



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB3280

by Rep. Brandon W. Phelps

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Public Safety Officer Protection Act. Provides that a public employer shall reimburse a public safety officer for reasonable attorney's fees incurred by the officer in connection with any criminal proceeding arising from the officer's conduct in the performance of official duties unless, in relation to that conduct, any of the following applies: (1) the officer is convicted of a crime; (2) the officer's employment is terminated for cause; or (3) the officer resigns for reasons other than retirement or disability before the attorney's fees are incurred. Provides that a public employer, including a home rule unit, that employs a full-time public safety officer may not provide benefits to that officer in a manner inconsistent with the requirements of the Act.

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FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning public safety officers.

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

4 Section 1. Short title. This Act may be cited as the Public  
5 Safety Officer Protection Act.

6 Section 5. Declaration of State interest. The General  
7 Assembly determines and declares that the provisions of this  
8 Act fulfill an important State interest.

9 Section 10. Definitions. In this Section:

10 "Criminal proceeding" means any criminal action or  
11 proceeding brought in State or federal court.

12 "Public employer" means the State of Illinois or any unit  
13 of local government (including any home rule unit), any State  
14 supported college or university, or any other public entity  
15 granted the power to employ public safety officers.

16 "Public safety officer" means a peace officer, law  
17 enforcement officer, emergency medical technician, first  
18 responder, fire fighter, or correctional officer.

19 Section 15. Public employer reimbursement of public safety  
20 officer. A public employer shall reimburse a public safety  
21 officer for reasonable attorney's fees incurred by the officer

1 in connection with any criminal proceeding arising from the  
2 officer's conduct in the performance of official duties unless,  
3 in relation to that conduct, any of the following applies:

- 4 (1) the officer is convicted of a crime;
- 5 (2) the officer's employment is terminated for cause; or
- 6 (3) the officer resigns for reasons other than retirement  
7 or disability before the attorney's fees are incurred.

8 Section 20. Home rule preemption. A public employer,  
9 including a home rule unit, that employs a full-time public  
10 safety officer may not provide benefits to that officer in a  
11 manner inconsistent with the requirements of this Act. This Act  
12 is a limitation under subsection (i) of Section 6 of Article  
13 VII of the Illinois Constitution on the concurrent exercise of  
14 powers and functions exercised by the State.