

THE TIGER CLAUSE

Comprehensive Cover Page & Novel Mechanisms Analysis



ORIGINATOR	Captain Michael Curtis Broughton, U.S. Army (Retired)	FILING REFERENCE	LRB104 31944 RJF 62481 b
TARGET VENUE	Illinois General Assembly (104th / 105th GA)	STRATEGIC TARGET	Fall Veto Session (2026) / Floor Introduction

NOVEL LEGAL MECHANISMS INDEX

1. STATUTORY PREREQUISITES & PROHIBITIONS FOR JUVENILE INFORMANTS

Currently, Illinois law does not explicitly bar police departments from utilizing minors as confidential informants (CIs), nor does it mandate a standardized, state-level approval pipeline. The draft creates an entirely new baseline framework:

- **Categorical Age Floor:** Establishing an absolute statutory ban on using minors under the age of 13 as confidential informants under any circumstances.
- **Mandatory Judicial Pre-Clearance:** Requiring a circuit court judge to issue a written order following an in-camera hearing to assess the child's developmental capacity before they can be deployed in a narcotics purchase or surveillance operation.
- **Independent Legal Representation:** Creating a mandate that a judge must appoint independent counsel or a guardian ad litem (GAL) to represent the minor's sole interests during the operational vetting process.
- **Independent Mental Health Vetting:** Requiring a written risk assessment by a licensed mental health professional who is completely decoupled from the deploying law enforcement agency.

2. SPECIALIZED CRIMINAL OFFENSES FOR LAW ENFORCEMENT (720 ILCS 5/ART. 12-50 NEW)

While rogue police actions can currently be prosecuted under general charges like "Official Misconduct" (720 ILCS 5/33-3), this bill codifies five distinct, brand-new felony classifications explicitly targeting handler and supervisor behavior:

- **Unlawful Deployment of a Juvenile CI:** Making it a Class 3 felony to deploy a minor in an undercover role or controlled buy without explicit written judicial authorization.
- **Coercive Recruitment of a Minor Informant:** Criminalizing the use of pressure, academic discipline threats, or unauthorized promises of leniency to force a minor into cooperation (Class 3 felony).
- **Failure to Report Informant Injury or Trauma:** Establishing a Class A misdemeanor (upgraded to a Class 4 felony for repeat offenses) for any handler or supervisor who suspects a minor CI has suffered trauma or physical harm but fails to call the DCFS hotline.
- **Institutional Suppression of Child Safety Reporting:** Criminalizing the act of commanding officers or administrators threatening others or destroying records to cover up an informant's injury (Class 3 felony).
- **Unlawful Destruction of Juvenile Informant Records:** Making the intentional destruction or falsification of mandated CI operational files a Class 3 felony.

3. SPECIFIC CIVIL LIABILITY AND TREBLE DAMAGE ENHANCEMENTS

Under current Illinois municipal liability and sovereign immunity standards, suing law enforcement agencies for the downstream psychological consequences of covert operations faces immense structural hurdles. The bill creates an explicit, navigable pathway:

- **Statutory Private Right of Action:** Explicitly granting an individual the right to sue a deploying agency, public entity, or an individual handler in their individual capacity for willful, wanton, or reckless misconduct regarding juvenile deployment.
- **Fee Shifting & Enhanced Treble Damages:** Allowing courts to award enhanced damages up to two times actual compensatory damages along with expert witness fees if a public subdivision is proven to have maintained an unwritten pattern of violating the Act or acting in institutional bad faith.
- **Admissibility of Absent Policies:** Establishing that an agency's failure to maintain or comply with a formal juvenile CI policy is explicitly admissible in a civil court as prima facie evidence of "deliberate indifference".

4. TAILORED TOLLING AND LOOKBACK PROVISIONS (725 ILCS 120/4.6 NEW)

Illinois law currently has established statutes of limitation for crime victim compensation claims. This bill fundamentally overrides those boundaries for this specific class of trauma:

- **Trauma-Induced Cognitive Tolling:** Freezing administrative deadlines during periods when a victim suffers from trauma-related dissociative amnesia, PTSD symptoms, or somatic symptom disorder that leaves them temporarily unable to realize the causal connection between their childhood deployment and their adult trauma.
- **The 2-Year Lookback Revivor:** Creating an immediate, temporary 2-year window that completely revives historical administrative claims that were previously time-barred under old statutes of limitations—provided the original delay was caused by minority, military service, trauma, or active concealment by an institution.

5. SYSTEMIC MANDATES AND RETENTIONS

- **30-Year Retention Policy:** Mandating that all material records concerning a juvenile informant must be preserved for an absolute minimum of 30 years from their final deployment date (far exceeding standard municipal file-purging timelines).
- **ILETSB Handler Certifications:** Forcing the Illinois Law Enforcement Training Standards Board to design model policies and mandatory certification tracks, declaring it illegal for an officer to handle a minor CI if they haven't passed the specific state-approved course.

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THE TIGER CLAUSE INITIATIVE

Strategic Legislative Assessment & Risk Matrix Memorandum



Filing Reference	LRB104 31944 RJF 62481 b	Legislature	104th Illinois General Assembly
Date of Record	June 2, 2026	Target Window	Fall Veto Session (2026) / 105th GA Opening (January 2027)
Originator	Captain Michael Curtis Broughton, United States Army (Retired)		

I. STRUCTURAL READINESS EVALUATION

An objective and comprehensive assessment of the initiative confirms that it is an exceptionally well-constructed statutory framework. It exhibits a high degree of technical sophistication that far exceeds conventional citizen-drafted initiatives, adhering strictly to the stringent drafting protocols required for viable legislative introduction in the State of Illinois. The framework establishes an unassailable legal foundation through precise alignment with current Illinois drafting protocols:

- **Filing Compliance:** Utilizes the exact formatting, numbering, and procedural syntax structure expected by the Illinois Legislative Reference Bureau (LRB), designated under reference LRB104 31944 RJF 62481 b.
- **Statutory Calibration:** Features precise chapter, act, and section indexing configurations across multiple integrated codes within the Illinois Compiled Statutes, specifically targeting the Code of Criminal Procedure (725 ILCS), the Criminal Code of 2012 (720 ILCS), and the Unified Code of Corrections (730 ILCS).
- **Amendatory Precision:** Follows standard legislative syntax guidelines to dictate targeted code updates, text strikethroughs, and additions seamlessly (e.g., "is amended by changing Section 4.5 and by adding Section 4.6 as follows").
- **Structural Safeguards:** Integrates independent severability clauses and instant-enactment mechanisms natively into each code instrument, shielding the broader statute from total judicial invalidation if localized provisions are challenged.
- **Cross-Reference Consistency:** Maintains absolute internal synchronization across separate administrative, civil, and criminal provisions, ensuring definitions applied in child-welfare chapters mirror those in enforcement metrics.
- **Constitutional Grounding:** Incorporates explicit interlocking anchors to federal jurisprudence, including *Monell v. Department of Social Services* municipal liability structures, the Servicemembers Civil Relief Act (SCRA) federal tolling mandates, and Fourteenth Amendment Substantive Due Process doctrines regarding child welfare and individual liberty.

II. PROCEDURAL PREREQUISITES PRIOR TO FLOOR ACTIVATION

1. Legislative Sponsorship and Floor Assignment

The framework currently features civilian origination and cannot be called for an official vote in its current state. To enter the active legislative pipeline, the framework must be formally adopted and filed by a sitting member of the Illinois General Assembly. Securing an active House or Senate sponsor to manage the chamber filing window is an

immediate priority. Given the multi-track scope of the policy changes—which span criminal justice reform, juvenile welfare, municipal liability, and civil administration—establishing a bipartisan co-sponsorship coalition is highly recommended to accelerate advancement out of assignment committees.

2. Committee Assignment Matrix and Witness Vetting

Upon formal introduction and floor assignment, the omnibus bill text will be referred to specialized standing committees for testimony, debate, and line-by-line vetting. Due to its multi-disciplinary construction, the framework must be prepared to navigate reviews within the **House Judiciary - Criminal Committee**, the **Senate Judiciary Committee**, or the **Senate Public Health Committee**. Surviving committee reviews requires coordinating an advanced panel of expert medical, military, and legal witnesses to testify in support of the framework's operational mechanics and ethical necessity.

3. Fiscal Note Integration Requirements

Illinois statutory guidelines mandate a formal fiscal impact analysis for legislative proposals that establish state-level spending or administrative adjustments. Because this framework introduces explicit multi-agency mandates, a proactive fiscal note should be coordinated immediately to prevent opposition factions from weaponizing budgetary uncertainty. The fiscal note must explicitly account for the administrative overhead of: state-funded appointed special counsel platforms (§ 25-45), expanded Department of Children and Family Services (DCFS) compliance audits, Illinois Law Enforcement Training Standards Board (ILETSB) training standard designs (§ 25-60), and 30-year record retention protocols.



III. TECHNICAL DRAFTING VULNERABILITIES & RISK MITIGATION MATRIX

To ensure the initiative survives aggressive floor debate, industry lobbying, and subsequent constitutional scrutiny, specific technical provisions must be evaluated for vulnerabilities. The following matrix details the primary areas of concern along with recommended drafting updates to reinforce the text against judicial overrules:

STATUTORY FOCUS	LOCATION	VULNERABILITY ANALYSIS	STRATEGIC MITIGATION UPDATE
Conclusive Presumption	§ 4.6(e)(1)	Non-rebuttable timeliness bars may face Fourteenth Amendment Due Process challenges by denying defendants the procedural right to introduce balancing evidence.	Modify the text to establish a high evidentiary threshold, shifting the burden to a "clear and convincing" standard to preserve structural due process while protecting the claimant.
Retroactive Revivor	Part 4, § V	Retroactive lookbacks targeting long-dismissed administrative claims may spark Separation of Powers challenges under Illinois judicial standards regarding vested rights.	Anchor the lookback text explicitly to the state's historical custom of deliberate indifference and institutional concealment, framing it as an essential, non-punitive public remedy.
Clinical Definitions	§ 4.6(b)(2)	The phrase "somatic hyper-vigilance" is clinically imprecise, leaving an opening for defense counsel to exploit during cross-examinations and expert disputes.	Align all tolling trigger metrics directly with established DSM-5 terminology (e.g., Post-Traumatic Stress Disorder somatic parameters, dissociative amnesia, and somatic symptom disorder).
Prima Facie Liability	§ 25-55	Shifting corporate burden based solely on an absent policy file will generate aggressive resistance from municipal risk pools and county insurance boards.	Incorporate explicit, rebuttable evidentiary windows, allowing public subdivisions an operational attempt to prove independent operational compliance.
Mandatory Trebling	§ 25-50	Illinois state courts historically guard judicial discretion; mandatory non-discretionary fee trebling may be stripped out during aggressive floor debate.	Rephrase the mandate to state that the court "shall award up to treble damages upon a judicial finding of institutional bad faith," preserving standard judicial pathways.

IV. LEGISLATIVE CALENDAR REALITIES & TARGET WINDOWS

Given that the spring session of the 104th General Assembly concludes in late May or early June of 2026, the current session is at its functional close. Attempting immediate floor positioning is logistically impractical. Consequently, the strategic deployment of the framework should target the following operational windows:

- **Fall Veto Session (2026):** This serves as the ideal window for executing targeted sponsor outreach, filing preliminary drafts for indexing, and circulating the Sponsor Briefing Packet to secure lead committee alignments ahead of scheduling.

- **105th General Assembly Opening (January 2027):** The optimal target window for formal floor introduction, line-by-line committee tracking, and coordinating expert witness testimony during the standard spring legislative push.

V. STRATEGIC CONCLUSION

The framework is structurally ready for immediate formal introduction; however, it is not yet ready for an immediate floor vote. Introduction enters the draft into the tracking index, establishes an official bill identity, and secures a committee tracking path. Surviving hearings, navigating fiscal note requirements, and addressing technical amendments typically requires one to two full legislative cycles for a framework of this complexity. Immediate energy must be directed toward securing a sponsoring member's office to initiate the formal filing process.

**DRAFT LANGUAGE SUBMITTED FOR LEGISLATIVE REFERENCE
BUREAU REVIEW**

LRB REFERENCE: LRB104 31944 RJF 62481 b

A BILL FOR AN ACT CONCERNING PUBLIC SAFETY.

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

Section 1. Short title.

This Act may be cited as The Tiger Clause.

Section 2. Legislative Findings.

The General Assembly finds and declares that:

- (a) Minors possess a unique developmental and psychological vulnerability rendering them uniquely susceptible to coercion, undue influence, intimidation, or exploitation under color of law;
- (b) The deployment of minors as confidential informants in controlled purchases or covert investigations carries a substantial risk of physical harm, retaliation, post-traumatic stress, or other psychological harm;
- (c) Constitutional due process requires rigorous judicial authorization, independent mental health assessments, and informed parent or guardian involvement before a minor may be utilized as a confidential informant or investigative source;
- (d) Widespread institutional failures to report, preserve material records, or provide required notices can impede the discovery of childhood trauma and institutional exploitation;
- (e) Secure tolling and revival provisions are necessary to safeguard access to civil and administrative remedies, ensuring that delay-based defenses do not bar recovery for historical harm; and
- (f) The state must preserve a strict public-safety balance by protecting voluntary, non-coerced reporting by minors while establishing clear criminal penalties for knowing or willful violations of child safety protocols by handlers.

Section 5. The Rights of Crime Victims and Witnesses Act is amended by changing Section 4.5 and by adding Section 4.6 as follows:

(725 ILCS 120/4.5) (from Ch. 38, par. 1404.5)

Sec. 4.5. Procedures to implement the rights of crime victims.

- (a) A crime victim shall be treated with fairness and respect for his or her dignity and privacy and to be free from harassment, intimidation, and abuse throughout the criminal justice process.
- (b) The Department of Corrections, the Department of Juvenile Justice, the Illinois State Police, and the relevant State's Attorney shall establish procedures to implement and enforce the rights described in this Section.
- (c) If a victim was under 18 years of age at the time the underlying criminally injurious conduct occurred, any applicable administrative or statutory timeline for filing a state-level victim compensation claim under the Crime

Victims Compensation Act shall be subject to the tolling and revival provisions established under Section 4.6 of this Act.

(Source: P.A. 102-1105, eff. 1-1-23.)

(725 ILCS 120/4.6 new)

Sec. 4.6. The Tiger Clause implementation; tolling, compensation claims, and lookback revivor.

- (a) Scope. This Section applies to tolling and administrative remedies for certain minor crime victims under the Crime Victims Compensation Act.
- (b) Applicability and tolling. For any minor crime victim who sustained physical injury, emotional distress, or trauma-induced impairment under the age of 18 arising from coercive recruitment, unlawful deployment, concealment, retaliation, intimidation, or exploitation by or through a unit of local government, municipality, school district, law enforcement agency, or intergovernmental task force, any applicable filing period for an administrative claim under the Crime Victims Compensation Act is modified as follows:
 - (1) The running of any applicable filing period or administrative deadline is tolled for any period during which the minor crime victim served on active duty within any regular component of the United States Armed Forces, in compliance with the federal mandates of the Servicemembers Civil Relief Act (50 U.S.C. Sec. 3936). Certified military service records may be used to establish periods of military service for purposes of tolling under this Section.
 - (2) The running of any applicable filing period or administrative deadline is further tolled during any period in which the minor crime victim experienced trauma-related dissociative amnesia, post-traumatic stress symptoms, somatic symptom disorder, traumatic brain injury, or related trauma-induced cognitive impairment documented by a licensed mental health professional that materially impaired the victim's ability to recall, understand, or discover the causal relationship between the injury and the alleged conduct. Documentation by a licensed mental health professional may be considered in determining when the person had sufficient ability to discover the causal relationship between the injury and the alleged conduct.
- (c) Evidentiary Effect of Reporting Omissions. A pattern or practice of willful failures to make reports required under the Abused and Neglected Child Reporting Act may be admissible in an action or claim under this Section as evidence of notice, concealment, deliberate indifference, or institutional bad faith.
- (d) Administrative Processing. The Illinois Court of Claims and the Crime Victims Services Division of the Office of the Attorney General shall provide timely processing of claims subject to this Section to reduce delay-based barriers and preserve records maintained by the State or a public entity.
- (e) Evidentiary Standards for Protected Compensation Claims.
 - (1) Presumption of Timeliness. Any administrative claim filed under subsection (b) shall establish a rebuttable presumption of timeliness upon the submission of records or documentation supporting tolling. An administrative tribunal may enter a protective order allowing a claimant to proceed by initials or pseudonym upon a showing that public disclosure would create a risk of retaliation, trauma, stigma, or disclosure of confidential juvenile, mental health, military, or victim information.
 - (2) Federal Determinations. Final disability determinations issued by the United States Department of Veterans Affairs or the Social Security Administration may be admissible, subject to the rules of evidence, to establish the existence, nature, duration, or severity of an impairment. Such determinations do not establish liability or causation unless otherwise proven.
- (f) Lookback Revival Window. A person whose administrative claim under the Crime Victims Compensation Act would otherwise be barred before the effective date of this amendatory Act may file a claim for victim compensation or related administrative relief authorized under the Crime Victims Compensation Act within 2 years after the effective date of this Act if the person alleges facts that, if proven, would establish tolling based

on minority, military service, trauma-related impairment, fraudulent concealment, destruction of material records, or the suppression of a required report. A claim revived under this subsection may not be dismissed solely on the ground that the applicable limitations period expired before the effective date of this amendatory Act. This subsection does not reopen a final judgment on the merits entered before the effective date of this amendatory Act, except to the extent permitted by law.

Section 10. Juvenile confidential informant protections. The Tiger Clause is created by adding Article 10 as follows:

ARTICLE 10 - JUVENILE CONFIDENTIAL INFORMANT PROTECTION AND ACCOUNTABILITY

Section 10-1. Article title.

This Article may be referred to as Juvenile Confidential Informant Protection and Accountability.

Section 10-5. Definitions. As used in this Article:

"Deploying agency" means any municipal police department, county sheriff's office, state law enforcement body, regional task force, or interagency unit operating within this State.

"Handler" means any law enforcement officer, agent, employee, or supervisor who recruits, registers, directs, authorizes, supervises, transports, compensates, communicates with, or maintains contact with a juvenile confidential informant.

"High-risk operation" means any controlled purchase of narcotics, firearms, or contraband; any in-person contact with a target reasonably believed to be armed, violent, involved in trafficking, or affiliated with a criminal street gang; any entry into a residence, hotel room, vehicle, or other enclosed location controlled by a target; any operation involving fentanyl, firearms, human trafficking, or violent felony activity; or any operation in which the minor's identity could reasonably become known to a target.

"Juvenile confidential informant" means any person under 18 years of age recruited, directed, compensated, or utilized by a law enforcement agency to gather intelligence, conduct controlled purchases, or participate in undercover operations in connection with a criminal investigation.

"Mandated reporter" has the meaning ascribed to that term under Section 3 of the Abused and Neglected Child Reporting Act.

"Material record" means a record concerning the recruitment, registration, authorization, risk assessment, deployment, compensation, supervision, threat assessment, injury report, parent or guardian notice, judicial order, safety plan, welfare review, or termination of participation of a juvenile confidential informant.

"Coercion" includes threats, intimidation, physical force, psychological pressure, unauthorized promises of leniency, threats concerning charging, detention, sentencing, probation, diversion, school discipline, immigration status, family members, housing, employment, or education, or any conduct that would cause a reasonable minor to believe refusal would result in adverse official action.

"Safety plan" means a written plan approved by the court that identifies the authorized operation, assigned handler and supervisor, communication safeguards, transportation arrangements, emergency extraction procedures, prohibited contacts, parent or guardian notification plan, post-operation welfare review, and any relocation or protective measures necessary to protect the minor.

"Welfare review" means a documented review of the minor's physical safety, psychological condition, risk of retaliation, need for medical or mental health care, need for relocation or protective measures, and whether further participation is prohibited.

ARTICLE 15 - PROHIBITED CONDUCT AND MANDATORY PREREQUISITES

Section 15-10. General, Specific, and Categorical Prohibitions.

- (a) No deploying agency shall recruit, register, direct, deploy, or compensate any juvenile confidential informant for participation in any high-risk law enforcement operation unless all conditions set forth in Section 15-15 of this Article are documented in writing before deployment.
- (b) The following acts are categorically prohibited:
 - (1) Deploying or utilizing a minor under 13 years of age as a confidential informant under any operational circumstance.
 - (2) Permitting a juvenile confidential informant to execute firearm or ammunition purchases, engage in unsupervised face-to-face contact with operational targets, or enter into private residences, hotel rooms, or commercial vehicles controlled by targets.
 - (3) A minor may not be used to purchase, transport, handle, or take possession of firearms, ammunition, fentanyl, or any substance reasonably believed to contain fentanyl. A minor may not be used in an operation targeting human trafficking or violent felony activity unless the court finds by clear and convincing evidence that the operation is necessary to prevent imminent death, great bodily harm, kidnapping, trafficking, or mass violence, and no adult alternative exists.
 - (4) Applying school disciplinary pressure, academic suspension threats, or campus exclusion coordination to compel or recruit a minor's operational participation.
 - (5) Deploying a minor in any controlled narcotics purchase or surveillance operation without prior written judicial authorization.
 - (6) Using coercion, as defined in Section 10-5, to compel participation.

Section 15-15. Required Conditions and Legal Representation.

A deploying agency may utilize a juvenile confidential informant only if all of the following conditions are documented in writing before deployment:

- (a) Informed written consent from the minor and the minor's parent or guardian, unless parent or guardian notice is delayed by court order under Section 15-20, recognizing the exact nature of the operation, foreseeable risks, and the right of the minor, parent, guardian, counsel, or guardian ad litem to withdraw consent at any time. Upon withdrawal, the deploying agency shall immediately terminate the minor's participation and shall not threaten, penalize, discipline, retaliate against, or seek charges against the minor because the minor withdrew consent. If parent or guardian notice is delayed under Section 15-20, the court may authorize temporary participation only after consultation with the minor's appointed counsel or guardian ad litem and upon specific written findings that participation is voluntary and necessary to prevent imminent serious harm. Any authorization under this paragraph shall be limited to the duration and scope specified in the court's written order.
- (b) A written judicial order issued by a circuit court judge after an in-camera hearing finding that the minor has the developmental capacity to understand the risks, that participation is voluntary, that no reasonable adult alternative is available, that the safety plan is adequate, and that the expected public-safety benefit outweighs the risk to the minor. Before authorizing any high-risk deployment, the court shall appoint counsel or a guardian ad litem for the minor to evaluate the operational risks and represent the child's independent interests. A judicial authorization under this Article expires no later than 30 days after entry unless renewed by the court upon updated findings, updated risk assessment, and confirmation that consent has not been withdrawn.
- (c) A written risk assessment conducted by a licensed mental health professional independent of the deploying agency.

- (d) A written juvenile confidential informant policy adopted by the deploying agency and filed with the Illinois Law Enforcement Training Standards Board.

Section 15-20. Parental Notice Vetting and Restrictions.

A circuit court judge may delay parent or guardian notice only upon written findings that notice would create a substantial risk of harm to the minor, compromise an investigation involving the parent or guardian, or create a substantial risk of flight, intimidation, or retaliation. The court shall appoint a guardian ad litem or counsel for the minor during any period of delayed notice.

ARTICLE 20 - INTEGRATION, SAFE HARBORS, AND REPORTING OBLIGATIONS

Section 20-25. Abused and Neglected Child Reporting Act Integration.

Nothing in this Act limits or modifies the mandatory reporting obligations of any mandated reporter under the Abused and Neglected Child Reporting Act.

Section 20-30. Law Enforcement Reporting Duty.

A handler or supervisor with reasonable cause to believe that a juvenile confidential informant has suffered physical harm, threat of harm, retaliation, or trauma arising from participation shall: (1) immediately report the matter to the Department of Children and Family Services hotline; (2) notify the parent or guardian within 24 hours unless notice is delayed by court order; (3) suspend further participation; and (4) initiate a welfare review.

Section 20-35. Voluntary Informant and Emergency Safe Harbors.

- (a) Witness Safe Harbor. Nothing in this Act prohibits a law enforcement officer, school employee, or mandated reporter from receiving information voluntarily provided by a minor who is acting as a victim, witness, complainant, reporting party, or tipster, provided that the minor is not recruited, directed, deployed, compensated, threatened, coerced, or instructed to obtain additional information.
- (b) Exigent Threat Safe Harbor. Nothing in this Act prohibits an officer from receiving or acting upon information from a minor concerning an imminent threat of death, great bodily harm, kidnapping, human trafficking, weapon possession, school violence, or other active emergency. No officer may direct the minor to gather additional information or participate in an operation unless the judicial prerequisites of this Act are satisfied.

ARTICLE 25 - CIVIL LIABILITY, TOLLING, AND OVERSIGHT

Section 25-40. Private Right of Action.

A person may bring an action against the deploying agency or public entity, and against an individual handler or supervisor in the person's individual capacity for willful, wanton, reckless, or intentional misconduct, for compensatory damages, non-economic damages, and reasonable attorneys' fees. A plaintiff must prove that a violation of this Act was a proximate cause of the injury, loss, retaliation, deprivation of rights, or other harm for which relief is sought. Punitive damages may be awarded only against an individual defendant and only where permitted by law. Punitive damages may not be awarded against the State, a unit of local government, or a public entity.

Section 25-45. Public Counsel Vetting.

Subject to appropriation or other available funding, the court may appoint counsel for an indigent plaintiff in an action under this Act if the court finds that the interests of justice require appointment and that the plaintiff is unable to obtain representation. Subject to appropriation, the Attorney General may establish or administer a grant program to support legal representation for indigent persons bringing claims under this Act.

Section 25-50. Fee Shifting Provisions.

Upon a finding by clear and convincing evidence that a deploying agency or public subdivision knowingly maintained a pattern or practice of violating this Act, concealed material records, or acted in institutional bad faith, the court may award enhanced damages not exceeding 2 times actual compensatory damages and reasonable expert witness fees and costs. This Section does not limit an award of reasonable attorney's fees otherwise available under this Act.

Section 25-55. Evidentiary Weight.

A deploying agency's knowing failure to adopt, maintain, or comply with the written policy required under this Act may be admissible in an action under this Act as evidence of notice, deliberate indifference, or willful and wanton misconduct. Nothing in this Section limits any claim available under 42 U.S.C. 1983 or any other federal law.

Section 25-60. Institutional Control and Oversight Roles.

- (a) The Department of Children and Family Services shall receive hotline reports and perform child-welfare functions authorized by law.
- (b) Within 180 days after the effective date of this Section, the Illinois Law Enforcement Training Standards Board (ILETSB) shall establish handler training standards, model policies, handler certifications, and annual compliance certification protocols. No deploying agency may use a juvenile confidential informant in a high-risk operation after the effective date of this Section unless the assigned handler and supervisor have completed training approved by the Illinois Law Enforcement Training Standards Board.
- (c) Subject to appropriation and as authorized by law, the Attorney General may investigate or review alleged patterns or practices of noncompliance to enforce this Article, seek injunctive relief, and issue guidance concerning compliance.
- (d) All material records relating to a juvenile confidential informant shall be retained for a minimum of 30 years from the date of final deployment. This does not apply to routine data migration, archival conversion, cybersecurity quarantine, or disposal of duplicate records conducted in good faith under an approved records-retention schedule, provided the substantive record remains preserved and accessible.
- (e) Preservation holds. Upon receiving notice of a claim, complaint, subpoena, investigation, litigation hold, Department of Children and Family Services report, Attorney General inquiry, inspector general inquiry, or court order relating to a juvenile confidential informant, a deploying agency shall preserve all potentially relevant records until final resolution of the matter, regardless of any otherwise applicable retention period.

Section 15. The Criminal Code of 2012 is amended by adding Article 12-50 as follows:

ARTICLE 12-50. JUVENILE CONFIDENTIAL INFORMANT OFFENSES

(720 ILCS 5/Art. 12-50 new)

Sec. 12-50-1. Legislative Purpose.

The General Assembly finds that the coercive recruitment, unauthorized deployment, and institutional suppression of child safety reporting involving juvenile confidential informants constitute a category of criminal conduct distinct from general law enforcement misconduct and warranting specific codification within the Criminal Code of 2012.

Sec. 12-50-3. Definitions.

As used in this Article, "coercion", "deploying agency", "handler", "juvenile confidential informant", "high-risk operation", and "material record" have the meanings given to those terms in The Tiger Clause.

Sec. 12-50-5. Unlawful Deployment of a Juvenile Confidential Informant.

- (a) A person commits unlawful deployment of a juvenile confidential informant when, while acting under color of law, the person knowingly deploys or directs the deployment of a person under 18 years of age in an undercover capacity or controlled purchase assignment without the written judicial authorization required under Section 15-15 of The Tiger Clause, and knows of or consciously disregards a substantial risk of physical harm, retaliation, or psychological trauma to the minor.
- (b) Sentence. Unlawful deployment of a juvenile confidential informant is a Class 3 felony. If the minor suffered bodily harm, threat of death, or psychological injury requiring clinical intervention as a proximate result of the unlawful deployment, the offense is a Class 2 felony. If the offense involves a minor under 13 years of age, and the offense would otherwise be a Class 3 felony, the offense is a Class 2 felony; if the offense would otherwise be a Class 2 felony, the offense is a Class 1 felony.

Sec. 12-50-10. Coercive Recruitment of a Minor Informant.

- (a) A person commits coercive recruitment of a minor informant when he or she, acting under color of law, knowingly uses coercion, as defined in The Tiger Clause, to compel a person under 18 years of age to participate as a confidential informant or cooperate with a deploying agency in a criminal investigation, and the coercion is a material factor in causing the minor to participate or agree to participate.
- (b) Sentence. Coercive recruitment of a minor informant is a Class 3 felony. If the minor suffered bodily harm, severe emotional distress, or psychological trauma requiring clinical treatment as a proximate result of the coercive recruitment, the offense is a Class 2 felony. If the offense involves a minor under 13 years of age, and the offense would otherwise be a Class 3 felony, the offense is a Class 2 felony; if the offense would otherwise be a Class 2 felony, the offense is a Class 1 felony.

Sec. 12-50-15. Failure to report informant injury or trauma.

- (a) A person commits failure to report informant injury or trauma when he or she, acting under color of law as a handler or supervisory officer of a deploying agency, has reasonable cause to believe that a juvenile confidential informant has suffered physical harm, threat of harm, retaliation, or trauma arising from participation, and willfully fails to notify the Department of Children and Family Services hotline as required under Section 20-30 of The Tiger Clause.
- (b) Sentence. Failure to report informant injury or trauma is a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense.

Sec. 12-50-20. Institutional Suppression of Child Safety Reporting.

- (a) A person commits institutional suppression of child safety reporting when he or she, serving as a public employee, administrator, school supervisor, or law enforcement commanding officer, knowingly directs, coerces, threatens, retaliates against, or materially assists another person in concealing, destroying, falsifying, suppressing, or preventing the filing of a required report under Section 20-30 of The Tiger Clause or the Abused and Neglected Child Reporting Act.
- (b) Sentence. Institutional suppression of child safety reporting is a Class 3 felony.

Sec. 12-50-25. Unlawful Destruction of Juvenile Informant Records.

- (a) A person commits unlawful destruction of juvenile informant records when the person knowingly destroys, alters, conceals, falsifies, or causes the destruction, alteration, concealment, or falsification of a material record required to be retained under Section 25-60 of The Tiger Clause, with knowledge that the record is subject to a retention or preservation duty. This Section does not apply to routine data migration, archival conversion, cybersecurity quarantine, or disposal of duplicate records conducted in good faith under an approved records-retention schedule, provided that the substantive record remains preserved and accessible.
- (b) Sentence. Unlawful destruction of juvenile informant records is a Class 3 felony.

Sec. 12-50-30. Aggravating Factors.

- (a) It shall be a factor in aggravation that the defendant used official authority, employment authority, disciplinary authority, charging authority, government resources, or access obtained through public employment to intimidate, threaten, retaliate against, or interfere with a person who attempted to report or disclose a violation of this Article or The Tiger Clause, in a manner not inherent in the elements of the offense.

Sec. 12-50-35. Cooperation Mitigator.

- (a) It shall be a factor in mitigation that the defendant, before conviction, provided truthful, material, and timely information to law enforcement, a prosecutor, the Attorney General, an inspector general, or a court concerning another person's commission of an offense under this Article.

Sec. 12-50-40. No Law Enforcement Exemption.

It is not a defense to prosecution under this Article that the recruitment, deployment, or concealment of the juvenile confidential informant was executed in furtherance of an active, valid criminal investigation, or that the minor agreed to participate or received financial compensation for participation. This Section does not prohibit the use of a juvenile confidential informant when all requirements of The Tiger Clause and all other applicable laws have been satisfied.

Section 20. The Unified Code of Corrections is amended by changing Section 5-5-3.2 as follows:

(730 ILCS 5/5-5-3.2) (from Ch. 38, par. 1005-5-3.2)

Sec. 5-5-3.2. Factors in Aggravation and Sentencing.

- (a) The following factors shall be accorded weight in favor of imposing a term of imprisonment or as a reason to impose a more severe sentence:
 - (i) The defendant committed an offense under Article 12-50 of the Criminal Code of 2012 while utilizing official authority, official credentials, government equipment, government funds, law enforcement databases, or access obtained through public employment in a manner not inherent in the elements of the offense.

(Source: P.A. 103-0154, eff. 1-1-24; amended by P.A. 104-, eff. upon becoming law.)

Section 97. Severability.

The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 99. Effective Date.

This Act takes effect upon becoming law, except that Sections 15-15(d), 25-60(b), 25-60(c), and any provisions requiring state agency rulemaking, model policies, training standards, handler certifications, annual compliance certification protocols, or judicial authorization forms take effect 180 days after becoming law. The Attorney General, Department of Children and Family Services, and Illinois Law Enforcement Training Standards Board may adopt rules necessary to implement their respective duties under this Act.