

AN ACT concerning local government.

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

Section 5. The Illinois Administrative Procedure Act is amended by adding Section 5-45.35 as follows:

(5 ILCS 100/5-45.35 new)

Sec. 5-45.35. Emergency rulemaking; Illinois Law Enforcement Training Standards Board. To provide for the expeditious and timely implementation of the changes made in Sections 8.1 and 8.2 of the Illinois Police Training Act, emergency rules implementing the waiver process under Sections 8.1 and 8.2 of the Illinois Police Training Act may be adopted in accordance with Section 5-45 by the Illinois Law Enforcement Training Standards Board. The adoption of emergency rules authorized by Section 5-45 and this Section is deemed to be necessary for the public interest, safety, and welfare.

This Section is repealed one year after the effective date of this amendatory Act of the 103rd General Assembly.

Section 10. The Illinois Police Training Act is amended by changing Sections 8.1 and 8.2 as follows:

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

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

(a) No person shall receive a permanent appointment as a law enforcement officer or a permanent appointment as a county corrections officer unless that person has been awarded, within 6 months of the officer's initial full-time employment, a certificate attesting to the officer's successful completion of the Minimum Standards Basic Law Enforcement or County Correctional Training Course as prescribed by the Board; or has been awarded a certificate attesting to the officer's satisfactory completion of a training program of similar content and number of hours and which course has been found acceptable by the Board under the provisions of this Act; or a training waiver by reason of ~~extensive~~ prior law enforcement or county corrections experience, obtained in Illinois, in any other state, or with an agency of the federal government, the basic training requirement is determined by the Board to be illogical and unreasonable. Agencies seeking a reciprocity waiver for training completed outside of Illinois must conduct a thorough background check and provide verification of the officer's prior training. After review and satisfaction of all requested conditions, the officer shall be awarded an equivalency certificate satisfying the requirements of this Section. Within 60 days after the effective date of this amendatory Act of the 103rd General Assembly, the 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, or who has completed a basic law enforcement officer or correctional officer academy who would be qualified to be employed as a law enforcement officer or correctional officer by the federal government or any other state. These rules shall address the process for evaluating prior training credit, a description and list of the courses typically required for reciprocity candidates to complete prior to taking the exam, and a procedure for employers seeking a pre-activation determination for a reciprocity training waiver. The rules shall provide that any eligible person previously trained as a law enforcement or county corrections officer under federal law or the laws of any other state shall successfully complete the following prior to the approval of a waiver:

(1) a training program or set of coursework approved by the Board on the laws of this State relevant to the duties and training requirements of law enforcement and county correctional officers;

(2) firearms training; and

(3) successful passage of the equivalency certification examination.

If such training is required and not completed within the applicable 6 months, then the officer must forfeit the

officer's position, or the employing agency must obtain a waiver from the Board extending the period for compliance. Such waiver shall be issued only for good and justifiable reasons, and in no case shall extend more than 90 days beyond the initial 6 months. Any hiring agency that fails to train a law enforcement officer within this period shall be prohibited from employing this individual in a law enforcement capacity for one year from the date training was to be completed. If an agency again fails to train the individual a second time, the agency shall be permanently barred from employing this individual in a law enforcement capacity.

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

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

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

(1) A law enforcement officer's certification becomes inactive upon termination, resignation, retirement, or separation from the officer's employing law enforcement agency for any reason. The Board shall re-activate a certification upon written application from the law enforcement officer's law enforcement agency that shows the law enforcement officer: (i) has accepted a full-time law enforcement position with that law enforcement agency, (ii) is not the subject of a decertification proceeding, and (iii) meets all other criteria for re-activation required by the Board. The Board may also establish special training requirements to be completed as a condition for re-activation.

The Board shall review a notice for reactivation from a law enforcement agency and provide a response within 30 days. The Board may extend this review. A law enforcement officer shall be allowed to be employed as a full-time law enforcement officer while the law enforcement officer reactivation waiver is under review.

A law enforcement officer who is refused reactivation or an employing agency of a law enforcement officer who is refused reactivation under this Section may request a hearing in accordance with the hearing procedures as

outlined in subsection (h) of Section 6.3 of this Act.

The Board may refuse to re-activate the certification of a law enforcement officer who was involuntarily terminated for good cause by an employing agency for conduct subject to decertification under this Act or resigned or retired after receiving notice of a law enforcement agency's investigation.

(2) A law enforcement agency may place an officer who is currently certified on inactive status by sending a written request to the Board. A law enforcement officer whose certificate has been placed on inactive status shall not function as a law enforcement officer until the officer has completed any requirements for reactivating the certificate as required by the Board. A request for inactive status in this subsection shall be in writing, accompanied by verifying documentation, and shall be submitted to the Board with a copy to the chief administrator of the law enforcement officer's current or new employing agency.

(3) Certification that has become inactive under paragraph (2) of this subsection (b) shall be reactivated by written notice from the law enforcement officer's agency upon a showing that the law enforcement officer ~~is~~: (i) is employed in a full-time law enforcement position with the same law enforcement agency, (ii) is not the subject of a decertification proceeding, and (iii) meets

all other criteria for re-activation required by the Board.

(4) Notwithstanding paragraph (3) of this subsection (b), a law enforcement officer whose certification has become inactive under paragraph (2) may have the officer's employing agency submit a request for a waiver of training requirements to the Board in writing and accompanied by any verifying documentation~~7~~. A grant of a waiver is within the discretion of the Board. Within 7 days of receiving a request for a waiver under this Section ~~section~~, the Board shall notify the law enforcement officer and the chief administrator of the law enforcement officer's employing agency, whether the request has been granted, denied, or if the Board will take additional time for information. A law enforcement agency~~7~~ whose request for a waiver under this subsection is denied~~7~~ is entitled to request a review of the denial by the Board. The law enforcement agency must request a review within 20 days of the waiver being denied. The burden of proof shall be on the law enforcement agency to show why the law enforcement officer is entitled to a waiver of the legislatively required training and eligibility requirements.

(c) No provision of this Section shall be construed to mean that a county corrections officer employed by a governmental agency at the time of the effective date of this amendatory Act, either as a probationary county corrections

officer or as a permanent county corrections officer, shall require certification under the provisions of this Section. No provision of this Section shall be construed to apply to certification of elected county sheriffs.

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

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

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

(e-2) Each agency, academy, or training provider shall maintain proof of a law enforcement officer's completion of legislatively required training in a format designated by the Board. The report of training shall be submitted to the Board within 30 days following completion of the training. A copy of the report shall be submitted to the law enforcement officer. Upon receipt of a properly completed report of training, the

Board will make the appropriate entry into the training records of the law enforcement officer.

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

(g) Notwithstanding any provision of law to the contrary, the changes made to this Section by ~~this amendatory Act of the 102nd General Assembly,~~ Public Act 101-652, ~~and~~ Public Act 102-28, and Public Act 102-694 take effect July 1, 2022.

(Source: P.A. 101-187, eff. 1-1-20; 101-652, eff. 1-1-22; 102-28, eff. 6-25-21; 102-694, eff. 1-7-22; revised 2-3-22.)

(50 ILCS 705/8.2)

Sec. 8.2. Part-time law enforcement officers.

(a) A person hired to serve as a part-time law enforcement officer must obtain from the Board a certificate (i) attesting to the officer's successful completion of the part-time police training course; (ii) attesting to the officer's satisfactory completion of a training program of similar content and number of hours that has been found acceptable by the Board under the provisions of this Act; or (iii) a training waiver attesting to the Board's determination that the part-time police training course is unnecessary because of the person's ~~extensive~~ prior law enforcement experience obtained in Illinois, in any other state, or with an agency of the federal government. A person hired on or after the effective date of

this amendatory Act of the 92nd General Assembly must obtain this certificate within 18 months after the initial date of hire as a probationary part-time law enforcement officer in the State of Illinois. The probationary part-time law enforcement officer must be enrolled and accepted into a Board-approved course within 6 months after active employment by any department in the State. A person hired on or after January 1, 1996 and before the effective date of this amendatory Act of the 92nd General Assembly must obtain this certificate within 18 months after the date of hire. A person hired before January 1, 1996 must obtain this certificate within 24 months after the effective date of this amendatory Act of 1995. Agencies seeking a reciprocity waiver for training completed outside of Illinois must conduct a thorough background check and provide verification of the officer's prior training. After review and satisfaction of all requested conditions, the officer shall be awarded an equivalency certificate satisfying the requirements of this Section. Within 60 days after the effective date of this amendatory Act of the 103rd General Assembly, the 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, or who has completed a basic law enforcement officer or correctional officer academy who would be qualified to be employed as a law enforcement officer or correctional officer

by the federal government or any other state. These rules shall address the process for evaluating prior training credit, a description and list of the courses typically required for reciprocity candidates to complete prior to taking the exam, and a procedure for employers seeking a pre-activation determination for a reciprocity training waiver. The rules shall provide that any eligible person previously trained as a law enforcement or county corrections officer under federal law or the laws of any other state shall successfully complete the following prior to the approval of a waiver:

(1) a training program or set of coursework approved by the Board on the laws of this State relevant to the duties and training requirements of law enforcement and county correctional officers;

(2) firearms training; and

(3) successful passage of the equivalency certification examination.

The employing agency may seek an extension waiver from the Board extending the period for compliance. An extension waiver shall be issued only for good and justifiable reasons, and the probationary part-time law enforcement officer may not practice as a part-time law enforcement officer during the extension waiver period. If training is required and not completed within the applicable time period, as extended by any waiver that may be granted, then the officer must forfeit

the officer's position.

An individual who is not certified by the Board or whose certified status is inactive shall not function as a law enforcement officer, be assigned the duties of a law enforcement officer by an agency, or be authorized to carry firearms under the authority of the employer, except that sheriffs who are elected are exempt from the requirement of certified status. Failure to be in accordance with this Act shall cause the officer to forfeit the officer's position.

(a-5) A part-time probationary law enforcement officer shall be allowed to complete six months of a part-time police training course and function as a law enforcement officer as permitted by this subsection with a waiver from the Board, provided the part-time law enforcement officer is still enrolled in the training course. If the part-time probationary law enforcement officer withdraws from the course for any reason or does not complete the course within the applicable time period, as extended by any waiver that may be granted, then the officer must forfeit the officer's position. A probationary law enforcement officer must function under the following rules:

(1) A law enforcement agency may not grant a person status as a law enforcement officer unless the person has been granted an active law enforcement officer certification by the Board.

(2) A part-time probationary law enforcement officer

shall not be used as a permanent replacement for a full-time law enforcement.

(3) A part-time probationary law enforcement officer shall be directly supervised at all times by a Board certified law enforcement officer. Direct supervision requires oversight and control with the supervisor having final decision-making authority as to the actions of the recruit during duty hours.

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

(1) A law enforcement officer's certification becomes inactive upon termination, resignation, retirement, or separation from the employing agency for any reason. The Board shall re-activate a certification upon written application from the law enforcement officer's employing agency that shows the law enforcement officer: (i) has accepted a part-time law enforcement position with that a law enforcement agency, (ii) is not the subject of a decertification proceeding, and (iii) meets all other criteria for re-activation required by the Board.

The Board may refuse to re-activate the certification of a law enforcement officer who was involuntarily terminated for good cause by the officer's employing agency for conduct subject to decertification under this Act or resigned or retired after receiving notice of a law

enforcement agency's investigation.

(2) A law enforcement agency may place an officer who is currently certified on inactive status by sending a written request to the Board. A law enforcement officer whose certificate has been placed on inactive status shall not function as a law enforcement officer until the officer has completed any requirements for reactivating the certificate as required by the Board. A request for inactive status in this subsection shall be in writing, accompanied by verifying documentation, and shall be submitted to the Board by the law enforcement officer's employing agency.

(3) Certification that has become inactive under paragraph (2) of this subsection (b), shall be reactivated by written notice from the law enforcement officer's law enforcement agency upon a showing that the law enforcement officer is: (i) employed in a part-time law enforcement position with the same law enforcement agency, (ii) not the subject of a decertification proceeding, and (iii) meets all other criteria for re-activation required by the Board. The Board may also establish special training requirements to be completed as a condition for re-activation.

The Board shall review a notice for reactivation from a law enforcement agency and provide a response within 30 days. The Board may extend this review. A law enforcement

officer shall be allowed to be employed as a part-time law enforcement officer while the law enforcement officer reactivation waiver is under review.

A law enforcement officer who is refused reactivation or an employing agency of a law enforcement officer who is refused reactivation under this Section may request a hearing in accordance with the hearing procedures as outlined in subsection (h) of Section 6.3 of this Act.

(4) Notwithstanding paragraph (3) of this Section, a law enforcement officer whose certification has become inactive under paragraph (2) may have the officer's employing agency submit a request for a waiver of training requirements to the Board in writing and accompanied by any verifying documentation. A grant of a waiver is within the discretion of the Board. Within 7 days of receiving a request for a waiver under this section, the Board shall notify the law enforcement officer and the chief administrator of the law enforcement officer's employing agency, whether the request has been granted, denied, or if the Board will take additional time for information. A law enforcement agency or law enforcement officer, whose request for a waiver under this subsection is denied, is entitled to request a review of the denial by the Board. The law enforcement agency must request a review within 20 days after the waiver being denied. The burden of proof shall be on the law enforcement agency to show why the law

enforcement officer is entitled to a waiver of the legislatively required training and eligibility requirements.

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

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

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

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

(e-2) Each agency, academy, or training provider shall maintain proof of a law enforcement officer's completion of

legislatively required training in a format designated by the Board. The report of training shall be submitted to the Board within 30 days following completion of the training. A copy of the report shall be submitted to the law enforcement officer. Upon receipt of a properly completed report of training, the Board will make the appropriate entry into the training records of the law enforcement officer.

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

(g) Notwithstanding any provision of law to the contrary, the changes made to this Section by this amendatory Act of the 102nd General Assembly and Public Act 101-652 take effect July 1, 2022.

(Source: P.A. 101-652, eff. 1-1-22; 102-694, eff. 1-7-22.)