



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB3181

Introduced 1/13/2022, by Sen. Linda Holmes

#### SYNOPSIS AS INTRODUCED:

50 ILCS 705/8.1

from Ch. 85, par. 508.1

Amends the Illinois Police Training Act. Provides that within 60 days after the effective date of the amendatory Act, the Illinois Law Enforcement Training Standards Board shall adopt uniform rules providing for a waiver process for a person previously employed and qualified as a law enforcement or county corrections officer under federal law or the laws of any other state. Provides that the rules shall provide that any person previously employed or qualified as a law enforcement or county corrections officer under federal law or the laws of any other state shall successfully complete: (1) a training program approved by the Board on the laws of this State relevant to the duties of law enforcement and county correctional officers; and (2) firearms training, prior to the approval of a waiver.

LRB102 22996 RLC 32150 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 Illinois Police Training Act is amended by  
5 changing Section 8.1 as follows:

6 (50 ILCS 705/8.1) (from Ch. 85, par. 508.1)

7 Sec. 8.1. Full-time law enforcement and county corrections  
8 officers.

9 (a) No person shall receive a permanent appointment as a  
10 law enforcement officer or a permanent appointment as a county  
11 corrections officer unless that person has been awarded,  
12 within 6 months of the officer's initial full-time employment,  
13 a certificate attesting to the officer's successful completion  
14 of the Minimum Standards Basic Law Enforcement or County  
15 Correctional Training Course as prescribed by the Board; or  
16 has been awarded a certificate attesting to the officer's  
17 satisfactory completion of a training program of similar  
18 content and number of hours and which course has been found  
19 acceptable by the Board under the provisions of this Act; or a  
20 training waiver by reason of extensive prior law enforcement  
21 or county corrections experience, whether or not such  
22 experience was obtained by employment by this State or any  
23 local governmental agency, the basic training requirement is

1 determined by the Board to be illogical and unreasonable.  
2 Within 60 days after the effective date of this amendatory Act  
3 of the 102nd General Assembly, the Board shall adopt uniform  
4 rules providing for a waiver process for a person previously  
5 employed and qualified as a law enforcement or county  
6 corrections officer under federal law or the laws of any other  
7 state. The rules shall provide that any person previously  
8 employed or qualified as a law enforcement or county  
9 corrections officer under federal law or the laws of any other  
10 state shall successfully complete:

11 (1) a training program approved by the Board on the  
12 laws of this State relevant to the duties of law  
13 enforcement and county correctional officers; and

14 (2) firearms training, prior to the approval of a  
15 waiver.

16 If such training is required and not completed within the  
17 applicable 6 months, then the officer must forfeit the  
18 officer's position, or the employing agency must obtain a  
19 waiver from the Board extending the period for compliance.  
20 Such waiver shall be issued only for good and justifiable  
21 reasons, and in no case shall extend more than 90 days beyond  
22 the initial 6 months. Any hiring agency that fails to train a  
23 law enforcement officer within this period shall be prohibited  
24 from employing this individual in a law enforcement capacity  
25 for one year from the date training was to be completed. If an  
26 agency again fails to train the individual a second time, the

1 agency shall be permanently barred from employing this  
2 individual in a law enforcement capacity.

3 An individual who is not certified by the Board or whose  
4 certified status is inactive shall not function as a law  
5 enforcement officer, be assigned the duties of a law  
6 enforcement officer by an employing agency, or be authorized  
7 to carry firearms under the authority of the employer, except  
8 as otherwise authorized to carry a firearm under State or  
9 federal law. Sheriffs who are elected as of January 1, 2022  
10 ~~(the effective date of Public Act 101-652) this amendatory Act~~  
11 ~~of the 101st General Assembly,~~ are exempt from the requirement  
12 of certified status. Failure to be certified in accordance  
13 with this Act shall cause the officer to forfeit the officer's  
14 position.

15 An employing agency may not grant a person status as a law  
16 enforcement officer unless the person has been granted an  
17 active law enforcement officer certification by the Board.

18 (b) Inactive status. A person who has an inactive law  
19 enforcement officer certification has no law enforcement  
20 authority.

21 (1) A law enforcement officer's certification becomes  
22 inactive upon termination, resignation, retirement, or  
23 separation from the officer's employing governmental  
24 agency for any reason. The Board shall re-activate a  
25 certification upon written application from the law  
26 enforcement officer's governmental agency that shows the

1 law enforcement officer: (i) has accepted a full-time law  
2 enforcement position with that governmental agency, (ii)  
3 is not the subject of a decertification proceeding, and  
4 (iii) meets all other criteria for re-activation required  
5 by the Board. The Board may also establish special  
6 training requirements to be completed as a condition for  
7 re-activation.

8 A law enforcement officer who is refused reactivation  
9 under this Section may request a hearing in accordance  
10 with the hearing procedures as outlined in subsection (h)  
11 of Section 6.3 of this Act.

12 The Board may refuse to re-activate the certification  
13 of a law enforcement officer who was involuntarily  
14 terminated for good cause by his or her governmental  
15 agency for conduct subject to decertification under this  
16 Act or resigned or retired after receiving notice of a  
17 governmental agency's investigation.

18 (2) A law enforcement officer who is currently  
19 certified can place his or her certificate on inactive  
20 status by sending a written request to the Board. A law  
21 enforcement officer whose certificate has been placed on  
22 inactive status shall not function as a law enforcement  
23 officer until the officer has completed any requirements  
24 for reactivating the certificate as required by the Board.  
25 A request for inactive status in this subsection shall be  
26 in writing, accompanied by verifying documentation, and

1 shall be submitted to the Board with a copy to the chief  
2 administrator of the law enforcement officer's  
3 governmental agency.

4 (3) Certification that has become inactive under  
5 paragraph (2) of this subsection (b) shall be reactivated  
6 by written notice from the law enforcement officer's  
7 agency upon a showing that the law enforcement officer ~~is~~:  
8 (i) is employed in a full-time law enforcement position  
9 with the same governmental agency, (ii) is not the subject  
10 of a decertification proceeding, and (iii) meets all other  
11 criteria for re-activation required by the Board.

12 (4) Notwithstanding paragraph (3) of this subsection  
13 (b), a law enforcement officer whose certification has  
14 become inactive under paragraph (2) may have the officer's  
15 governmental agency submit a request for a waiver of  
16 training requirements to the Board. A grant of a waiver is  
17 within the discretion of the Board. Within 7 days of  
18 receiving a request for a waiver under this Section  
19 ~~section~~, the Board shall notify the law enforcement  
20 officer and the chief administrator of the law enforcement  
21 officer's governmental agency, whether the request has  
22 been granted, denied, or if the Board will take additional  
23 time for information. A law enforcement officer whose  
24 request for a waiver under this subsection is denied is  
25 entitled to appeal the denial to the Board within 20 days  
26 of the waiver being denied.

1 (c) No provision of this Section shall be construed to  
2 mean that a county corrections officer employed by a  
3 governmental agency at the time of the effective date of this  
4 amendatory Act, either as a probationary county corrections or  
5 as a permanent county corrections officer, shall require  
6 certification under the provisions of this Section. No  
7 provision of this Section shall be construed to apply to  
8 certification of elected county sheriffs.

9 (d) Within 14 days, a law enforcement officer shall report  
10 to the Board: (1) any name change; (2) any change in  
11 employment; or (3) the filing of any criminal indictment or  
12 charges against the officer alleging that the officer  
13 committed any offense as enumerated in Section 6.1 of this  
14 Act.

15 (e) All law enforcement officers must report the  
16 completion of the training requirements required in this Act  
17 in compliance with Section 8.4 of this Act.

18 (e-1) Each employing governmental agency shall allow and  
19 provide an opportunity for a law enforcement officer to  
20 complete the mandated requirements in this Act. All mandated  
21 training will be provided ~~for~~ at no cost to the employees.  
22 Employees shall be paid for all time spent attending mandated  
23 training.

24 (f) This Section does not apply to part-time law  
25 enforcement officers or probationary part-time law enforcement  
26 officers.

1 (Source: P.A. 101-187, eff. 1-1-20; 101-652, eff. 1-1-22;  
2 102-28, eff. 6-25-21; revised 7-30-21.)