



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB6205

Introduced 2/11/2016, by Rep. Grant Wehrli

#### SYNOPSIS AS INTRODUCED:

50 ILCS 705/6	from Ch. 85, par. 506
50 ILCS 705/6.1	
50 ILCS 705/6.3 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. Provides that a police officer who has been licensed, certified, or granted a valid waiver shall be decertified or have his or her license or waiver revoked upon a determination by the Illinois Labor Relations Board State Panel that he or she knowingly and willfully violated a rule or regulation of his or her department or agency that has as a penalty the discharge or dismissal of the officer from the department or agency. Establishes hearing procedures on decertification.

LRB099 19396 AWJ 43788 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 6.3  
6 as follows:

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

8 Sec. 6. Powers and duties of the 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

1 standards relating to the training of probationary local  
2 law enforcement officers or probationary county  
3 corrections officers, and in-service training of permanent  
4 police officers.

5 c. To provide appropriate licensure or certification  
6 to those probationary officers who successfully complete  
7 the prescribed minimum standard basic training course.

8 d. To review and approve annual training curriculum for  
9 county sheriffs.

10 e. To review and approve applicants to ensure that no  
11 applicant is admitted to a certified academy unless the  
12 applicant is a person of good character and has not been  
13 convicted of a felony offense, any of the misdemeanors in  
14 Sections 11-1.50, 11-6, 11-9.1, 11-14, 11-17, 11-19, 12-2,  
15 12-15, 16-1, 17-1, 17-2, 28-3, 29-1, 31-1, 31-6, 31-7,  
16 32-4a, or 32-7 of the Criminal Code of 1961 or the Criminal  
17 Code of 2012, subdivision (a)(1) or (a)(2)(C) of Section  
18 11-14.3 of the Criminal Code of 1961 or the Criminal Code  
19 of 2012, or subsection (a) of Section 17-32 of the Criminal  
20 Code of 1961 or the Criminal Code of 2012, or Section 5 or  
21 5.2 of the Cannabis Control Act, or a crime involving moral  
22 turpitude under the laws of this State or any other state  
23 which if committed in this State would be punishable as a  
24 felony or a crime of moral turpitude. The Board may appoint  
25 investigators who shall enforce the duties conferred upon  
26 the Board by this Act.

1 (Source: P.A. 99-352, eff. 1-1-16.)

2 (50 ILCS 705/6.1)

3 Sec. 6.1. Revocation of license or decertification  
4 ~~Decertification~~ of full-time and part-time police officers.

5 (a) The Board must review police officer conduct and  
6 records to ensure that no police officer is licensed ~~certified~~  
7 or provided a valid waiver if that police officer has been  
8 convicted of or has pled guilty to a felony offense under the  
9 laws of this State or any other state which if committed in  
10 this State would be punishable as a felony. The Board must also  
11 ensure that no police officer is licensed ~~certified~~ or provided  
12 a valid waiver if that police officer has been convicted on or  
13 after January 1, 2000 (the effective date of Public Act 91-495)  
14 ~~this amendatory Act of 1999~~ of any misdemeanor specified in  
15 this Section or if committed in any other state would be an  
16 offense similar to Section 11-1.50, 11-6, 11-9.1, 11-14, 11-17,  
17 11-19, 12-2, 12-15, 16-1, 17-1, 17-2, 28-3, 29-1, 31-1, 31-6,  
18 31-7, 32-4a, or 32-7 of the Criminal Code of 1961 or the  
19 Criminal Code of 2012, to subdivision (a)(1) or (a)(2)(C) of  
20 Section 11-14.3 of the Criminal Code of 1961 or the Criminal  
21 Code of 2012, or subsection (a) of Section 17-32 of the  
22 Criminal Code of 1961 or the Criminal Code of 2012, or to  
23 Section 5 or 5.2 of the Cannabis Control Act. The Board must  
24 appoint investigators to enforce the duties conferred upon the  
25 Board by this Act.

1 (b) It is the responsibility of the sheriff or the chief  
2 executive officer of every local law enforcement agency or  
3 department within this State to report to the Board any arrest  
4 or conviction of any officer for an offense identified in this  
5 Section.

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

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

21 (e) Whenever a ~~Any~~ full-time or part-time police officer  
22 with a license certificate or waiver issued by the Board who is  
23 convicted of or pleads guilty to any offense described in this  
24 Section, his or her license or waiver is automatically revoked  
25 by operation of law ~~immediately becomes decertified or no~~  
26 ~~longer has a valid waiver~~. The decertification and invalidity

1 of waivers occurs as a matter of law. Failure of a convicted  
2 person to report to the Board his or her conviction as  
3 described in this Section or any continued law enforcement  
4 practice after receiving a conviction is a Class 4 felony.

5 (f) The Board's investigators are peace officers and have  
6 all the powers possessed by policemen in cities and by  
7 sheriff's, provided that the investigators may exercise those  
8 powers anywhere in the State, only after contact and  
9 cooperation with the appropriate local law enforcement  
10 authorities.

11 (g) The Board must request and receive information and  
12 assistance from any federal, state, or local governmental  
13 agency as part of the authorized criminal background  
14 investigation. The Department of State Police must process,  
15 retain, and additionally provide and disseminate information  
16 to the Board concerning criminal charges, arrests,  
17 convictions, and their disposition, that have been filed  
18 before, on, or after January 1, 2000 (the effective date of  
19 Public Act 91-495) ~~this amendatory Act of the 91st General~~  
20 ~~Assembly~~ against a basic academy applicant, law enforcement  
21 applicant, or law enforcement officer whose fingerprint  
22 identification cards are on file or maintained by the  
23 Department of State Police. The Federal Bureau of Investigation  
24 must provide the Board any criminal history record information  
25 contained in its files pertaining to law enforcement officers  
26 or any applicant to a Board certified basic law enforcement

1 academy as described in this Act based on fingerprint  
2 identification. The Board must make payment of fees to the  
3 Department of State Police for each fingerprint card submission  
4 in conformance with the requirements of paragraph 22 of Section  
5 55a of the Civil Administrative Code of Illinois.

6 (h) A police officer who has been certified, licensed, or  
7 granted a valid waiver shall also be decertified, have his or  
8 her license revoked, or have his or her waiver revoked upon a  
9 determination by the Illinois Labor Relations Board State Panel  
10 that he or she, while under oath, has knowingly and willfully  
11 made false statements as to a material fact going to an element  
12 of the offense of murder. If an appeal is filed, the  
13 determination shall be stayed.

14 (1) In the case of an acquittal on a charge of murder,  
15 a verified complaint may be filed:

16 (A) by the defendant; or

17 (B) by a police officer with personal knowledge of  
18 perjured testimony.

19 The complaint must allege that a police officer, while  
20 under oath, knowingly and willfully made false statements  
21 as to a material fact going to an element of the offense of  
22 murder. The verified complaint must be filed with the  
23 Executive Director of the Illinois Law Enforcement  
24 Training Standards Board within 2 years of the judgment of  
25 acquittal.

26 (2) Within 30 days, the Executive Director of the

1 Illinois Law Enforcement Training Standards Board shall  
2 review the verified complaint and determine whether the  
3 verified complaint is frivolous and without merit, or  
4 whether further investigation is warranted. The Illinois  
5 Law Enforcement Training Standards Board shall notify the  
6 officer and the Executive Director of the Illinois Labor  
7 Relations Board State Panel of the filing of the complaint  
8 and any action taken thereon. If the Executive Director of  
9 the Illinois Law Enforcement Training Standards Board  
10 determines that the verified complaint is frivolous and  
11 without merit, it shall be dismissed. The Executive  
12 Director of the Illinois Law Enforcement Training  
13 Standards Board has sole discretion to make this  
14 determination and this decision is not subject to appeal.

15 (i) If the Executive Director of the Illinois Law  
16 Enforcement Training Standards Board determines that the  
17 verified complaint warrants further investigation, he or she  
18 shall refer the matter to a task force of investigators created  
19 for this purpose. This task force shall consist of 8 sworn  
20 police officers: 2 from the Illinois State Police, 2 from the  
21 City of Chicago Police Department, 2 from county police  
22 departments, and 2 from municipal police departments. These  
23 investigators shall have a minimum of 5 years of experience in  
24 conducting criminal investigations. The investigators shall be  
25 appointed by the Executive Director of the Illinois Law  
26 Enforcement Training Standards Board. Any officer or officers



1 acting in this capacity pursuant to this statutory provision  
2 will have statewide police authority while acting in this  
3 investigative capacity. Their salaries and expenses for the  
4 time spent conducting investigations under this paragraph  
5 shall be reimbursed by the Illinois Law Enforcement Training  
6 Standards Board.

7 (j) Once the Executive Director of the Illinois Law  
8 Enforcement Training Standards Board has determined that an  
9 investigation is warranted, the verified complaint shall be  
10 assigned to an investigator or investigators. The investigator  
11 or investigators shall conduct an investigation of the verified  
12 complaint and shall write a report of his or her findings. This  
13 report shall be submitted to the Executive Director of the  
14 Illinois Labor Relations Board State Panel.

15 Within 30 days, the Executive Director of the Illinois  
16 Labor Relations Board State Panel shall review the  
17 investigative report and determine whether sufficient evidence  
18 exists to conduct an evidentiary hearing on the verified  
19 complaint. If the Executive Director of the Illinois Labor  
20 Relations Board State Panel determines upon his or her review  
21 of the investigatory report that a hearing should not be  
22 conducted, the complaint shall be dismissed. This decision is  
23 in the Executive Director's sole discretion, and this dismissal  
24 may not be appealed.

25 If the Executive Director of the Illinois Labor Relations  
26 Board State Panel determines that there is sufficient evidence

1 to warrant a hearing, a hearing shall be ordered on the  
2 verified complaint, to be conducted by an administrative law  
3 judge employed by the Illinois Labor Relations Board State  
4 Panel. The Executive Director of the Illinois Labor Relations  
5 Board State Panel shall inform the Executive Director of the  
6 Illinois Law Enforcement Training Standards Board and the  
7 person who filed the complaint of either the dismissal of the  
8 complaint or the issuance of the complaint for hearing. The  
9 Executive Director shall assign the complaint to the  
10 administrative law judge within 30 days of the decision  
11 granting a hearing.

12 (k) In the case of a finding of guilt on the offense of  
13 murder, if a new trial is granted on direct appeal, or a state  
14 post-conviction evidentiary hearing is ordered, based on a  
15 claim that a police officer, under oath, knowingly and  
16 willfully made false statements as to a material fact going to  
17 an element of the offense of murder, the Illinois Labor  
18 Relations Board State Panel shall hold a hearing to determine  
19 whether the officer should be decertified or have his or her  
20 license or waiver revoked if an interested party requests such  
21 a hearing within 2 years of the court's decision. The complaint  
22 shall be assigned to an administrative law judge within 30 days  
23 so that a hearing can be scheduled.

24 At the hearing, the accused officer shall be afforded the  
25 opportunity to:

26 (1) Be represented by counsel of his or her own

1 choosing;

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

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

4 (4) Request that the Illinois Labor Relations Board  
5 State Panel compel the attendance of witnesses and  
6 production of related documents including but not limited  
7 to court documents and records.

8 Once a case has been set for hearing, the verified  
9 complaint shall be referred to the Department of Professional  
10 Regulation. That office shall prosecute the verified complaint  
11 at the hearing before the administrative law judge. The  
12 Department of Professional Regulation shall have the  
13 opportunity to produce evidence to support the verified  
14 complaint and to request the Illinois Labor Relations Board  
15 State Panel to compel the attendance of witnesses and the  
16 production of related documents, including, but not limited to,  
17 court documents and records. The Illinois Labor Relations Board  
18 State Panel shall have the power to issue subpoenas requiring  
19 the attendance of and testimony of witnesses and the production  
20 of related documents including, but not limited to, court  
21 documents and records and shall have the power to administer  
22 oaths.

23 The administrative law judge shall have the responsibility  
24 of receiving into evidence relevant testimony and documents,  
25 including court records, to support or disprove the allegations  
26 made by the person filing the verified complaint and, at the

1 close of the case, hear arguments. If the administrative law  
2 judge finds that there is not clear and convincing evidence to  
3 support the verified complaint that the police officer has,  
4 while under oath, knowingly and willfully made false statements  
5 as to a material fact going to an element of the offense of  
6 murder, the administrative law judge shall make a written  
7 recommendation of dismissal to the Illinois Labor Relations  
8 Board State Panel. If the administrative law judge finds that  
9 there is clear and convincing evidence that the police officer  
10 has, while under oath, knowingly and willfully made false  
11 statements as to a material fact that goes to an element of the  
12 offense of murder, the administrative law judge shall make a  
13 written recommendation so concluding to the Illinois Labor  
14 Relations Board State Panel. The hearings shall be transcribed.  
15 The Executive Director of the Illinois Law Enforcement Training  
16 Standards Board shall be informed of the administrative law  
17 judge's recommended findings and decision and the Illinois  
18 Labor Relations Board State Panel's subsequent review of the  
19 recommendation.

20 (1) An officer named in any complaint filed pursuant to  
21 this Act shall be indemnified for his or her reasonable  
22 attorney's fees and costs by his or her employer. These fees  
23 shall be paid in a regular and timely manner. The State, upon  
24 application by the public employer, shall reimburse the public  
25 employer for the accused officer's reasonable attorney's fees  
26 and costs. At no time and under no circumstances will the

1 accused officer be required to pay his or her own reasonable  
2 attorney's fees or costs.

3 (m) The accused officer shall not be placed on unpaid  
4 status because of the filing or processing of the verified  
5 complaint until there is a final non-appealable order  
6 sustaining his or her guilt and his or her license or  
7 certification is revoked. Nothing in this Act, however,  
8 restricts the public employer from pursuing discipline against  
9 the officer in the normal course and under procedures then in  
10 place.

11 (n) The Illinois Labor Relations Board State Panel shall  
12 review the administrative law judge's recommended decision and  
13 order and determine by a majority vote whether or not there was  
14 clear and convincing evidence that the accused officer, while  
15 under oath, knowingly and willfully made false statements as to  
16 a material fact going to the offense of murder. Within 30 days  
17 of service of the administrative law judge's recommended  
18 decision and order, the parties may file exceptions to the  
19 recommended decision and order and briefs in support of their  
20 exceptions with the Illinois Labor Relations Board State Panel.  
21 The parties may file responses to the exceptions and briefs in  
22 support of the responses no later than 15 days after the  
23 service of the exceptions. If exceptions are filed by any of  
24 the parties, the Illinois Labor Relations Board State Panel  
25 shall review the matter and make a finding to uphold, vacate,  
26 or modify the recommended decision and order. If the Illinois

1 Labor Relations Board State Panel concludes that there is clear  
2 and convincing evidence that the accused officer, while under  
3 oath, knowingly and willfully made false statements as to a  
4 material fact going to an element of the offense murder, the  
5 Illinois Labor Relations Board State Panel shall inform the  
6 Illinois Law Enforcement Training Standards Board and the  
7 Illinois Law Enforcement Training Standards Board shall revoke  
8 the accused officer's certification, license, or waiver. If the  
9 accused officer appeals that determination to the Appellate  
10 Court, as provided by this Act, he or she may petition the  
11 Appellate Court to stay the revocation of his or her  
12 certification, license, or waiver pending the court's review of  
13 the matter.

14 (o) None of the Illinois Labor Relations Board State  
15 Panel's findings or determinations shall set any precedent in  
16 any of its decisions decided pursuant to the Illinois Public  
17 Labor Relations Act by the Illinois Labor Relations Board State  
18 Panel or the courts.

19 (p) A party aggrieved by the final order of the Illinois  
20 Labor Relations Board State Panel may apply for and obtain  
21 judicial review of an order of the Illinois Labor Relations  
22 Board State Panel, in accordance with the provisions of the  
23 Administrative Review Law, except that such judicial review  
24 shall be afforded directly in the Appellate Court for the  
25 district in which the accused officer resides. Any direct  
26 appeal to the Appellate Court shall be filed within 35 days

1 from the date that a copy of the decision sought to be reviewed  
2 was served upon the party affected by the decision.

3 (q) Interested parties. Only interested parties to the  
4 criminal prosecution in which the police officer allegedly,  
5 while under oath, knowingly and willfully made false statements  
6 as to a material fact going to an element of the offense of  
7 murder may file a verified complaint pursuant to this Section.  
8 For purposes of this Section, "interested parties" shall be  
9 limited to the defendant and any police officer who has  
10 personal knowledge that the police officer who is the subject  
11 of the complaint has, while under oath, knowingly and willfully  
12 made false statements as to a material fact going to an element  
13 of the offense of murder.

14 (r) Semi-annual reports. The Executive Director of the  
15 Illinois Labor Relations Board shall submit semi-annual  
16 reports to the Governor, President, and Minority Leader of the  
17 Senate, and to the Speaker and Minority Leader of the House of  
18 Representatives beginning on June 30, 2004, indicating:

19 (1) the number of verified complaints received since  
20 the date of the last report;

21 (2) the number of investigations initiated since the  
22 date of the last report;

23 (3) the number of investigations concluded since the  
24 date of the last report;

25 (4) the number of investigations pending as of the  
26 reporting date;

1 (5) the number of hearings held since the date of the  
2 last report; and

3 (6) the number of officers decertified or whose  
4 licenses have been revoked since the date of the last  
5 report.

6 (s) A police officer who has been licensed, certified, or  
7 granted a valid waiver shall also be decertified or have his or  
8 her license or waiver revoked upon a determination by the  
9 Illinois Labor Relations Board State Panel that he or she,  
10 while serving as a police officer with a department or agency,  
11 has knowingly and willfully violated a rule or regulation of  
12 the department or agency, on or after the effective date of  
13 this amendatory Act of the 99th General Assembly, that has as a  
14 penalty the discharge or dismissal of the officer from the  
15 department or agency.

16 In the case of an officer who resigned or retired from the  
17 department or agency before a formal determination, pursuant to  
18 department or agency rules and regulations, is made on the  
19 alleged violation, a verified complaint may be filed with the  
20 Board alleging that the officer knowingly and willfully  
21 violated a rule or regulation of his or her former department  
22 or agency, on or after the effective date of this amendatory  
23 Act of the 99th General Assembly, that results or may result in  
24 the officer's discharge or dismissal from the department or  
25 agency.

26 (1) A verified complaint may be filed under this



1 subsection (s) by the department or agency that employed  
2 the officer, but only if the complaint is signed by all of  
3 following:

4 (A) For a former police officer of a municipality:

5 (i) chief executive of the municipality;

6 (ii) head of the municipality's police  
7 commission, if applicable;

8 (iii) police department chief of police or  
9 chief executive officer;

10 (iv) labor representative, if applicable; and

11 (v) State's Attorney for the county in which  
12 the officer was employed.

13 (B) For a former county sheriff or deputy sheriff:

14 (i) county board chairperson;

15 (ii) sheriff;

16 (iii) labor representative, if applicable; and

17 (iv) State's Attorney for the county in which  
18 the officer was employed.

19 The verified complaint must be filed with the Executive  
20 Director within 2 years after the officer's resignation or  
21 retirement.

22 (2) Within 30 days after receiving the verified  
23 complaint, the Executive Director of the Illinois Law  
24 Enforcement Training Standards Board shall review the  
25 verified complaint and determine whether the verified  
26 complaint is frivolous and without merit, or whether

1 further investigation is warranted. The Illinois Law  
2 Enforcement Training Standards Board shall notify the  
3 officer and the Executive Director of the Illinois Labor  
4 Relations Board State Panel of the filing of the complaint  
5 and any action taken thereon. If the Executive Director of  
6 the Illinois Law Enforcement Training Standards Board  
7 determines that the verified complaint is frivolous and  
8 without merit, then the complaint shall be dismissed. The  
9 Executive Director of the Illinois Law Enforcement  
10 Training Standards Board has the sole discretion to make  
11 this determination. The determination is not subject to  
12 appeal.

13 (3) If the Executive Director of the Illinois Law  
14 Enforcement Training Standards Board determines that the  
15 verified complaint warrants further investigation, then he  
16 or she shall refer the matter to a task force of  
17 investigators created for this purpose. This task force  
18 shall consist of 8 sworn police officers: 2 from the  
19 Illinois State Police, 2 from the City of Chicago Police  
20 Department, 2 from county police departments, and 2 from  
21 municipal police departments. These investigators shall  
22 have a minimum of 5 years of experience in conducting  
23 investigations. The investigators shall be appointed by  
24 the Executive Director of the Illinois Law Enforcement  
25 Training Standards Board. Any officer or officers acting in  
26 this capacity pursuant to this paragraph shall have

1 statewide police authority while acting in this  
2 investigative capacity. Their salaries and expenses for  
3 the time spent conducting investigations under this  
4 paragraph shall be reimbursed by the Illinois Law  
5 Enforcement Training Standards Board.

6 (4) The task force investigators shall conduct an  
7 investigation of the verified complaint and shall file a  
8 written report of their findings. The report shall be  
9 submitted to the Executive Director of the Illinois Labor  
10 Relations Board State Panel.

11 Within 30 days after receiving the report, the  
12 Executive Director of the Illinois Labor Relations Board  
13 State Panel shall review the investigative report and  
14 determine whether sufficient evidence exists to conduct an  
15 evidentiary hearing on the verified complaint. If the  
16 Executive Director of the Illinois Labor Relations Board  
17 State Panel determines upon his or her review of the  
18 investigatory report that a hearing should not be  
19 conducted, the complaint shall be dismissed. This decision  
20 is in the Executive Director's sole discretion, and a  
21 dismissal may not be appealed.

22 If the Executive Director of the Illinois Labor  
23 Relations Board State Panel determines that there is  
24 sufficient evidence to warrant a hearing, then a hearing  
25 shall be ordered on the verified complaint, to be conducted  
26 by an administrative law judge employed by the Illinois

1 Labor Relations Board State Panel. The Executive Director  
2 of the Illinois Labor Relations Board State Panel shall  
3 inform the Executive Director of the Illinois Law  
4 Enforcement Training Standards Board and the department or  
5 agency that filed the complaint of the dismissal of the  
6 complaint or the issuance of the complaint for hearing. The  
7 Executive Director of the Illinois Labor Relations Board  
8 State Panel shall assign the complaint to the  
9 administrative law judge within 30 days after the decision  
10 granting a hearing.

11 (5) In the case of a formal determination by the  
12 department or agency, pursuant to department or agency  
13 rules and regulations, that the officer be discharged or  
14 dismissed for knowingly and willfully violating a rule or  
15 regulation of the department or agency, on or after the  
16 effective date of this amendatory Act of the 99th General  
17 Assembly, the Illinois Labor Relations Board State Panel  
18 shall hold a hearing to determine whether the officer shall  
19 be decertified or have his or her license or waiver  
20 revoked. The department or agency must file a verified  
21 complaint within 2 years after the officer's discharge or  
22 dismissal for the Illinois Labor Relations Board State  
23 Panel to hold a hearing. The complaint shall be assigned to  
24 an administrative law judge within 30 days so that a  
25 hearing can be scheduled.

26 (6) Once a case has been set for hearing, the verified

1 complaint shall be referred to the Department of  
2 Professional Regulation. The Department of Professional  
3 Regulation shall prosecute the verified complaint at the  
4 hearing before the administrative law judge. The  
5 Department of Professional Regulation shall have the  
6 opportunity to produce evidence to support the verified  
7 complaint and to request the Illinois Labor Relations Board  
8 State Panel to compel the attendance of witnesses and the  
9 production of related documents, including, but not  
10 limited to, court documents and records. The Illinois Labor  
11 Relations Board State Panel shall have the power to issue  
12 subpoenas requiring the attendance of and testimony of  
13 witnesses and the production of related documents  
14 including, but not limited to, court documents and records  
15 and shall have the power to administer oaths.

16 At the hearing, the accused officer shall be afforded  
17 the opportunity to:

18 (A) be represented by counsel of his or her own  
19 choosing;

20 (B) be heard in his or her own defense;

21 (C) produce evidence in his or her defense; and

22 (D) request that the Illinois Labor Relations  
23 Board State Panel compel the attendance of witnesses  
24 and production of related documents including, but not  
25 limited to, court documents and records.

26 (7) The administrative law judge shall have the

1 responsibility of receiving into evidence relevant  
2 testimony and documents, including court records, to  
3 support or disprove the allegations made by the department  
4 or agency filing the verified complaint and, at the close  
5 of the case, hear arguments. If the administrative law  
6 judge finds that there is not clear and convincing evidence  
7 to support the verified complaint that the police officer  
8 knowingly and willfully violated a rule or regulation of  
9 his or her department or agency, on or after the effective  
10 date of this Amendatory Act of the 99th General Assembly,  
11 that results or may result in the discharge or dismissal of  
12 the officer from the department or agency, the  
13 administrative law judge shall make a written  
14 recommendation of dismissal to the Illinois Labor  
15 Relations Board State Panel. If the administrative law  
16 judge finds that there is clear and convincing evidence  
17 that the police officer knowingly and willfully violated a  
18 rule or regulation of his or her department or agency, on  
19 or after the effective date of this Amendatory Act of the  
20 99th General Assembly, that results or may result in the  
21 discharge or dismissal of the officer from the department  
22 or agency, the administrative law judge shall make a  
23 written recommendation so concluding to the Illinois Labor  
24 Relations Board State Panel. The hearings shall be  
25 transcribed. The Executive Director of the Illinois Law  
26 Enforcement Training Standards Board shall be informed of

1       the administrative law judge's recommended findings and  
2       decision and the Illinois Labor Relations Board State  
3       Panel's subsequent review of the recommendation.

4       (8) The Illinois Labor Relations Board State Panel  
5       shall review the administrative law judge's recommended  
6       decision and order and determine by a majority vote whether  
7       or not there was clear and convincing evidence that the  
8       accused officer knowingly and willfully violated a rule or  
9       regulation of his or her department or agency, on or after  
10       the effective date of this Amendatory Act of the 99th  
11       General Assembly, that results or may result in the  
12       discharge or dismissal of the officer from the department  
13       or agency. Within 30 days after service of the  
14       administrative law judge's recommended decision and order,  
15       the parties may file exceptions to the recommended decision  
16       and order and briefs in support of their exceptions with  
17       the Illinois Labor Relations Board State Panel. The parties  
18       may file responses to the exceptions and briefs in support  
19       of the responses no later than 15 days after the service of  
20       the exceptions. If exceptions are filed by any of the  
21       parties, the Illinois Labor Relations Board State Panel  
22       shall review the matter and make a finding to uphold,  
23       vacate, or modify the recommended decision and order.

24       If the Illinois Labor Relations Board State Panel  
25       concludes that there is clear and convincing evidence that  
26       the accused officer knowingly and willfully violated a rule

1 or regulation of his or her department or agency, on or  
2 after the effective date of this Amendatory Act of the 99th  
3 General Assembly, that results or may result in the  
4 discharge or dismissal of the officer from the department  
5 or agency, the Illinois Labor Relations Board State Panel  
6 shall inform the Illinois Law Enforcement Training  
7 Standards Board and the Illinois Law Enforcement Training  
8 Standards Board shall revoke the accused officer's  
9 certification, license, or waiver. If the accused officer  
10 appeals that determination to the Appellate Court, as  
11 provided by this Act, he or she may petition the Appellate  
12 Court to stay the revocation of his or her certification,  
13 license, or waiver pending the court's review of the  
14 matter.

15 (9) The accused officer shall not be placed on unpaid  
16 status in any currently held police officer position  
17 because of the filing or processing of a verified complaint  
18 until there is a final non-appealable order sustaining his  
19 or her guilt and his or her license or certification is  
20 revoked.

21 (10) None of the Illinois Labor Relations Board State  
22 Panel's findings or determinations shall set any precedent  
23 in any of its decisions decided pursuant to the Illinois  
24 Public Labor Relations Act by the Illinois Labor Relations  
25 Board State Panel or the courts.

26 (11) A party aggrieved by the final order of the



1 Illinois Labor Relations Board State Panel may apply for  
2 and obtain judicial review of an order of the Illinois  
3 Labor Relations Board State Panel, in accordance with the  
4 provisions of the Administrative Review Law, except that  
5 such judicial review shall be afforded directly in the  
6 Appellate Court for the district in which the accused  
7 officer resides. Any direct appeal to the Appellate Court  
8 shall be filed within 35 days after the date that a copy of  
9 the decision sought to be reviewed was served upon the  
10 party affected by the decision.

11 (12) It is the duty and responsibility of the sheriff  
12 or the chief executive officer of a local law enforcement  
13 agency or department within this State to report to the  
14 Board any discharge or dismissal of any officer for a  
15 violation identified in this subsection (s). It is the duty  
16 and responsibility of a full-time or part-time police  
17 officer in this State to report to the Board within 30 days  
18 after his or her discharge or dismissal for a violation  
19 identified in this subsection (s).

20 (13) Any full-time or part-time police officer who  
21 knowingly makes, submits, causes to be submitted, or files  
22 a false or untruthful report to the Board, under this  
23 subsection (s), must have his or her license, certificate,  
24 or waiver immediately decertified or revoked.

25 (14) Any person, or a local or State agency, or the  
26 Board is immune from liability for submitting, disclosing,

1 or releasing information of violations pursuant to this  
2 subsection (s) as long as the information is submitted,  
3 disclosed, or released in good faith and without malice.  
4 The Board has qualified immunity for the release of the  
5 information.

6 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

7 (50 ILCS 705/6.3 new)

8 Sec. 6.3. Conversion of certificates to licenses.

9 (a) Beginning on the effective date of this amendatory Act  
10 of the 99th General Assembly, the Board's recognition of  
11 persons who have successfully completed the prescribed minimum  
12 standard basic training course for police officers shall be  
13 known as licensure rather than certification.

14 (b) If a person has successfully completed the prescribed  
15 minimum standard basic training course for police officers and  
16 holds a valid certification to that effect on the effective  
17 date of this amendatory Act of the 99th General Assembly, that  
18 certification shall be deemed to be a license for the purposes  
19 of this Act.

20 (c) If, on the effective date of this amendatory Act of the  
21 99th General Assembly, a person holds a valid waiver from one  
22 of the certification requirements of this Act for police  
23 officers, that waiver shall be deemed a waiver from the  
24 corresponding licensure requirement of this Act.

25 (d) The Board shall replace the certificates or other

1 evidences of certification or waiver for police officers in use  
2 on the effective date of this amendatory Act of the 99th  
3 General Assembly with new credentials reflecting the change in  
4 nomenclature instituted by this amendatory Act of the 99th  
5 General Assembly.

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

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

9 (a) After January 1, 1976, no person shall receive a  
10 permanent appointment as a law enforcement officer as defined  
11 in this Act, nor shall any person receive, after the effective  
12 date of this amendatory Act of 1984, a permanent appointment as  
13 a county corrections officer, unless that person has been  
14 awarded, within 6 ~~six~~ months of his or her initial full-time  
15 employment, a license or certificate attesting to his or her  
16 successful completion of the Minimum Standards Basic Law  
17 Enforcement and County Correctional Training Course as  
18 prescribed by the Board; or has been awarded a license or  
19 certificate attesting to his or her satisfactory completion of  
20 a training program of similar content and number of hours and  
21 which course has been found acceptable by the Board under the  
22 provisions of this Act; or by reason of extensive prior law  
23 enforcement or county corrections experience the basic  
24 training requirement is determined by the Board to be illogical  
25 and unreasonable.

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

8           (b) No provision of this Section shall be construed to mean  
9 that a law enforcement officer employed by a local governmental  
10 agency at the time of the effective date of this amendatory  
11 Act, either as a probationary police officer or as a permanent  
12 police officer, shall require licensure or certification under  
13 the provisions of this Section.

14           No provision of this Section shall be construed to mean  
15 that a county corrections officer employed by a local  
16 governmental agency at the time of the effective date of this  
17 amendatory Act of 1984, either as a probationary county  
18 corrections or as a permanent county corrections officer, shall  
19 require certification under the provisions of this Section.

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

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

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

1           Sec. 8.2. Part-time police officers.

2           (a) A person hired to serve as a part-time police officer  
3 must obtain from the Board a license or certificate (i)  
4 attesting to his or her successful completion of the part-time  
5 police training course; (ii) attesting to his or her  
6 satisfactory completion of a training program of similar  
7 content and number of hours that has been found acceptable by  
8 the Board under the provisions of this Act; or (iii) attesting  
9 to the Board's determination that the part-time police training  
10 course is unnecessary because of the person's extensive prior  
11 law enforcement experience. A person hired on or after March  
12 14, 2002 (the effective date of Public Act 92-533) ~~this~~  
13 ~~amendatory Act of the 92nd General Assembly~~ must obtain this  
14 certificate within 18 months after the initial date of hire as  
15 a probationary part-time police officer in the State of  
16 Illinois. The probationary part-time police officer must be  
17 enrolled and accepted into a Board-approved course within 6  
18 months after active employment by any department in the State.  
19 A person hired on or after January 1, 1996 and before the  
20 effective date of this amendatory Act of the 92nd General  
21 Assembly must obtain this license or certificate within 18  
22 months after the date of hire. A person hired before January 1,  
23 1996 must obtain this license or certificate within 24 months  
24 after January 1, 1996 (the effective date of Public Act 89-170)  
25 ~~this amendatory Act of 1995~~.

26           The employing agency may seek a waiver from the Board

1 extending the period for compliance. A waiver shall be issued  
2 only for good and justifiable reasons, and the probationary  
3 part-time police officer may not practice as a part-time police  
4 officer during the waiver period. If training is required and  
5 not completed within the applicable time period, as extended by  
6 any waiver that may be granted, then the officer must forfeit  
7 his or her position.

8 (b) (Blank).

9 (c) The part-time police training course referred to in  
10 this Section shall be of similar content and the same number of  
11 hours as the courses for full-time officers and shall be  
12 provided by Mobile Team In-Service Training Units under the  
13 Intergovernmental Law Enforcement Officer's In-Service  
14 Training Act or by another approved program or facility in a  
15 manner prescribed by the Board.

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

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