population of less than
3 75,000, if ~~if~~ the county board does not adopt such a merit
4 system by an ordinance and if a petition signed by not fewer
5 than 5% or 1000, whichever is less, of the registered electors
6 of any such county is filed with the county clerk requesting a
7 referendum on the adoption of a merit system for deputies in
8 the office of the Sheriff, the county board shall, by
9 appropriate ordinance, cause the question to be submitted to
10 the electors of the county, at a special or general election
11 specified in such ordinance, in accordance with the provisions
12 of Section 28-3 of the Election Code. Notice of the election
13 shall be given as provided in Article 12 of that Code. If a
14 majority of those voting on the proposition at such election
15 vote in favor thereof, the county board shall adopt and
16 implement a merit system provided in this Division. When a
17 merit board or merit commission for sheriff's personnel has
18 been established in a county, it may be abolished by the same
19 procedure in which it was established.

20 This Division does not apply to any county having a
21 population of more than 1,000,000 ~~nor to any county which has~~
22 ~~not elected to adopt the merit system provided by this~~
23 ~~Division and which is not required to do so under this Section.~~

24 (Source: P.A. 103-605, eff. 7-1-24.)