**Illinois Prosecutor Services Website**

***Don Hays***

*PO Box 722*

*Carlinville, Illinois 62626*

*Office Phone: (217) 854-8041 Fax: (217) 854-5343*

*Webpage:* [*www.ipsllconline.com*](http://www.ipsllconline.com)

*Email:* [don.ipsllc@gmail.com](mailto:don.ipsllc@gmail.com)

Public Act 99-0352 (**SB-1304)**  **Effective Date: 01/1/2016 in part.**

***IN THIS ACT:***

***ARTICLE 1. - Creates:*** Police and Community Relations Improvement Act.

***ARTICLE 5. - Creates:*** Uniform Crime Reporting Act.

***ARTICLE 10. - Creates:*** Law Enforcement Officer-Worn Body Camera Act.

***ARTICLE 20. - Amends:***

***Section 20-105.*** The Freedom of Information Act to exempt recordings made under the Officer-Worn Body Camera Act.

**Section 20-110.** The Department of State Police Law of the Civil Administrative Code: **Sec. 2605-390** Hate crimes.

**Section 20-115**. The State Police Act: (20 ILCS 2610/35 new); **Sec. 35.** Officer-worn body cameras; policy; training.

**Section 20-120.** The Criminal Identification Act: (20 ILCS 2715/10) **Sec. 10.** Definitions.

**Section 20-125.** The Racial Profiling Prevention and Data Oversight Act. "Traffic ***and Pedestrian*** Stop Statistical Study Act" means Section 11-212 of the Illinois Vehicle Code.

**Section 20-126**. The Use Tax Act. **More fees** **into the State Crime Laboratory Fund.**

**Section 20-126**. The Use Tax Act. **More fees** **into the State Crime Laboratory Fund.**

**Section 20-127**. The Service Use Tax Act. **More fees** **into the State Crime Laboratory Fund.**

**Section 20-128**. The Service Occupation Tax Act. **More fees** **into the State Crime Laboratory Fund.**

**Section 20-129.** The Retailers' Occupation Tax Act. **More fees** **into the State Crime Laboratory Fund.**

**Section 20-130**. The Illinois Police Training Act: (50 ILCS 705/6) (from Ch. 85, par. 506) **Sec. 6.** ***Powers and duties of the Board; selection*** ~~Selection~~ and certification of schools. ***(50 ILCS 705/6.2 new) Sec. 6.2. Officer professional conduct database.*** (50 ILCS 705/7) (from Ch. 85, par. 507) **Sec. 7.** Rules and standards for schools. ***g. Minimum in-service training requirements, \*\*\*.***

**Section 20-135**. The Law Enforcement Camera Grant Act: (50 ILCS 707/5) **Sec. 5.** Definitions. (50 ILCS 707/10) **Sec. 10.** Law Enforcement Camera Grant Fund; creation, rules. ***(50 ILCS 707/15 new)*** ***Sec. 15. Rules; in-car video camera grants.***

**Section 20-140.** The Uniform Peace Officers' Disciplinary Act: **(50 ILCS 725/8 new) Sec. 8. Commission on Police Professionalism.**

**Section 20-145.** The Counties Code is amended by changing Section 3-9008 as follows: (55 ILCS 5/3-9008) (from Ch. 34, par. 3-9008) **Sec. 3-9008**. Appointment of attorney to perform duties.

**Section 20-150.** The Illinois Vehicle Code is amended by changing Section 11-212 as follows: **Sec. 11-212.** Traffic ***and pedestrian*** stop statistical study.

**Section 20-155.** The Criminal Code of 2012 is amended by changing Section 14-2 and by adding Section 7-5.5 as follows: **(720 ILCS 5/7-5.5 new) Sec. 7-5.5. Prohibited use of force by a peace officer. “*A peace officer shall not use a chokehold in the performance of his or her duties,***\*\*\*” (720 ILCS 5/14-2) (from Ch. 38, par. 14-2) **Sec. 14-2.** Elements of the offense; affirmative defense. “***(e) Nothing in this Article shall prohibit any individual, not a law enforcement officer, from recording a law enforcement officer in the performance of his or her duties in a public place or in circumstances in which the officer has no reasonable expectation of privacy.***”

**Section 20-160.** The Code of Criminal Procedure of 1963 is amended by changing Section 107-14 as follows:

(725 ILCS 5/107-14) (from Ch. 38, par. 107-14) ***Upon completion of any stop under subsection (a) involving a frisk or search, and unless impractical, impossible, or under exigent circumstances, the officer shall provide the person with a stop receipt which provides the reason for the stop and contains the officer's name and badge number.***

**Section 20-165**. The Unified Code of Corrections is amended by changing Sections 5-4-3a and 5-9-1 and by adding Section 5-4-3b as follows:

(730 ILCS 5/5-4-3a) Sec. 5-4-3a. DNA testing backlog accountability. (730 ILCS 5/5-4-3b new) Sec. 5-4-3b. Electronic Laboratory Information Management System. (730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1) Sec. 5-9-1. Authorized fines.

***ARTICLE 25.***

Section 25-999. Effective date. This Section, Sections 20-126, 20-127, 20-128, and 20-129, and the changes made in Section 20-140 of Article 20 of this amendatory Act of the 99th General Assembly adding Section 8 to the Uniform Peace Officers' Disciplinary Act take effect upon becoming law.

***STATUTORY ANALYSIS***

***ARTICLE 1.***

**1\**Section 1-1.*** (50 ILCS 727/1-1) *Short title*. This Article may be cited as the Police and Community Relations Improvement Act. References in this Article to "this Act" mean this Article.

**2\**Section 1-5.*** (50 ILCS 727/1-5) *Definitions*. As used in this Act:

"Law enforcement agency" means an agency of this State or unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances.

"Law enforcement officer" or "officer" means any person employed by a State, county, or municipality as a policeman, peace officer, or in some like position involving the enforcement of the law and protection of public interest at the risk of the person's life.

"Officer-involved death" means any death of an individual that results directly from an action or directly from an intentional omission, including unreasonable delay involving a person in custody or intentional failure to seek medical attention when the need for treatment is apparent, of a law enforcement officer while the officer is on duty, or otherwise acting within the scope of his or her employment, or while the officer is off duty, but performing activities that are within the scope of his or her law enforcement duties. "Officer-involved death" includes any death resulting from a motor vehicle accident, if the law enforcement officer was engaged in law enforcement activity involving the individual or the individual's vehicle in the process of apprehension or attempt to apprehend.

**3\**Section 1-10***. (50 ILCS 727/1-10) Investigation of officer-involved deaths; requirements.

(a) Each law enforcement agency shall have a written policy regarding the investigation of officer-involved deaths that involve a law enforcement officer employed by that law enforcement agency.

(b) Each officer-involved death investigation shall be conducted by at least 2 investigators, or an entity or agency comprised of at least 2 investigators, one of whom is the lead investigator. The lead investigator shall be a person certified by the Illinois Law Enforcement Training Standards Board as a Lead Homicide Investigator, or similar training approved by the Illinois Law Enforcement Training Standards Board or the Department of State Police, or similar training provided at an Illinois Law Enforcement Training Standards Board certified school. No investigator involved in the investigation may be employed by the law enforcement agency that employs the officer involved in the officer-involved death, unless the investigator is employed by the Department of State Police and is not assigned to the same division or unit as the officer involved in the death.

(c) In addition to the requirements of subsection (b) of this Section, if the officer-involved death being investigated involves a motor vehicle accident, at least one investigator shall be certified by the Illinois Law Enforcement Training Standards Board as a Crash Reconstruction Specialist, or similar training approved by the Illinois Law Enforcement Training Standards Board or the Department of State Police, or similar training provided at an Illinois Law Enforcement Training Standards Board certified school. Notwithstanding the requirements of subsection (b) of this Section, the policy for a law enforcement agency, when the officer-involved death being investigated involves a motor vehicle collision, may allow the use of an investigator who is employed by that law enforcement agency and who is certified by the Illinois Law Enforcement Training Standards Board as a Crash Reconstruction Specialist, or similar training approved by the Illinois Law Enforcement Training and Standards Board, or similar certified training approved by the Department of State Police, or similar training provided at an Illinois Law Enforcement Training and Standards Board certified school.

(d) The investigators conducting the investigation shall, in an expeditious manner, provide a complete report to the State's Attorney of the county in which the officer-involved death occurred.

(e) If the State's Attorney, or a designated special prosecutor, determines there is no basis to prosecute the law enforcement officer involved in the officer-involved death, or if the law enforcement officer is not otherwise charged or indicted, the investigators shall publicly release a report.

**4\**Section 1-15***. (50 ILCS 727/1-15) Intra-agency investigations. This Act does not prohibit any law enforcement agency from conducting an internal investigation into the officer-involved death if the internal investigation does not interfere with the investigation conducted under the requirements of Section 1-10 of this Act.

**5\**Section 1-20***. (50 ILCS 727/1-20) Compensation for investigations. Compensation for participation in an investigation of an officer-involved death under Section 1-10 of this Act may be determined in an intergovernmental or interagency agreement.

***ARTICLE 5.***

**6\**Section 5-1***. (50 ILCS 709/5-1) *Short title*. This Article may be cited as the Uniform Crime Reporting Act. References in this Article to "this Act" mean this Article.

**7\**Section 5-5***. (50 ILCS 709/5-5) *Definitions*. As used in this Act:

"Arrest-related death" means any death of an individual while the individual's freedom to leave is restricted by a law enforcement officer while the officer is on duty, or otherwise acting within the scope of his or her employment, including any death resulting from a motor vehicle accident, if the law enforcement officer was engaged in direct action against the individual or the individual's vehicle during the process of apprehension. "Arrest-related death" does not include the death of law enforcement personnel.

"Department" means the Department of State Police.

"Domestic crime" means any crime attempted or committed between a victim and offender who have a domestic relationship, both current and past.

"Hate crime" has the same meaning as defined under Section 12-7.1 of the Criminal Code of 2012.

"Law enforcement agency" means an agency of this State or unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal law or ordinances.

"Law enforcement officer" or "officer" means any officer, agent, or employee of this State or a unit of local government authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise accused persons or sentenced criminal offenders.

**8\**Section 5-10***. (50 ILCS 709/5-10) *Central repository of crime statistics*. The Department of State Police shall be a central repository and custodian of crime statistics for the State and shall have all the power necessary to carry out the purposes of this Act, including the power to demand and receive cooperation in the submission of crime statistics from all law enforcement agencies. All data and information provided to the Department under this Act must be provided in a manner and form prescribed by the Department. On an annual basis, the Department shall make available compilations of crime statistics required to be reported by each law enforcement agency.

**9\**Section 5-12***. (50 ILCS 709/5-12) *Monthly Reporting*. All law enforcement agencies shall submit to the Department of State Police on a monthly basis the following:

(1) beginning January 1, 2016, a report on any arrest-related death that shall include information regarding the deceased, the officer, any weapon used by the officer or the deceased, and the circumstances of the incident. The Department shall submit on a quarterly basis all information collected under this paragraph (1) to the Illinois Criminal Justice Information Authority, contingent upon updated federal guidelines regarding the Uniform Crime Reporting Program;

(2) beginning January 1, 2017, a report on any instance when a law enforcement officer discharges his or her firearm causing a non-fatal injury to a person, during the performance of his or her official duties or in the line of duty;

(3) a report of incident-based information on hate crimes including information describing the offense, location of the offense, type of victim, offender, and bias motivation. If no hate crime incidents occurred during a reporting month, the law enforcement agency must submit a no incident record, as required by the Department;

(4) a report on any incident of an alleged commission of a domestic crime, that shall include information regarding the victim, offender, date and time of the incident, any injury inflicted, any weapons involved in the commission of the offense, and the relationship between the victim and the offender;

(5) data on an index of offenses selected by the Department based on the seriousness of the offense, frequency of occurrence of the offense, and likelihood of being reported to law enforcement. The data shall include the number of index crime offenses committed and number of associated arrests; and

(6) data on offenses and incidents reported by schools to local law enforcement. The data shall include offenses defined as an attack against school personnel, intimidation offenses, drug incidents, and incidents involving weapons.

**10\**Section 5-15***. (50 ILCS 709/5-15) *Supplemental homicide reporting*. Beginning July 1, 2016, each law enforcement agency shall submit to the Department incident-based information on any criminal homicide. The data shall be provided quarterly by law enforcement agencies containing information as specified by the Department.

**11\**Section 5-20***. (50 ILCS 709/5-20) *Reporting compliance*. The Department of State Police shall annually report to the Illinois Law Enforcement Training Standards Board any law enforcement agency not in compliance with the reporting requirements under this Act. A law enforcement agency's compliance with the reporting requirements under this Act shall be a factor considered by the Illinois Law Enforcement Training Standards Board in awarding grant funding under the Law Enforcement Camera Grant Act.

**12\**Section 5-30***. (50 ILCS 709/5-30) *Rulemaking authority*. The Department is vested with the full power to adopt and prescribe reasonable rules for the purpose of administering the provisions of this Act and conditions under which all data is collected.

***ARTICLE 10.***

**13\**Section 10-1***. (50 ILCS 706/10-1) *Short title*. This Act may be cited as the Law Enforcement Officer-Worn Body Camera Act. References in this Article to "this Act" mean this Article.

**14\**Section 10-5***. (50 ILCS 706/10-5) *Purpose*. The General Assembly recognizes that trust and mutual respect between law enforcement agencies and the communities they protect and serve are essential to effective policing and the integrity of our criminal justice system. The General Assembly recognizes that officer-worn body cameras have developed as a technology that has been used and experimented with by police departments. Officer-worn body cameras will provide state-of-the-art evidence collection and additional opportunities for training and instruction. Further, officer-worn body cameras may provide impartial evidence and documentation to settle disputes and allegations of officer misconduct. Ultimately, the uses of officer-worn body cameras will help collect evidence while improving transparency and accountability, and strengthening public trust. The General Assembly creates these standardized protocols and procedures for the use of officer-worn body cameras to ensure that this technology is used in furtherance of these goals while protecting individual privacy and providing consistency in its use across this State.

**15\**Section 10-10***. (50 ILCS 706/10-10) *Definitions*. As used is this Act:

"Badge" means an officer's department issued identification number associated with his or her position as a police officer with that department.

"Board" means the Illinois Law Enforcement Training Standards Board created by the Illinois Police Training Act.

"Business offense" means a petty offense for which the fine is in excess of $1,000.

"Community caretaking function" means a task undertaken by a law enforcement officer in which the officer is performing an articulable act unrelated to the investigation of a crime.

"Community caretaking function" includes, but is not limited to, participating in town halls or other community outreach, helping a child find his or her parents, providing death notifications, and performing in-home or hospital well-being checks on the sick, elderly, or persons presumed missing.

"Fund" means the Law Enforcement Camera Grant Fund.

"In uniform" means a law enforcement officer who is wearing any officially authorized uniform designated by a law enforcement agency, or a law enforcement officer who is visibly wearing articles of clothing, a badge, tactical gear, gun belt, a patch, or other insignia that he or she is a law enforcement officer acting in the course of his or her duties.

"Law enforcement officer" or "officer" means any person employed by a State, county, municipality, special district, college, unit of government, or any other entity authorized by law to employ peace officers or exercise police authority and who is primarily responsible for the prevention or detection of crime and the enforcement of the laws of this State.

"Law enforcement agency" means all State agencies with law enforcement officers, county sheriff's offices, municipal, special district, college, or unit of local government police departments.

"Law enforcement-related encounters or activities" include, but are not limited to, traffic stops, pedestrian stops, arrests, searches, interrogations, investigations, pursuits, crowd control, traffic control, non-community caretaking interactions with an individual while on patrol, or any other instance in which the officer is enforcing the laws of the municipality, county, or State. "Law enforcement-related encounter or activities" does not include when the officer is completing paperwork alone or only in the presence of another law enforcement officer.

"Minor traffic offense" means a petty offense, business offense, or Class C misdemeanor under the Illinois Vehicle Code or a similar provision of a municipal or local ordinance.

"Officer-worn body camera" means an electronic camera system for creating, generating, sending, receiving, storing, displaying, and processing audiovisual recordings that may be worn about the person of a law enforcement officer.

"Peace officer" has the meaning provided in Section 2-13 of the Criminal Code of 2012.

"Petty offense" means any offense for which a sentence of imprisonment is not an authorized disposition.

"Recording" means the process of capturing data or information stored on a recording medium as required under this Act.

"Recording medium" means any recording medium authorized by the Board for the retention and playback of recorded audio and video including, but not limited to, VHS, DVD, hard drive, cloud storage, solid state, digital, flash memory technology, or any other electronic medium.

**16\**Section 10-15*.** (50 ILCS 706/10-15) *Applicability*. Any law enforcement agency which employs the use of officer-worn body cameras is subject to the provisions of this Act, whether or not the agency receives or has received monies from the Law Enforcement Camera Grant Fund.

**17\**Section 10-20*.** (50 ILCS 706/10-20) Requirements.

(a) The Board shall develop basic guidelines for the use of officer-worn body cameras by law enforcement agencies. The guidelines developed by the Board shall be the basis for the written policy which must be adopted by each law enforcement agency which employs the use of officer-worn body cameras. The written policy adopted by the law enforcement agency must include, at a minimum, all of the following:

(1) Cameras must be equipped with pre-event recording, capable of recording at least the 30 seconds prior to camera activation, unless the officer-worn body camera was purchased and acquired by the law enforcement agency prior to July 1, 2015.

(2) Cameras must be capable of recording for a period of 10 hours or more, unless the officer-worn body camera was purchased and acquired by the law enforcement agency prior to July 1, 2015.

(3) Cameras must be turned on at all times when the officer is in uniform and is responding to calls for service or engaged in any law enforcement-related encounter or activity, that occurs while the officer is on-duty.

(A) If exigent circumstances exist which prevent the camera from being turned on, the camera must be turned on as soon as practicable.

(B) Officer-worn body cameras may be turned off when the officer is inside of a patrol car which is equipped with a functioning in-car camera; however, the officer must turn on the camera upon exiting the patrol vehicle for law enforcement-related encounters.

(4) Cameras must be turned off when:

(A) the victim of a crime requests that the camera be turned off, and unless impractical or impossible, that request is made on the recording;

(B) a witness of a crime or a community member who wishes to report a crime requests that the camera be turned off, and unless impractical or impossible that request is made on the recording; or

(C) the officer is interacting with a confidential informant used by the law enforcement agency.

However, an officer may continue to record or resume recording a victim or a witness, if exigent circumstances exist, or if the officer has reasonable articulable suspicion that a victim or witness, or confidential informant has committed or is in the process of committing a crime. Under these circumstances, and unless impractical or impossible, the officer must indicate on the recording the reason for continuing to record despite the request of the victim or witness.

(4.5) Cameras may be turned off when the officer is engaged in community caretaking functions. However, the camera must be turned on when the officer has reason to believe that the person on whose behalf the officer is performing a community caretaking function has committed or is in the process of committing a crime. If exigent circumstances exist which prevent the camera from being turned on, the camera must be turned on as soon as practicable.

(5) The officer must provide notice of recording to any person if the person has a reasonable expectation of privacy and proof of notice must be evident in the recording. If exigent circumstances exist which prevent the officer from providing notice, notice must be provided as soon as practicable.

(6) For the purposes of redaction, labeling, or duplicating recordings, access to camera recordings shall be restricted to only those personnel responsible for those purposes. The recording officer and his or her supervisor may access and review recordings prior to completing incident reports or other documentation, provided that the officer or his or her supervisor discloses that fact in the report or documentation.

(7) Recordings made on officer-worn cameras must be retained by the law enforcement agency or by the camera vendor used by the agency, on a recording medium for a period of 90 days.

(A) Under no circumstances shall any recording made with an officer-worn body camera be altered, erased, or destroyed prior to the expiration of the 90-day storage period.

(B) Following the 90-day storage period, any and all recordings made with an officer-worn body camera must be destroyed, unless any encounter captured on the recording has been flagged. An encounter is deemed to be flagged when:

(i) a formal or informal complaint has been filed;

(ii) the officer discharged his or her firearm or used force during the encounter;

(iii) death or great bodily harm occurred to any person in the recording;

(iv) the encounter resulted in a detention or an arrest, excluding traffic stops which resulted in only a minor traffic offense or business offense;

(v) the officer is the subject of an internal investigation or otherwise being investigated for possible misconduct;

(vi) the supervisor of the officer, prosecutor, defendant, or court determines that the encounter has evidentiary value in a criminal prosecution; or

(vii) the recording officer requests that the video be flagged for official purposes related to his or her official duties.

(C) Under no circumstances shall any recording made with an officer-worn body camera relating to a flagged encounter be altered or destroyed prior to 2 years after the recording was flagged. If the flagged recording was used in a criminal, civil, or administrative proceeding, the recording shall not be destroyed except upon a final disposition and order from the court.

(8) Following the 90-day storage period, recordings may be retained if a supervisor at the law enforcement agency designates the recording for training purposes. If the recording is designated for training purposes, the recordings may be viewed by officers, in the presence of a supervisor or training instructor, for the purposes of instruction, training, or ensuring compliance with agency policies.

(9) Recordings shall not be used to discipline law enforcement officers unless:

(A) a formal or informal complaint of misconduct has been made;

(B) a use of force incident has occurred;

(C) the encounter on the recording could result in a formal investigation under the Uniform Peace Officers' Disciplinary Act; or

(D) as corroboration of other evidence of misconduct.

Nothing in this paragraph (9) shall be construed to limit or prohibit a law enforcement officer from being subject to an action that does not amount to discipline.

(10) The law enforcement agency shall ensure proper care and maintenance of officer-worn body cameras. Upon becoming aware, officers must as soon as practical document and notify the appropriate supervisor of any technical difficulties, failures, or problems with the officer-worn body camera or associated equipment. Upon receiving notice, the appropriate supervisor shall make every reasonable effort to correct and repair any of the officer-worn body camera equipment.

(11) No officer may hinder or prohibit any person, not a law enforcement officer, from recording a law enforcement officer in the performance of his or her duties in a public place or when the officer has no reasonable expectation of privacy. The law enforcement agency's written policy shall indicate the potential criminal penalties, as well as any departmental discipline, which may result from unlawful confiscation or destruction of the recording medium of a person who is not a law enforcement officer. However, an officer may take reasonable action to maintain safety and control, secure crime scenes and accident sites, protect the integrity and confidentiality of investigations, and protect the public safety and order.

(b) Recordings made with the use of an officer-worn body camera are not subject to disclosure under the Freedom of Information Act, except that:

(1) if the subject of the encounter has a reasonable expectation of privacy, at the time of the recording, any recording which is flagged, due to the filing of a complaint, discharge of a firearm, use of force, arrest or detention, or resulting death or bodily harm, shall be disclosed in accordance with the Freedom of Information Act if:

(A) the subject of the encounter captured on the recording is a victim or witness; and

(B) the law enforcement agency obtains written permission of the subject or the subject's legal representative;

(2) except as provided in paragraph (1) of this subsection (b), any recording which is flagged due to the filing of a complaint, discharge of a firearm, use of force, arrest or detention, or resulting death or bodily harm shall be disclosed in accordance with the Freedom of Information Act; and

(3) upon request, the law enforcement agency shall disclose, in accordance with the Freedom of Information Act, the recording to the subject of the encounter captured on the recording or to the subject's attorney, or the officer or his or her legal representative.

For the purposes of paragraph (1) of this subsection (b), the subject of the encounter does not have a reasonable expectation of privacy if the subject was arrested as a result of the encounter. For purposes of subparagraph (A) of paragraph (1) of this subsection (b), "witness" does not include a person who is a victim or who was arrested as a result of the encounter.

Only recordings or portions of recordings responsive to the request shall be available for inspection or reproduction. Any recording disclosed under the Freedom of Information Act shall be redacted to remove identification of any person that appears on the recording and is not the officer, a subject of the encounter, or directly involved in the encounter. Nothing in this subsection (b) shall require the disclosure of any recording or portion of any recording which would be exempt from disclosure under the Freedom of Information Act.

(c) Nothing in this Section shall limit access to a camera recording for the purposes of complying with Supreme Court rules or the rules of evidence.

**18\**Section 10-25*.** (50 ILCS 706/10-25) *Reporting*.

(a) Each law enforcement agency which employs the use of officer-worn body cameras must provide an annual report to the Board, on or before May 1 of the year. The report shall include:

(1) a brief overview of the makeup of the agency, including the number of officers utilizing officer-worn body cameras;

(2) the number of officer-worn body cameras utilized by the law enforcement agency;

(3) any technical issues with the equipment and how those issues were remedied;

(4) a brief description of the review process used by supervisors within the law enforcement agency;

(5) for each recording used in prosecutions of conservation, criminal, or traffic offenses or municipal ordinance violations:

(A) the time, date, location, and precinct of the incident;

(B) the offense charged and the date charges were filed; and

(6) any other information relevant to the administration of the program.

(b) On or before July 30 of each year, the Board must analyze the law enforcement agency reports and provide an annual report to the General Assembly and the Governor.

**19\**Section 10-30***. (50 ILCS 706/10-30) *Evidence*. The recordings may be used as evidence in any administrative, judicial, legislative, or disciplinary proceeding. If a court or other finder of fact finds by a preponderance of the evidence that a recording was intentionally not captured, destroyed, altered, or intermittently captured in violation of this Act, then the court or other finder of fact shall consider or be instructed to consider that violation in weighing the evidence, unless the State provides a reasonable justification.

**20\**Section 10-35***. (50 ILCS 706/10-35) *Authorized eavesdropping*. Nothing in this Act shall be construed to limit or prohibit law enforcement officers from recording in accordance with Article 14 of the Criminal Code of 2012 or Article 108A or Article 108B of the Code of Criminal Procedure of 1963.

***ARTICLE 20****.*

**21\**Section 20-105***. The Freedom of Information Act is amended by changing Section 7.5 as follows:

(5 ILCS 140/7.5)

Sec. 7.5. Statutory ***exemptions*** ~~Exemptions~~. To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:

**(bb) Recordings made under the Law Enforcement Officer-Worn Body Camera Act, except to the extent authorized under that Act.**

**22\**Section 20-110***. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by changing Section 2605-390 as follows:

(20 ILCS 2605/2605-390) (was 20 ILCS 2605/55a in part)

Sec. 2605-390. Hate crimes.

**(a) (Blank).** ~~To collect and disseminate information~~ \*\*\*.

**23\**Section 20-115***. The State Police Act is amended by adding Section 35 as follows:

**(20 ILCS 2610/35 new)**

**Sec. 35. Officer-worn body cameras; policy; training.**

**(a) For the purposes of this Section, "officer-worn body camera" shall have the same meaning as defined in Section 10 of the Law Enforcement Officer-Worn Body Camera Act.**

**(b) If the Department employs the use of officer-worn body cameras, the Department shall develop a written policy which must include, at a minimum, the guidelines established by the Law Enforcement Officer-Worn Body Camera Act.**

**(c) The Department shall provide training to those officers who utilize officer-worn body cameras.**

**24\**Section 20-120***. (20 ILCS 2630/5.1 rep.) The Criminal Identification Act is amended by repealing Section 5.1.

**\*25*Section 20-125*.** The Racial Profiling Prevention and Data Oversight Act is amended by changing Sections 10 and 40 as

follows:

(20 ILCS 2715/10)

Sec. 10. Definitions. As used in this Act:

(c) "Traffic **and Pedestrian** Stop Statistical Study Act" means Section 11-212 of the Illinois Vehicle Code.

(20 ILCS 2715/40)

Sec. 40. Powers and Duties of the Oversight Board. The Oversight Board shall have the following powers, duties, and responsibilities:

(c) To promulgate model policies for police agencies that are designed to protect individuals' civil rights related to police traffic enforcement and to recommend to law enforcement agencies model rules as may be necessary to effectuate training regarding data collection and mechanisms to engage those agencies who willfully fail to comply with the requirements of the Traffic **and Pedestrian** Stop Statistical Study Act.

**26\**Section 20-126***. The Use Tax Act is amended by changing Section 9 as follows:

(35 ILCS 105/9) (from Ch. 120, par. 439.9)

**27\**Section 20-127***. The Service Use Tax Act is amended by changing Section 9 as follows:

(35 ILCS 110/9) (from Ch. 120, par. 439.39)

**28\**Section 20-128***. The Service Occupation Tax Act is amended by changing Section 9 as follows:

(35 ILCS 115/9) (from Ch. 120, par. 439.109)

**29\**Section 20-129***. The Retailers' Occupation Tax Act is amended by changing Section 3 as follows:

(35 ILCS 120/3) (from Ch. 120, par. 442)

**Beginning July 1, 2015, of the remainder of the moneys received by the Department under this Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act, each month the Department shall deposit $500,000 into the State Crime Laboratory Fund.**

**30\**Section 20-130***. The Illinois Police Training Act is amended by changing Sections 6 and 7 and by adding Section 6.2 as follows:

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

Sec. 6. ***Powers and duties of the Board; selection*** ~~Selection~~ and certification of schools.

b. To establish appropriate mandatory minimum standards relating to the training of probationary local law enforcement officers or probationary county corrections officers***, and in-service training of permanent police officers***.

***(50 ILCS 705/6.2 new)***

***Sec. 6.2. Officer professional conduct database.***

***(a) All law enforcement agencies shall notify the Board of any final determination of willful violation of department or agency policy, official misconduct, or violation of law when:***

***(1) the officer is discharged or dismissed as a result of the violation; or***

***(2) the officer resigns during the course of an investigation and after the officer has been served notice that he or she is under investigation that is based on the commission of a Class 2 or greater felony.***

***The agency shall report to the Board within 30 days of a final decision of discharge or dismissal and final exhaustion of any appeal, or resignation, and shall provide information regarding the nature of the violation.***

***(b) Upon receiving notification from a law enforcement agency, the Board must notify the law enforcement officer of the report and his or her right to provide a statement regarding the reported violation.***

***(c) The Board shall maintain a database readily available to any chief administrative officer, or his or her designee, of a law enforcement agency that shall show each reported instance, including the name of the officer, the nature of the violation, reason for the final decision of discharge or dismissal, and any statement provided by the officer.***

**Sec. 7.** Rules and standards for schools. (50 ILCS 705/7) (from Ch. 85, par. 507)

a. The curriculum for probationary police officers which shall be offered by all certified schools shall include but not be limited to courses of ***procedural justice***, arrest ***and use and control tactics***, search and seizure, ***including temporary questioning,*** civil rights, ***human rights,*** human relations, cultural ***competency*** ~~diversity~~, including ***implicit bias and*** racial and ethnic sensitivity, criminal law, law of criminal procedure, ***constitutional and proper use of law enforcement authority***, vehicle and traffic law including uniform and non-discriminatory enforcement of the Illinois Vehicle Code, traffic control and accident investigation, techniques of obtaining physical evidence, court testimonies, statements, reports, firearms training, training in the use of electronic control devices, including the psychological and physiological effects of the use of those devices on humans, first-aid (including cardiopulmonary resuscitation), handling of juvenile offenders, recognition of mental conditions, ***including, but not limited to, the disease of addiction,*** which require immediate assistance and methods to safeguard and provide assistance to a person in need of mental treatment, recognition of abuse, neglect, financial exploitation, and self-neglect of adults with disabilities and older adults, as defined in Section 2 of the Adult Protective Services Act, crimes against the elderly, law of evidence, the hazards of high-speed police vehicle chases with an emphasis on alternatives to the high-speed chase, and physical training. The curriculum shall include specific training in techniques for immediate response to and investigation of cases of domestic violence and of sexual assault of adults and children, ***including cultural perceptions and common myths of rape as well as interview techniques that are trauma informed, victim centered, and victim sensitive***. \*\*\*.

***g. Minimum in-service training requirements, which a police officer must satisfactorily complete every 3 years. Those requirements shall include constitutional and proper use of law enforcement authority, procedural justice, civil rights, human rights, and cultural competency.***

***h. Minimum in-service training requirements, which a police officer must satisfactorily complete at least annually. Those requirements shall include law updates and use of force training which shall include scenario based training, or similar training approved by the Board.***

**31\**Section 20-135***. The Law Enforcement Camera Grant Act is amended by changing Sections 5 and 10 and by adding Sections 15, 20, and 25 as follows:

(50 ILCS 707/5)

**Sec. 5.** **Definitions.** As used in this Act:

***"In-car video camera" means a video camera located in a law enforcement patrol vehicle.***

***"In-car video camera recording equipment" means a video camera recording system located in a law enforcement patrol vehicle consisting of a camera assembly, recording mechanism, and an in-car video recording medium.***

***"In uniform" means a law enforcement officer who is wearing any officially authorized uniform designated by a law enforcement agency, or a law enforcement officer who is visibly wearing articles of clothing, badge, tactical gear, gun belt, a patch, or other insignia indicating that he or she is a law enforcement officer acting in the course of his or her duties.***

***"Officer-worn body camera" means an electronic camera system for creating, generating, sending, receiving, storing, displaying, and processing audiovisual recordings that may be worn about the person of a law enforcement officer.***

***"Recording" means the process of capturing data or information stored on a recording medium as required under this Act.***

***"Recording medium" means any recording medium authorized by the Board for the retention and playback of recorded audio and video including, but not limited to, VHS, DVD, hard drive, cloud storage, solid state, digital, flash memory technology, or any other electronic medium.***

(50 ILCS 707/10)

**Sec. 10.** Law Enforcement Camera Grant Fund; creation, rules.

(a) The Law Enforcement Camera Grant Fund is created as a special fund in the State treasury. From appropriations to the Board from the Fund, the Board must make grants to units of local government in Illinois for the purpose of ***(1) purchasing in-car*** ~~installing~~ video cameras for use in law enforcement vehicles***, (2) purchasing officer-worn body cameras and associated technology for law enforcement officers,*** and ***(3)*** training ***for*** law enforcement officers in the operation of the cameras.

***(b-5) The Board shall consider compliance with the Uniform Crime Reporting Act as a factor in awarding grant moneys.***

(c) ***(Blank).*** ~~The Board shall develop model rules to be adopted by law enforcement agencies that receive grants under this Section. The rules shall include the following requirements:~~ \*\*\*

***(50 ILCS 707/15 new)***

***Sec. 15. Rules; in-car video camera grants.***

***(a) The Board shall develop model rules for the use of in-car video cameras to be adopted by law enforcement agencies that receive grants under Section 10 of this Act. The rules shall include all of the following requirements:***

***(1) Cameras must be installed in the law enforcement agency vehicles.***

***(2) Video recording must provide audio of the officer when the officer is outside of the vehicle.***

***(3) Camera access must be restricted to the supervisors of the officer in the vehicle.***

***(4) Cameras must be turned on continuously throughout the officer's shift.***

***(5) A copy of the video record must be made available upon request to personnel of the law enforcement agency, the local State's Attorney, and any persons depicted in the video. Procedures for distribution of the video record must include safeguards to protect the identities of individuals who are not a party to the requested stop.***

***(6) Law enforcement agencies that receive moneys under this grant shall provide for storage of the video records for a period of not less than 2 years.***

***(b) Each law enforcement agency receiving a grant for in-car video cameras under Section 10 of this Act must provide an annual report to the Board, the Governor, and the General Assembly on or before May 1 of the year following the receipt of the grant and by each May 1 thereafter during the period of the grant. The report shall include the following:***

***(1) the number of cameras received by the law enforcement agency;***

***(2) the number of cameras actually installed in law enforcement agency vehicles;***

***(3) a brief description of the review process used by supervisors within the law enforcement agency;***

***(4) a list of any criminal, traffic, ordinance, and civil cases in which in-car video recordings were used, including party names, case numbers, offenses charged, and disposition of the matter. Proceedings to which this paragraph (4) applies include, but are not limited to, court proceedings, coroner's inquests, grand jury proceedings, and plea bargains; and***

***(5) any other information relevant to the administration of the program.***

***(50 ILCS 707/20 new)***

***Sec. 20. Rules; officer body-worn camera grants.***

***(a) The Board shall develop model rules for the use of officer body-worn cameras to be adopted by law enforcement agencies that receive grants under Section 10 of this Act. The rules shall comply with the Law Enforcement Officer-Worn Body Camera Act.***

***(b) Each law enforcement agency receiving a grant for officer-worn body cameras under Section 10 of this Act must provide an annual report to the Board, the Governor, and the General Assembly on or before May 1 of the year following the receipt of the grant and by each May 1 thereafter during the period of the grant. The report shall include:***

***(1) a brief overview of the makeup of the agency, including the number of officers utilizing officer-worn body cameras;***

***(2) the number of officer-worn body cameras utilized by the law enforcement agency;***

***(3) any technical issues with the equipment and how those issues were remedied;***

***(4) a brief description of the review process used by supervisors within the law enforcement agency;***

***(5) for each recording used in prosecutions of conservation, criminal, or traffic offenses or municipal***

***ordinance violations:***

***(A) the time, date, and location of the incident; and***

***(B) the offenses charged and the date charges were filed;***

***(6) for a recording used in a civil proceeding or internal affairs investigation:***

***(A) the number of pending civil proceedings and internal investigations;***

***(B) in resolved civil proceedings and pending investigations:***

***(i) the nature of the complaint or allegations;***

***(ii) the disposition, if known; and***

***(iii) the date, time and location of the incident; and***

***(7) any other information relevant to the administration of the program.***

***(c) On or before July 30 of each year, the Board must analyze the law enforcement agency reports and provide an annual report to the General Assembly and the Governor.***

***(50 ILCS 707/25 new)***

***Sec. 25. No fund sweep. Notwithstanding any other provision of law, moneys in the Law Enforcement Camera Grant Fund may not be appropriated, assigned, or transferred to another State fund.***

**32\**Section 20-140*.** The Uniform Peace Officers' Disciplinary Act:

***(50 ILCS 725/8 new)***

***Sec. 8. Commission on Police Professionalism.***

***(a) Recognizing the need to review performance standards governing the professionalism of law enforcement agencies and officers in the 21st century, the General Assembly hereby creates the Commission on Police Professionalism.***

***(b) The Commission on Policing Standards and Professionalism shall be composed of the following members:***

***(1) one member of the Senate appointed by the President of the Senate;***

***(2) one member of the Senate appointed by the Senate Minority Leader;***

***(3) one member of the House of Representatives appointed by the Speaker of the House of Representatives;***

***(4) one member of the House of Representatives appointed by the House Minority Leader;***

***(5) one active duty law enforcement officer who is a member of a certified collective bargaining unit appointed by the Governor;***

***(6) one active duty law enforcement officer who is a member of a certified collective bargaining unit appointed by the President of the Senate;***

***(7) one active duty law enforcement officer who is a member of a certified collective bargaining unit appointed by the Senate Minority Leader;***

***(8) one active duty law enforcement officer who is a member of a certified collective bargaining unit appointed by the Speaker of the House of Representatives;***

***(9) one active duty law enforcement officer who is a member of a certified collective bargaining unit appointed by the House Minority Leader;***

***(10) the Director of State Police, or his or her designee;***

***(11) the Executive Director of the Law Enforcement Training Standards Board, or his or her designee;***

***(12) the Director of a statewide organization representing Illinois sheriffs;***

***(13) the Director of a statewide organization representing Illinois chiefs of police;***

***(14) the Director of a statewide fraternal organization representing sworn law enforcement officers***

***in this State;***

***(15) the Director of a benevolent association representing sworn police officers in this State;***

***(16) the Director of a fraternal organization representing sworn law enforcement officers within the***

***City of Chicago; and***

***(17) the Director of a fraternal organization exclusively representing sworn Illinois State Police officers.***

***(c) The President of the Senate and the Speaker of the House of Representatives shall each appoint a joint chairperson to the Commission. The Law Enforcement Training Standards Board shall provide administrative support to the Commission.***

***(d) The Commission shall meet regularly to review the current training and certification process for law enforcement officers, review the duties of the various types of law enforcement officers, including auxiliary officers, review the standards for the issuance of badges, shields, and other police and agency identification, and examine whether law enforcement officers should be licensed. For the purposes of this subsection (d), "badge" means an officer's department issued identification number associated with his or her position as a police officer with that Department.***

***(e) The Commission shall submit a report of its findings and legislative recommendations to the General Assembly and Governor on or before January 31, 2016.***

***(f) This Section is repealed on February 1, 2016.***

**33\**Section 20-145*.** The Counties Code is amended by changing Section 3-9008 as follows:

(55 ILCS 5/3-9008) (from Ch. 34, par. 3-9008)

Sec. 3-9008. Appointment of attorney to perform duties.

(a) ***(Blank)***. ~~Whenever the State's attorney is sick or~~

***(a-5) The court on its own motion, or an interested person in a cause or proceeding, civil or criminal, may file a petition alleging that the State's Attorney is sick, absent, or unable to fulfill his or her duties. The court shall consider the petition, any documents filed in response, and if necessary, grant a hearing to determine whether the State's Attorney is sick, absent, or otherwise unable to fulfill his or her duties. If the court finds that the State's Attorney is sick, absent, or otherwise unable to fulfill his or her duties, the court may appoint some competent attorney to prosecute or defend the cause or proceeding.***

***(a-10) The court on its own motion, or an interested person in a cause or proceeding, civil or criminal, may file a petition alleging that the State's Attorney has an actual conflict of interest in the cause or proceeding. The court shall consider the petition, any documents filed in response, and if necessary, grant a hearing to determine whether the State's Attorney has an actual conflict of interest in the cause or proceeding. If the court finds that the petitioner has proven by sufficient facts and evidence that the State's Attorney has an actual conflict of interest in a specific case, the court may appoint some competent attorney to prosecute or defend the cause or proceeding.***

(***a-15) Notwithstanding subsections (a-5) and (a-10) of this Section, the State's Attorney may file a petition to recuse himself or herself from a cause or proceeding for any other reason he or she deems appropriate and the court shall appoint a special prosecutor as provided in this Section.***

***(a-20) Prior to appointing a private attorney under this Section, the court shall contact public agencies, including, but not limited to, the Office of Attorney General, Office of the State's Attorneys Appellate Prosecutor, or local State's Attorney's Offices throughout the State, to determine a public prosecutor's availability to serve as a special prosecutor at no cost to the county and shall appoint a public agency if they are able and willing to accept the appointment. An attorney so appointed shall have the same power and authority in relation to the cause or proceeding as the State's Attorney would have if present and attending to the cause or proceedings.***

**34\**Section 20-150*.** The Illinois Vehicle Code is amended by changing Section 11-212 as follows:

(625 ILCS 5/11-212)

(Section scheduled to be repealed on July 1, 2019)

Sec. 11-212. Traffic ***and pedestrian*** stop statistical study.

***(b-5)* For purposes of this subsection (b-5), "detention" means all frisks, searches, summons, and arrests. Whenever a law enforcement officer subjects a pedestrian to detention in a public place, he or she shall complete a uniform pedestrian stop card, *which includes any existing form currently used by law enforcement containing all the information required under this Section, that records at least the following:***

***(1) the gender, and the officer's subjective determination of the race of the person stopped; the person's race shall be selected from the following list: American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Other Pacific Islander, or White;***

***(2) all the alleged reasons that led to the stop of the person;***

***(3) the date and time of the stop;***

***(4) the location of the stop;***

***(5) whether or not a protective pat down or frisk was conducted of the person; and, if so, all the alleged reasons that led to the protective pat down or frisk, and whether it was with consent or by other means;***

***(6) whether or not contraband was found during the protective pat down or frisk; and, if so, the type and amount of contraband seized;***

***(7) whether or not a search beyond a protective pat down or frisk was conducted of the person or his or her effects; and, if so, all the alleged reasons that led to the search, and whether it was with consent or by other means;***

***(8) whether or not contraband was found during the search beyond a protective pat down or frisk; and, if so, the type and amount of contraband seized;***

***(9) the disposition of the stop, such as a warning, a ticket, a summons, or an arrest;***

***(10) if a summons or ticket was issued, or an arrest made, a record of the violations, offenses, or crimes alleged or charged; and***

***(11) the name and badge number of the officer who conducted the detention.***

***This subsection (b-5) does not apply to searches or inspections for compliance authorized under the Fish and Aquatic Life Code, the Wildlife Code, the Herptiles-Herps Act, or searches or inspections during routine security screenings at facilities or events.***

(e). \*\*\*The following list, which is illustrative, and not exclusive, contains examples of areas in which statistically significant aberrations may be found:

(1) The percentage of minority drivers, or passengers, ***or pedestrians*** being stopped in a given area is substantially higher than the proportion of the overall population in or traveling through the area that the minority constitutes.

(4) A disparity among the officers of the same law enforcement agency with regard to the number of minority drivers, or passengers***, or pedestrians*** being stopped in a given area.

(5) A disparity between the frequency of searches performed on minority drivers ***or pedestrians*** and the frequency of searches performed on non-minority drivers ***or pedestrians***.

(f) Any law enforcement officer identification information ***and*** ~~or~~ driver ***or pedestrian*** identification information that is compiled by any law enforcement agency or the Illinois Department of Transportation pursuant to this Act for the purposes of fulfilling the requirements of this Section shall be confidential and exempt from public inspection and copying,

(h-5) For purposes of this Section:

***(2.5) "Badge" means an officer's department issued identification number associated with his or her position as a police officer with that department***.

**35\**Section 20-155***. The Criminal Code of 2012 is amended by changing Section 14-2 and by adding Section 7-5.5 as follows:

***(720 ILCS 5/7-5.5 new)***

***Sec. 7-5.5. Prohibited use of force by a peace officer.***

***(a) A peace officer shall not use a chokehold in the performance of his or her duties, unless deadly force is justified under Article 7 of this Code.***

***(b) A peace officer shall not use a chokehold, or any lesser contact with the throat or neck area of another in order to prevent the destruction of evidence by ingestion.***

***(c) As used in this Section, "chokehold" means applying any direct pressure to the throat, windpipe, or airway of another with the intent to reduce or prevent the intake of air.***

***"Chokehold" does not include any holding involving contact with the neck that is not intended to reduce the intake of air.***

(720 ILCS 5/14-2) (from Ch. 38, par. 14-2)

Sec. 14-2. Elements of the offense; affirmative defense.

***(e) Nothing in this Article shall prohibit any individual, not a law enforcement officer, from recording a law enforcement officer in the performance of his or her duties in a public place or in circumstances in which the officer has no reasonable expectation of privacy. However, an officer may take reasonable action to maintain safety and control, secure crime scenes and accident sites, protect the integrity and confidentiality of investigations, and protect the public safety and order.***

**36\**Section 20-160***. The Code of Criminal Procedure of 1963 is amended by changing Section 107-14 as follows:

(725 ILCS 5/107-14) (from Ch. 38, par. 107-14)

***(b) Upon completion of any stop under subsection (a) involving a frisk or search, and unless impractical, impossible, or under exigent circumstances, the officer shall provide the person with a stop receipt which provides the reason for the stop and contains the officer's name and badge number. This subsection (b) does not apply to searches or inspections for compliance with the Fish and Aquatic Life Code, the Wildlife Code, the Herptiles-Herps Act, or searches or inspections for routine security screenings at facilities or events. For the purposes of this subsection (b), "badge" means an officer's department issued identification number associated with his or her position as a police officer with that department.***

**37\**Section 20-165*.** The Unified Code of Corrections is amended by changing Sections 5-4-3a and 5-9-1 and by adding Section 5-4-3b as follows:

(730 ILCS 5/5-4-3a)

Sec. 5-4-3a. DNA testing backlog accountability.

***See Public Act.***

(730 ILCS 5/5-4-3b new)

Sec. 5-4-3b. Electronic Laboratory Information Management System.

***See Public Act.***

(730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)

Sec. 5-9-1. Authorized fines.

(c) There shall be added to every fine imposed in sentencing for a criminal or traffic offense, except an offense relating to parking or registration, or offense by a pedestrian, an additional penalty of ***$15*** ~~$10~~ for each $40, or fraction thereof, of fine imposed. The additional penalty of ***$15*** ~~$10~~ for each $40, or fraction thereof, of fine imposed, \*\*\*. The State Treasurer shall deposit ***$3*** ~~$1~~ for each $40, or fraction thereof, of fine imposed into the Law Enforcement Camera Grant Fund.

***ARTICLE 25.***

Section 25-999. Effective date. This Section, Sections 20-126, 20-127, 20-128, and 20-129, and the changes made in Section 20-140 of Article 20 of this amendatory Act of the 99th General Assembly adding Section 8 to the Uniform Peace Officers' Disciplinary Act take effect upon becoming law.