**Public Act: 101-0652 (HB 3653) ANALYSIS**

**LAW ENFORCEMENT REFORM ACT OF 2021**

**SUMMARY:**

1. Creates the Statewide Use of Force Standardization Act. Provides that it is the intent of the General Assembly to establish statewide use of force standards for law enforcement agencies.

2. Creates the No Representation Without Population Act. Provides that the State Board of Elections shall prepare redistricting population data to reflect incarcerated persons at their residential address prior to incarceration. Provides that this data shall be the basis of the Legislative and Representative Districts required to be created pursuant to Section 3 of Article IV of the Illinois Constitution. Provides that incarcerated populations residing at unknown geographic locations within the State shall not be used to determine the ideal population of any set of districts, wards, or precincts.

3. Creates the Reporting of Deaths in Custody Act. Provides that the Illinois Criminal Justice Information Authority shall create a standardized form to be used for the purpose of collecting information about persons who die in custody of a law agency, a local or State correctional facility in the State, or a peace officer. Creates the Task Force on Constitutional Rights and Remedies Act.

4. Creates the Task Force on Constitutional Rights and Remedies. Provides that the Task Force shall review available research, best practices, and effective interventions to formulate recommendations. Provides that the Task Force shall produce a report detailing the Task Force's findings and recommendations and needed resources. The Task Force shall submit a report of its findings and recommendations to the General Assembly and the Governor. Amends the Illinois Public Labor Relations Act. Provides that notwithstanding any provision of this Act, employers shall not be required to bargain over matters relating to the discipline or discharge of peace officers. Provisions in existing collective bargaining agreements that address the discipline or discharge of peace officers shall lapse by operation of law on the renewal or extension of existing collective bargaining agreements by whatever means, or the approval of a collective bargaining agreement by the corporate authorities of the employer after the effective date of this Act, without imposing a duty to bargain on employers.

5. Amends the Criminal Code of 2012. Makes it official misconduct for an employee of a law enforcement agency to knowingly fail to turn on or turn off an officer-worn body camera when there is a reasonable opportunity to act in a manner that is consistent with the officer-worn body camera policy of the respective law enforcement agency or when he or she knowingly uses or communicates, directly or indirectly, information acquired in the course of employment. Provides that an employee of a law enforcement agency commits misconduct when he or she knowingly misrepresents facts describing an incident in a police report or during investigations regarding the law enforcement employee's conduct.

6. Amends the Code of Criminal Procedure of 1963. Abolishes cash bail. Provides for pretrial release and eligibility for that release. Amends various Acts to make conforming changes.

7. Amends the Unified Code of Corrections. Changes the terms for mandatory supervised release. Makes other changes.

8. Amends the Open Meetings Act. Provides that deliberations for decisions of the Illinois State Police Merit Board, the Illinois Law Enforcement Training Standards Board and the Certification Review Panel regarding certification and decertification of law enforcement officers are not open meetings under the Act.

9. Amends the Freedom of Information Act. Provides that information which is prohibited from disclosure by the Illinois Police Training Act is not subject to disclosure under the Act. Provides that records contained in the Officer Professional Conduct Database, except to the extent authorized under that provision are not subject to disclosure under the Act.

10. Amends the State Employee Indemnification Act. Includes in the definition of "employee" the members of the Certification Review Panel.

11. Amends the State Police Act concerning discipline of Illinois State Police officers and the appointment of the Illinois State Police Merit Board.

12. Amends the Illinois Police Training Act. Changes the misdemeanor offenses for which a law enforcement officer may be decertified. Grants the Illinois Law Enforcement Training Standards Board the power: (1) to review and ensure all law enforcement officers remain in compliance with the Act, and any administrative rules adopted under the Act; and (2) to suspend any certificate for a definite period, limit or restrict any certificate, or revoke any certificate.

13. Creates the Illinois Law Enforcement Certification Review Panel to make recommendations to the Board on the decertification of law enforcement officers.

14. Effective July 1, 2021, except for certain provisions that are effective either January 1, 2022, January 1, 2023, or January 1, 2025.

**Public Act: 101-0652 (HB 3653)**

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730 ILCS 5/5-6-4. Violation, Modification or Revocation of Probation, of Conditional Discharge or Supervision or of a sentence of county impact incarceration - Hearing. (Page 56)

730 ILCS 5/5-6-4.1 Violation, Modification or Revocation of Conditional Discharge or Supervision - Hearing. (Page 56)

730 ILCS 5/5-8-1 Natural life imprisonment; enhancements for use of a firearm; mandatory supervised release terms. (Page 60)

730 ILCS 5/5-8-6 Place of confinement. (Page 60)

730 ILCS 5/5-8A-2 Definitions. (Page 61)

730 ILCS 5/5-8A-4 Program description. (Page 61)

730 ILCS 5/5-8A-4.1 Escape; failure to comply with a condition of the electronic monitoring or home detention program.

730 ILCS 5/5-8A-7 Domestic violence surveillance program. (Page 56)

730 ILCS 5/8-2-1 Saving Clause. (Page 56)

**730 ILCS 110/ Probation and Probation Officers Act. (Eff: 1-1-23)**

730 ILCS 110/18 Probation and court services departments considered pretrial services agencies. (Page 62)

**730 ILCS 125/ County Jail Act.**

730 ILCS 125/5 Costs of maintaining prisoners. (Page 62). (Eff: 1-1-23)

730 ILCS 125/17.6 new ***Sheriff training related to pregnant prisoners***. (Page 69). **(Eff: 7-1-21)**

730 ILCS 125/17.7 new ***Educational programing for pregnant prisoners***. (Page 69). **(Eff: 7-1-21)**

730 ILCS 125/17.8 new ***Prisoner post-partum recovery requirements***. (Page 69). **(Eff: 7-1-21)**

730 ILCS 125/17.9 new ***Housing requirements applicable to pregnant prisoners***. (Page 69). **(Eff: 7-1-21)**

**730 ILCS 130/ County Jail Good Behavior Allowance Act. (Eff: 1-1-23)**

730 ILCS 130/3 Good behavior allowance rate.

**730 ILCS 167/ Veterans and Servicemembers Court Treatment Act. (Eff: 7-1-21)**

730 ILCS 167/20 Eligibility. (Page 62)

**730 ILCS 168/ Mental Health Court Treatment Act. (Eff: 7-1-21)**

730 ILCS 168/20 Eligibility. (Page 62)

**735 ILCS 5/ Code of Civil Procedure. (Eff: 1-1-23)**

735 ILCS 5/10-106 Grant of relief - Penalty. (Page 63)

735 ILCS 5/10-125 New commitment. (Page 63)

735 ILCS 5/10-127 Grant of habeas corpus. (Page 63)

735 ILCS 5/10-135 Habeas corpus to testify. (Page 63)

735 ILCS 5/10-136 Prisoner remanded or punished.  (Page 63)

735 ILCS 5/21-103 Notice by publication. (Page 63)

**740 ILCS 22/ Civil No Contact Order Act. (Eff: 1-1-23)**

740 ILCS 22/220 Enforcement of a civil no contact order. (Page 63)

**740 ILCS 45/ Crime Victims Compensation Act. (Eff: 7-1-21)**

740 ILCS 45/2 Definitions. (Page 64)

740 ILCS 45/2.5 Felon as victim. (Page 64)

740 ILCS 45/4.1 Powers Exercised by the Attorney General. (Page 65)

740 ILCS 45/6.1 Right to compensation. (Page 65)

740 ILCS 45/7.1 Amended Application or Additional Substantiating Materials. (Page 66)

**750 ILCS 60/ Illinois Domestic Violence Act of 1986. (Eff: 1-1-23)**

750 ILCS 60/223 Enforcement of orders of protection. (Page 66)

750 ILCS 60/301 Arrest without warrant. (Page 66)

**765 ILCS 1045/ Industrial and Linen Supplies Marking Law. (Eff: 1-1-23)**

765 ILCS 1045/11 Search warrant. (Page 66)

**775 ILCS 40/ Illinois Torture Inquiry and Relief Commission Act. (Eff: 1-1-23)**

775 ILCS 40/50 Post-commission judicial review. (Page 67)

**820 ILCS 405/ Unemployment Insurance Act. (Eff: 1-1-23)**

820 ILCS 405/602 Discharge for misconduct - Felony. (Page 67)

**TEXT**

**Article 1. Statewide Use of Force Standardization. (Eff: 7-1-21)**

**Section 1-1**. Short title. This Article may be cited as the Statewide Use of Force Standardization Act. References in this Article to "this Act" mean this Article.

**Section 1-5**. Statement of purpose. It is the intent of the General Assembly to establish statewide use of force standards for law enforcement agencies effective January 1, 2022.

**Article 2. No Representation Without Population Act. (Eff: 1-1-25.)**

**Section 2-1**. Short title. This Act may be cited as the No Representation Without Population Act. References in this Article to "this Act" mean this Article.

**Section 2-3**. Definition. As used in this Act, "Department" means the Department of Corrections.

**Section 2-5**. Electronic records. The Department shall collect and maintain an electronic record of the legal residence, outside of any correctional facility, and other demographic data for each person in custody or entering custody on or after the effective date of this Act. At a minimum, this record shall contain the person's last known complete street address prior to incarceration, the person's race, whether the person is of Hispanic or Latino origin, and whether the person is 18 years of age or older. To the degree possible, the Department shall also allow the legal residence to be updated as appropriate.

**Section 2-10**. Reports to the State Board of Elections.

(a) Within 30 days after the effective date of this Act, and thereafter, on or before May 1 of each year where the federal decennial census is taken but in which the United States Bureau of the Census allocates incarcerated persons as residents of correctional facilities, the Department shall deliver to the State Board of Elections the following information:

(1) A unique identifier, not including the name or Department-assigned inmate number, for each incarcerated person subject to the jurisdiction of the Department on the date for which the decennial census reports population. The unique identifier shall enable the State Board of Elections to address inquiries about specific address records to the Department, without making it possible for anyone outside of the Department to identify the inmate to whom the address record pertains.

(2) The street address of the correctional facility where the person was incarcerated at the time of the report.

(3) The last known address of the person prior to incarceration or other legal residence, if known.

(4) The person's race, whether the person is of Hispanic or Latino origin, and whether the person is age 18 or older, if known.

(5) Any additional information as the State Board of Elections may request pursuant to law.

(b) The Department shall provide the information specified in subsection (a) in the form that the State Board of Elections shall specify.

(c) Notwithstanding any other provision of law, the information required to be provided to the State Board of Elections pursuant to this Section shall not include the name of any incarcerated person and shall not allow for the identification of any person therefrom, except to the Department. The information shall be treated as confidential and shall not be disclosed by the State Board of Elections except as redistricting data aggregated by census block for purposes specified in Section 2-20.

**Section 2-15**. Federal facilities. The State Board of Elections shall request each agency that operates a federal facility in this State that incarcerates persons convicted of a criminal offense to provide the State Board of Elections with a report that includes the information listed in subsection (a) of Section 2-10.

**Section 2-20**. State Board of Elections; redistricting data. The State Board of Elections shall prepare redistricting population data to reflect incarcerated persons at their residential address, pursuant to Section 2-25. The data prepared by the State Board of Elections shall be the basis of the Legislative and Representative Districts required to be created pursuant to Section 3 of Article IV of the Illinois Constitution of 1970. Incarcerated populations residing at unknown geographic locations within the State, as determined under paragraph (2) of subsection (c) of Section 2-25, shall not be used to determine the ideal population of any set of districts, wards, or precincts.

**Section 2-25**. Determinations and data publication by the State Board of Elections.

(a) For each person included in a report received under Sections 2-10 and 2-15, the State Board of Elections shall determine the geographic units for which population counts are reported in the federal decennial census that contain the facility of incarceration and the legal residence as listed according to the report.

(b) For each person included in a report received under Sections 2-10 and 2-15, if the legal residence is known and in this State, the State Board of Elections shall:

(1) ensure that the person is not represented in any population counts reported by the State Board of Elections for the geographic units that include the facility where the person was incarcerated, unless that geographic unit also includes the person's legal residence; and

(2) ensure that any population counts reported by the State Board of Elections reflect the person's residential address as reported under Sections 2-10 and 2-15.

(c) For each person included in a report received under Sections 2-10 and 2-15 for whom a legal residence is unknown or not in this State and for all persons reported in the census as residing in a federal correctional facility for whom a report was not provided, the State Board of Elections shall:

(1) ensure that the person is not represented in any population counts reported by the State Board of Elections for the geographic units that include the facility where the person was incarcerated; and

(2) allocate the person to a State unit not tied to a specific determined geographic location, as other State residents with unknown State addresses are allocated.

(d) The data prepared by the State Board of Elections pursuant to this Section shall be completed and published no later than 30 days after the date that federal decennial census data required to be published by Public Law 94-171 is published for the State of Illinois.

**Section 2-30**. Data; Legislative and Representative Districts. The data prepared by the State Board of Elections in Section 2-25 shall be used only as the basis for determining Legislative and Representative Districts. Residences at unknown geographic locations within the State under subsection (c) of Section 2-25 shall not be used to determine the ideal population of any set of districts, wards, or precincts. The data prepared by the State Board of Elections in Section 2-25 shall not be used in the distribution of any State or federal aid.

**Article 3. Deaths in Custody. (Eff: 7-1-21)**

**Section 3-1**. Short title. This Article may be cited as the Reporting of Deaths in Custody Act. References in this Article to "this Act" mean this Article.

**Section 3-5**. Report of deaths of persons in custody in correctional institutions.

(a) In this Act, "law enforcement agency" includes each law enforcement entity within this State having the authority to arrest and detain persons suspected of, or charged with, committing a criminal offense, and each law enforcement entity that operates a lock up, jail, prison, or any other facility used to detain persons for legitimate law enforcement purposes.

(b) In any case in which a person dies:

(1) while in the custody of:

(A) a law enforcement agency;

(B) a local or State correctional facility in this State; or

(C) a peace officer; or

(2) as a result of the peace officer's use of force, the law enforcement agency shall investigate and report the death in writing to the Illinois Criminal Justice Information Authority, no later than 30 days after the date on which the person in custody or incarcerated died. The written report shall contain the following information:

(A) facts concerning the death that are in the possession of the law enforcement agency in charge of the investigation and the correctional facility where the death occurred including, but not limited to, race, age, and gender of the decedent, and a brief description of the circumstances surrounding the death;

(B) if the death occurred in the custody of the Illinois Department of Corrections, the report shall also include the jurisdiction, the law enforcement agency providing the investigation, and the local or State facility where the death occurred;

(C) if the death occurred in the custody of the Illinois Department of Corrections, the report shall also include if emergency care was requested by the law enforcement agency in response to any illness, injury, self-inflicted or otherwise, or other issue related to rapid deterioration of physical wellness or human subsistence, and details concerning emergency care that were provided to the decedent if emergency care was provided.

(c) The law enforcement agency and the involved correctional administrators shall make a good faith effort to obtain all relevant facts and circumstances relevant to the death and include those in the report.

(d) The Illinois Criminal Justice Information Authority shall create a standardized form to be used for the purpose of collecting information as described in subsection (b).

(e) Law enforcement agencies shall use the form described in subsection (d) to report all cases in which a person dies:

(1) while in the custody of:

(A) a law enforcement agency;

(B) a local or State correctional facility in this State; or

(C) a peace officer; or

(2) as a result of the peace officer's use of force.

(f) The Illinois Criminal Justice Information Authority may determine the manner in which the form is transmitted from a law enforcement agency to the Illinois Criminal Justice Information Authority.

(g) The reports shall be public records within the meaning of subsection (c) of Section 2 of the Freedom of Information Act and are open to public inspection, with the exception of any portion of the report that the Illinois Criminal Justice Information Authority determines is privileged or protected under Illinois or federal law.

(h) The Illinois Criminal Justice Information Authority shall make available to the public information of all individual reports relating to deaths in custody through the Illinois Criminal Justice Information Authority's website to be updated on a quarterly basis.

(i) The Illinois Criminal Justice Information Authority shall issue a public annual report tabulating and evaluating trends and information on deaths in custody, including, but not limited to:

(1) information regarding the race, gender, sexual orientation, and gender identity of the decedent; and a brief description of the circumstances surrounding the death;

(2) if the death occurred in the custody of the Illinois Department of Corrections, the report shall also include the jurisdiction, law enforcement agency providing the investigation, and local or State facility where the death occurred; and

(3) recommendations and State and local efforts underway to reduce deaths in custody.

The report shall be submitted to the Governor and General Assembly and made available to the public on the Illinois Criminal Justice Information Authority's website the first week of February of each year.

(j) So that the State may oversee the healthcare provided to any person in the custody of each law enforcement agency within this State, provision of medical services to these persons, general care and treatment, and any other factors that may contribute to the death of any of these persons, the following information shall be made available to the public on the Illinois Criminal Justice Information Authority's website:

(1) the number of deaths that occurred during the preceding calendar year;

(2) the known, or discoverable upon reasonable inquiry, causes and contributing factors of each of the in-custody deaths as defined in subsection (b); and

(3) the law enforcement agency's policies, procedures, and protocols related to:

(A) treatment of a person experiencing withdrawal from alcohol or substance use;

(B) the facility's provision, or lack of provision, of medications used to treat, mitigate, or address a person's symptoms; and

(C) notifying an inmate's next of kin after the inmate's in-custody death.

(k) The family, next of kin, or any other person reasonably nominated by the decedent as an emergency contact shall be notified as soon as possible in a suitable manner giving an accurate factual account of the cause of death and circumstances surrounding the death in custody in accordance with State and federal law.

(l) The law enforcement agency or correctional facility shall name a staff person to act as dedicated family liaison officer to be a point of contact for the family, to make and maintain contact with the family, to report ongoing developments and findings of investigations, and to provide information and practical support. If requested by the deceased's next of kin, the law enforcement agency or correctional facility shall arrange for a chaplain, counselor, or other suitable staff member to meet with the family and discuss any faith considerations or concerns. The family has a right to the medical records of a family member who has died in custody and these records shall be disclosed to them in accordance with State and federal law.

(m) It is unlawful for a person who is required under this Section to investigate a death or file a report to fail to include in the report facts known or discovered in the investigation to the Illinois Criminal Justice Information Authority. A violation of this Section is a petty offense, with fine not to exceed $500.

**Article 4. Constitutional Rights and Remedies. (Eff: 7-1-21)**

**4-1. Section 4-1**. Short title. This Article may be cited as the Task Force on Constitutional Rights and Remedies Act. References in this Article to "this Act" mean this Article.

**4-2. Section 4-5**. Task Force on Constitutional Rights and Remedies. The Task Force on Constitutional Rights and Remedies is created. The purpose of the Task Force on Constitutional Rights and Remedies is to develop and propose policies and procedures to review and reform constitutional rights and remedies, including qualified immunity for peace officers.

**4-3. Section 4-10**. Task Force Members.

(a) The Task Force on Constitutional Rights and Remedies shall be comprised of the following members:

(1) The president of statewide association representing trial lawyers or his or her designee, the executive director of a statewide association advocating for the advancement of civil liberties or his or her designee, a representative representing statewide labor, all appointed by the Governor.

(2) Four members of the public appointed, one appointed by each the Speaker of the House of Representatives, Minority Leader of the House of Representatives, Minority Leader of the House of Representatives, President of the Senate, Minority Leader of the Senate.

(3) The president of a statewide bar association or his or her designee, the executive director of a statewide association representing county sheriffs or his or her designee, the executive director of a statewide association representing chiefs of police, a representative of the Chicago Police Department, all appointed by the Governor.

(4) The Director of the Illinois State Police or his or her designee.

(5) The Attorney General, or his or her designee.

(6) A retired judge appointed by the Governor.

(7) one State Representative, appointed by the Speaker of the House of Representatives; one State Representative, appointed by the Minority Leader of the House of Representatives; one State Senator, appointed by the President of the Senate; one State Senator, appointed by the Minority Leader of the Senate.

(b) The members of the Task Force shall serve without compensation.

(c) The Illinois Criminal Justice Information Authority shall provide administrative and technical support to the Task Force and be responsible for administering its operations, appointing a chairperson, and ensuring that the requirements of the Task Force are met. The President of the Senate and the Speaker of the House of Representatives shall appoint co-chairpersons for the Task Force. The Task Force shall have all appointments made within 30 days of the effective date of this amendatory Act of the 101st General Assembly.

**4-4. Section 4-15**. Meetings; report.

(a) The Task Force shall meet at least 3 times with the first meeting occurring within 60 days after the effective date of this amendatory Act of the 101st General Assembly.

(b) The Task Force shall review available research, best practices, and effective interventions to formulate recommendations.

(c) The Task Force shall produce a report detailing the Task Force's findings and recommendations and needed resources. The Task Force shall submit a report of its findings and recommendations to the General Assembly and the Governor by May 1, 2021.

**4-5. Section 4-20**. Repeal. This Act is repealed on January 1, 2022.

**Article 10**

**Amendatory Provisions**

**10-1. Section 10-105.** **(Eff: 1-1-23)** The Statute on Statutes is amended by *adding* **Section 1.43** as follows: (5 ILCS 70/1.43 new).

**Sec. 1.43. Reference to bail, bail bond, or conditions of bail. Whenever there is a reference in any Act to "bail", "bail bond", or "conditions of bail", these terms shall be construed as "pretrial release" or "conditions of pretrial release".**

**10-2. Section 10-110**. **(Eff: 1-1-23)** The Freedom of Information Act is amended by *changing* **Section 2.15** as follows: (5 ILCS 140/2.15).

Sec. 2.15. Arrest reports and criminal history records.

(a) Arrest reports. The following chronologically maintained arrest and criminal history information maintained by State or local criminal justice agencies shall be furnished as soon as practical, but in no event later than 72 hours after the arrest, notwithstanding the time limits otherwise provided for in Section 3 of this Act: (i) information that identifies the individual, including the name, age, address, and photograph, when and if available; (ii) information detailing any charges relating to the arrest; (iii) the time and location of the arrest; (iv) the name of the investigating or arresting law enforcement agency; (v) if the individual is incarcerated, the **conditions of pretrial release** **~~amount of any bail or bond~~**; and (vi) if the individual is incarcerated, the time and date that the individual was received into, discharged from, or transferred from the arresting agency's custody.

**10-3. Section 10-115.** **(Eff: 1-1-23)** The State Records Act is amended by *changing* **Section 4a** as follows:

(5 ILCS 160/4a)

Sec. 4a. Arrest records and reports.

(a) When an individual is arrested, the following information must be made available to the news media for inspection and copying:

(5) If the individual is incarcerated, the **conditions of pretrial release** **~~amount of any bail or bond~~**.

**10-4. Section 10-116.** **(Eff: 7-1-21)** The Illinois Public Labor Relations Act is amended by *changing* **Section 14** as follows:

(5 ILCS 315/14) (from Ch. 48, par. 1614)

Sec. 14. Security employee, peace officer and fire fighter disputes.

(i) In the case of peace officers, the arbitration decision shall be limited to wages, hours, and conditions of employment (which may include residency requirements in municipalities with a population under **100,000 ~~1,000,000~~**, but those residency requirements shall not allow residency outside of Illinois) and shall not include the following: i) residency requirements in municipalities with a population of at least **100,000 ~~1,000,000~~**; ii) the type of equipment, \*\*\*.

**10-5. Section 10-116.5**. **(Eff: 7-1-21)** The Community-Law Enforcement Partnership for Deflection and Substance Use Disorder Treatment Act is amended by *changing* **Sections 1, 5, 10, 15, 20, 30, and 35** and by *adding* **Section 21** as follows:

(5 ILCS 820/1)

Sec. 1. Short title. This Act may be cited as the Community-Law Enforcement **and Other First Responder** Partnership for Deflection and Substance Use Disorder Treatment Act.

Sec. 5. Purposes. Law enforcement officers**, other first responders, and co-responders** have a unique opportunity to facilitate connections to community-based behavioral health interventions that provide substance use treatment and can help save and restore lives; \*\*\*. It is the intent of the General Assembly to authorize law enforcement **and other first responders** to develop and implement collaborative deflection programs in Illinois that offer immediate pathways to substance use treatment and other services as an alternative to traditional case processing and involvement in the criminal justice system**, and to unnecessary admission to emergency departments**.

Sec. 10. Definitions. In this Act:

**"Other first responder" means and includes emergency medical services providers that are public units of government, fire departments and districts, and officials and responders representing and employed by these entities.**

"Deflection program" means a program in which a peace officer or member of a law enforcement agency **or other first responder** facilitates contact between an individual and a licensed substance use treatment provider or clinician for assessment and coordination of treatment planning**, including co-responder approaches that incorporate behavioral health, peer, or social work professionals with law enforcement or other first responders at the scene**. This facilitation includes defined criteria for eligibility and communication protocols agreed to by the law enforcement agency **or other first responder entity** and the licensed treatment provider for the purpose of providing substance use treatment to those persons in lieu of arrest or further justice system involvement**, or unnecessary admissions to the emergency department**. Deflection programs may include, but are not limited to, the following types of responses:

(2) a self-referral deflection response initiated by an individual by contacting a peace officer or law enforcement agency **or other first responder** in the acknowledgment of their substance use or disorder;

(3) an active outreach deflection response initiated by a peace officer or law enforcement agency **or other first responder** as a result of proactive identification of persons thought likely to have a substance use disorder;

(4) an officer **or other first responder** prevention deflection response initiated by a peace officer or law enforcement agency in response to a community call when no criminal charges are present; and

Sec. 15. Authorization.

(a) Any law enforcement agency **or other first responder entity** may establish a deflection program subject to the provisions of this Act in partnership with one or more licensed providers of substance use disorder treatment services and one or more community members or organizations. **Programs established by another first responder entity shall also include a law enforcement agency.**

(b) The deflection program may involve a post-overdose deflection response, a self-referral deflection response, an active outreach deflection response, an officer **or other first responder** prevention deflection response, or an officer intervention deflection response, or any combination of those.

(c) Nothing shall preclude the General Assembly from adding other responses to a deflection program, or preclude a law enforcement agency **or other first responder entity** from developing a deflection program response based on a model unique and responsive to local issues, substance use or mental health needs, and partnerships, using sound and promising or evidence-based practices.

(d) To receive funding for activities as described in Section 35 of this Act, planning for the deflection program shall include:

**(3) an agreement with participating licensed treatment providers authorizing the release of statistical data to the Illinois Criminal Justice Information Authority, in compliance with State and Federal law, as established by the Illinois Criminal Justice Information Authority in paragraph (2) of subsection (a) of Section 25 of this Act.**

Sec. 20. Procedure. The law enforcement agency **or other first responder entity**, licensed treatment providers, and community members or organizations shall establish a local deflection program plan \*\*\*.

**Sec. 21. Training. The law enforcement agency or other first responder entity in programs that receive funding for services under Section 35 of this Act shall and that receive training under subsection (a.1) of Section 35 shall be trained in:**

**(a)Neuroscience of Addiction for Law Enforcement;**

**(b)Medication-Assisted Treatment;**

**(c)Criminogenic Risk-Need for Health and Safety;**

**(d)Why Drug Treatment Works?;**

**(e)Eliminating Stigma for People with Substance-Use**

**Disorders and Mental Health;**

**(f)Avoiding Racial Bias in Deflection Program;**

**(g)Promotion Racial and Gender Equity in Deflection;**

**(h)Working With Community Partnerships; and**

**(i)Deflection in Rural Communities.**

(5 ILCS 820/30)

Sec. 30. Exemption from civil liability. The law enforcement agency or peace officer **or other first responder** acting in good faith shall not, as the result of acts or omissions in providing services under Section 15 of this Act, be liable for civil damages, unless the acts or omissions constitute willful and wanton misconduct.

Sec. 35. Funding.

(a) The General Assembly may appropriate funds to the Illinois Criminal Justice Information Authority for the purpose of funding law enforcement agencies **or other first responder entities** for services provided by deflection program partners as part of deflection programs subject to subsection (d) of Section 15 of this Act.

**(a.1) Up to 10 percent of appropriated funds may be expended on activities related to knowledge dissemination, training, technical assistance, or other similar activities intended to increase practitioner and public awareness of deflection and/or to support its implementation. The Illinois Criminal Justice Information Authority may adopt guidelines and requirements to direct the distribution of funds for these activities.**

(b) **For all appropriated funds not distributed under subsection a.1, the** **~~The~~** Illinois Criminal Justice Information Authority may adopt guidelines and requirements to direct the distribution of funds for expenses related to deflection programs. Funding shall be made available to support both new and existing deflection programs in a broad spectrum of geographic regions in this State, including urban, suburban, and rural communities. **Funding for deflection programs shall be prioritized for communities that have been impacted by the war on drugs, communities that have a police/community relations issue, and communities that have a disproportionate lack of access to mental health and drug treatment.** Activities eligible for funding under this Act may include, but are not limited to, the following:

**(6) naloxone and related supplies necessary for carrying out overdose reversal for purposes of distribution to program participants or for use by law enforcement or other first responders; and**

**(7) treatment necessary to prevent gaps in service delivery between linkage and coverage by other funding sources when otherwise non-reimbursable.**

**10-6. Section 10-116.7.** **(Eff: 7-1-21)** The Attorney General Act is amended by *adding* **Section 10** as follows:

(15 ILCS 205/10 new)

**Sec. 10. Executive officers.**

**(a) As used in this Section:**

**(1)"Governmental authority" means any local governmental unit in this State, any municipal corporation in this State, or any governmental unit of the State of Illinois. This includes any office, officer, department, division, bureau, board, commission, or agency of the State.**

**(2) "Officer" means any probationary law enforcement officer, probationary part-time law enforcement officer, permanent law enforcement officer, part-time law enforcement officer, law enforcement officer, recruit, probationary county corrections officer, permanent county corrections officer, county corrections officer, probationary court security officer, permanent court security officer, or court security officer as defined in**

**Section 2 of the Police Training Act.**

**(b) No governmental authority, or agent of a governmental authority, or person acting on behalf of a governmental authority, shall engage in a pattern or practice of conduct by officers that deprives any person of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States or by the Constitution or laws of Illinois.**

**(c) Whenever the Illinois Attorney General has reasonable cause to believe that a violation of subsection (b) has occurred, the Illinois Attorney General may commence a civil action in the name of the People of the State to obtain appropriate equitable and declaratory relief to eliminate the pattern or practice. Venue for this civil action shall be Sangamon County or Cook County. Such actions shall be commenced no later than 5 years after the occurrence or the termination of an alleged violation, whichever occurs last.**

**(d) Prior to initiating a civil action, the Attorney General may conduct a preliminary investigation to determine whether there is reasonable cause to believe that a violation of subsection (b) has occurred. In conducting this investigation, the Attorney General may:**

**(1) require the individual or entity to file a statement or report in writing under oath or otherwise, as to all information the Attorney General may consider necessary;**

**(2) examine under oath any person alleged to have participated in or with knowledge of the alleged pattern and practice violation; or**

**(3) issue subpoenas or conduct hearings in aid of any investigation.**

**(e) Service by the Attorney General of any notice requiring a person to file a statement or report, or of a subpoena upon any person, shall be made:**

**(1) personally by delivery of a duly executed copy thereof to the person to be served or, if a person is not a natural person, in the manner provided in the Code of Civil**

**Procedure when a complaint is filed; or**

**(2) by mailing by certified mail a duly executed copy thereof to the person to be served at his or her last known abode or principal place of business within this State or, if a person is not a natural person, in the manner provided in the Code of Civil Procedure when a complaint is filed.**

**(3) The Attorney General may compel compliance with investigative demands under this Section through an order by any court of competent jurisdiction.**

**(f)(1) In any civil action brought pursuant to subsection (c) of this Section, the Attorney General may obtain as a remedy equitable and declaratory relief (including any permanent or preliminary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in such violation or ordering any action as may be appropriate). In addition, the Attorney General may request and the Court may impose a civil penalty to vindicate the public interest in an amount not exceeding $25,000 per violation, or if the defendant has been adjudged to have committed one other civil rights violation under this Section within 5 years of the occurrence of the violation that is the basis of the complaint, in an amount not exceeding $50,000.**

**(2) A civil penalty imposed under this subsection shall be deposited into the Attorney General Court Ordered and Voluntary Compliance Payment Projects Fund, which is a special fund in the State Treasury. Moneys in the Fund shall be used, subject to appropriation, for the performance of any function pertaining to the exercise of the duties of the Attorney General including but not limited to enforcement of any law of this State and conducting public education programs; however, any moneys in the Fund that are required by the court or by an agreement to be used for a particular purpose shall be used for that purpose.**

**10-7. Section 10-120.** **(Eff: 1-1-23)** The Department of State Police Law of the Civil Administrative Code of Illinois is amended by *changing* **Section 2605-302** as follows:

(20 ILCS 2605/2605-302) (was 20 ILCS 2605/55a in part)

Sec. 2605-302. Arrest reports.

(a) When an individual is arrested, the following information must be made available to the news media for inspection and copying:

(5) If the individual is incarcerated, the **conditions of pretrial release** **~~amount of any bail or bond~~**.

**10-8. Section 10-125.** **(Eff: 7-1-21)** The State Police Act is amended by *changing* **Section 14** and by *adding* **Section 17c** as follows:

(20 ILCS 2610/14) (from Ch. 121, par. 307.14)

Sec. 14. Except as is otherwise provided in this Act, no Department of State Police officer shall be removed, demoted or suspended except for cause, upon written charges filed with the Board by the Director and a hearing before the Board thereon upon not less than 10 days' notice at a place to be designated by the chairman thereof. At such hearing, the accused shall be afforded full opportunity to be heard in his or her own defense and to produce proof in his or her defense. **It shall not be a requirement of a person** **~~Anyone~~** filing a complaint against a State Police Officer **to** **~~must~~** have **a** **~~the~~** complaint supported by a sworn affidavit **or any other legal documentation. This ban on an affidavit requirement shall apply to any collective bargaining agreements entered after the effective date of this provision**. **~~Any such complaint, having been supported by a sworn affidavit, and having been found, in total or in part, to contain false information, shall be presented to the appropriate State's Attorney for a determination of prosecution.~~**

**Sec. 17c. Military equipment surplus program.**

**(a) For purposes of this Section: "Bayonet" means a large knife designed to be attached to the muzzle of a rifle, shotgun, or long gun for the purpose of hand-to-hand combat.**

**"Grenade launcher" means a firearm or firearm accessory designed to launch small explosive projectiles.**

**"Military equipment surplus program" means any federal or State program allowing a law enforcement agency to obtain surplus military equipment including, but not limit to, any program organized under Section 1122 of the National Defense Authorization Act for Fiscal Year 1994 (Pub. L. 103-160) or Section 1033 of the National Defense Authorization Act for Fiscal Year 1997 (Pub. L. 104-201), or any program established under 10 U.S.C. 2576a.**

**"Tracked armored vehicle" means a vehicle that provides ballistic protection to its occupants and utilizes a tracked system installed of wheels for forward motion.**

**"Weaponized aircraft, vessel, or vehicle" means any aircraft, vessel, or vehicle with weapons installed.**

**(b) The Illinois State Police shall not request or receive from any military equipment surplus program nor purchase or otherwise utilize the following equipment:**

**(1) tracked armored vehicles;**

**(2) weaponized aircraft, vessels, or vehicles;**

**(3) firearms of .50-caliber or higher;**

**(4) ammunition of .50-caliber or higher;**

**(5) grenade launchers; or**

**(6) bayonets.**

**(c) If the Illinois State Police request other property not prohibited by this Section from a military equipment surplus program, the Illinois State Police shall publish notice of the request on a publicly accessible website maintained by the Illinois State Police within 14 days after the request.**

**10-9. Section 10-130.** **(Eff: 7-1-21)** The Illinois Criminal Justice Information Act is amended by *adding* **Sections 7.7 and 7.8** as follows:

(20 ILCS 3930/7.7 new)

**Sec. 7.7. Pretrial data collection.**

**(a) The Administrative Director of the Administrative Officer of the Illinois Courts shall convene an oversight board to be known as the Pretrial Practices Data Oversight Board to oversee the collection and analysis of data regarding pretrial practices in circuit court systems. The Board shall include, but is not limited to, designees from the Administrative Office of the Illinois Courts, the Illinois Criminal Justice Information Authority, and other entities that possess knowledge of pretrial practices and data collection issues. Members of the Board shall serve without compensation.**

**(b) The Oversight Board shall:**

**(1) identify existing pretrial data collection processes in local jurisdictions;**

**(2) define, gather and maintain records of pretrial data relating to the topics listed in subsection (c) from circuit clerks' offices, sheriff's departments, law enforcement agencies, jails, pretrial departments, probation department, State's Attorneys' offices, public defenders' offices and other applicable criminal justice system agencies;**

**(3) identify resources necessary to systematically collect and report data related to the topics listed in subsections (c); and**

**(4) develop a plan to implement data collection processes sufficient to collect data on the topics listed in subsection (c) no later than one year after the effective date of this amendatory Act of the 101st General**

**Assembly. The plan and, once implemented, the reports and analysis shall be published and made publicly available on the Administrative Office of the Illinois Courts (AOIC) website.**

**(c) The Pretrial Practices Data Oversight Board shall develop a strategy to collect quarterly, county-level data on the following topics; which collection of data shall begin starting one year after the effective date of this amendatory Act of the 101st General Assembly:**

**(1) information on all persons arrested and charged with misdemeanor or felony charges, or both, including information on persons released directly from law enforcement custody;**

**(2) information on the outcomes of pretrial conditions and pretrial detention hearings in the county courts, including but not limited to the number of hearings held, the number of defendants detained, the number of defendants released, and the number of defendants released with electronic monitoring;**

**(3) information regarding persons detained in the county jail pretrial, including, but not limited to, the number of persons detained in the jail pretrial and the number detained in the jail for other reasons, the demographics of the pretrial jail population, race, sex, sexual orientation, gender identity,age, and ethnicity, the charges including on which pretrial defendants are detained, the average length of stay of pretrial defendants;**

**(4) information regarding persons placed on electronic monitoring programs pretrial, including, but not limited to, the number of participants, the demographics of the participant population, including race, sex, sexual orientation, gender identity, age, and ethnicity, the charges on which participants are ordered to the program, and the average length of participation in the program;**

**(5) discharge data regarding persons detained pretrial in the county jail, including, but not limited to, the number who are sentenced to the Illinois Department of**

**Corrections, the number released after being sentenced to time served, the number who are released on probation, conditional discharge, or other community supervision, the number found not guilty, the number whose cases are dismissed, the number whose cases are dismissed as part of diversion or deferred prosecution program, and the number who are released pretrial after a hearing re-examining their pretrial detention;**

**(6) information on the pretrial rearrest of individuals released pretrial, including the number arrested and charged with a new misdemeanor offense while released, the number arrested and charged with a new felony offense while released, and the number arrested and charged with a new forcible felony offense while released, and how long after release these arrests occurred;**

**(7) information on the pretrial failure to appear rates of individuals released pretrial, including the number who missed one or more court dates, how many warrants for failures to appear were issued, and how many individuals were detained pretrial or placed on electronic monitoring pretrial after a failure to appear in court;**

**(8) what, if any, validated pretrial risk assessment tools are in use in each jurisdiction, and comparisons of the pretrial release and pretrial detention decisions of judges as compared to and the risk assessment scores of individuals; and**

**(9) any other information the Pretrial Practices Data Oversight Board considers important and probative of the effectiveness of pretrial practices in the state of Illinois. d) Circuit clerks' offices, sheriff's departments, law enforcement agencies, jails, pretrial departments, probation department, State's Attorneys' offices, public defenders' offices and other applicable criminal justice system agencies are mandated to provide data to the Administrative Office of the Illinois Courts as described in subsection (c).**

(20 ILCS 3930/7.8 new)

**Sec. 7.8. Domestic Violence Pretrial Practices Working Group.**

**(a) The Executive Director of the Illinois Criminal Justice Information Authority shall convene a working group to research and issue a report on current practices in pretrial domestic violence courts throughout the state of Illinois.**

**(b) The working group shall include, but is not limited to, designees from the Administrative Office of the Illinois Courts, the Illinois Criminal Justice Information Authority, Domestic Violence victims' advocates, formerly incarcerated victims of violence, legal practitioners, and other entities that possess knowledge of evidence-based practices surrounding domestic violence and current pretrial practices in Illinois.**

**(c) The group shall meet quarterly and no later than 15 months after the effective date of this amendatory Act of the 101st General Assembly issue a preliminary report on the state of current practice across the state in regards to pretrial practices and domestic violence and no later than 15 months after the release of the preliminary report, issue a final report issuing recommendations for evidence-based improvements to court procedures.**

**(d) Members of the working group shall serve without compensation.**

**10-10. Section 10-135.** **(Eff: 7-1-21)** The Public Officer Prohibited Activities Act is amended by *adding* **Section 4.1** as follows:

(50 ILCS 105/4.1 new)

**Sec. 4.1. Retaliation against a whistleblower.**

**(a) It is prohibited for a unit of local government, any agent or representative of a unit of local government, or another employee to retaliate against an employee or contractor who:**

**(1) reports an improper governmental action under this Section;**

**(2) cooperates with an investigation by an auditing official related to a report of improper governmental action; or**

**(3) testifies in a proceeding or prosecution arising out of an improper governmental action.**

**(b) To invoke the protections of this Section, an employee shall make a written report of improper governmental action to the appropriate auditing official. An employee who believes he or she has been retaliated against in violation of this Section must submit a written report to the auditing official within 60 days of gaining knowledge of the retaliatory action. If the auditing official is the individual doing the improper governmental action, then a report under this subsection may be submitted to any State's Attorney.**

**(c) Each auditing official shall establish written processes and procedures for managing complaints filed under this Section, and each auditing official shall investigate and dispose of reports of improper governmental action in accordance with these processes and procedures. If an auditing official concludes that an improper governmental action has taken place or concludes that the relevant unit of local government, department, agency, or supervisory officials have hindered the auditing official's investigation into the report, the auditing official shall notify in writing the chief executive of the unit of local government and any other individual or entity the auditing official deems necessary in the circumstances.**

**(d) An auditing official may transfer a report of improper governmental action to another auditing official for investigation if an auditing official deems it appropriate, including, but not limited to, the appropriate State's Attorney.**

**(e) To the extent allowed by law, the identity of an employee reporting information about an improper governmental action shall be kept confidential unless the employee waives confidentiality in writing. Auditing officials may take reasonable measures to protect employees who reasonably believe they may be subject to bodily harm for reporting improper government action.**

**(f) The following remedies are available to employees subjected to adverse actions for reporting improper government action:**

**(1) Auditing officials may reinstate, reimburse for lost wages or expenses incurred, promote, or provide some other form of restitution.**

**(2) In instances where an auditing official determines that restitution will not suffice, the auditing official may make his or her investigation findings available for the purposes of aiding in that employee or the employee's attorney's effort to make the employee whole.**

**(g) A person who engages in prohibited retaliatory action under subsection (a) is subject to the following penalties: a fine of no less than $500 and no more than $5,000, suspension without pay, demotion, discharge, civil or criminal prosecution, or any combination of these penalties, as appropriate.**

**(h) Every employee shall receive a written summary or a complete copy of this Section upon commencement of employment and at least once each year of employment. At the same time, the employee shall also receive a copy of the written processes and procedures for reporting improper governmental actions from the applicable auditing official.**

**(i) As used in this Section: "Auditing official" means any elected, appointed, or hired individual, by whatever name, in a unit of local government whose duties are similar to, but not limited to, receiving, registering, and investigating complaints and information concerning misconduct, inefficiency, and waste within the unit of local government; investigating the performance of officers, employees, functions, and programs; and promoting economy, efficiency, effectiveness and integrity in the administration of the programs and operations of the municipality. If a unit of local government does not have an "auditing official", the "auditing official" shall be a State's Attorney of the county in which the unit of local government is located within.**

**"Employee" means anyone employed by a unit of local government, whether in a permanent or temporary position, including full-time, part-time, and intermittent workers. "Employee" also includes members of appointed boards or commissions, whether or not paid. "Employee" also includes persons who have been terminated because of any report or complaint submitted under this Section.**

**"Improper governmental action" means any action by a unit of local government employee, an appointed member of a board, commission, or committee, or an elected official of the unit of local government that is undertaken in violation of a federal, State, or unit of local government law or rule; is an abuse of authority; violates the public's trust or expectation of his or her conduct; is of substantial and specific danger to the public's health or safety; or is a gross waste of public funds. The action need not be within the scope of the employee's, elected official's, board member's, commission member's, or committee member's official duties to be subject to a claim of "improper governmental action". "Improper governmental action" does not include a unit of local government personnel actions, including, but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, reprimands, or violations of collective bargaining agreements, except to the extent that the action amounts to retaliation.**

**"Retaliate", "retaliation", or "retaliatory action" means any adverse change in an employee's employment status or the terms and conditions of employment that results from an employee's protected activity under this Section. "Retaliatory action" includes, but is not limited to, denial of adequate staff to perform duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work; unsubstantiated letters of reprimand or unsatisfactory performance evaluations; demotion; reduction in pay; denial of promotion; transfer or reassignment; suspension or dismissal; or other disciplinary action made because of an employee's protected activity under this Section.**

**10-11. Section 10-140.** **(Eff: 1-1-23)** The Local Records Act is amended by *changing* **Section 3b** as follows:

(50 ILCS 205/3b)

Sec. 3b. Arrest records and reports.

(a) When an individual is arrested, the following information must be made available to the news media for inspection and copying:

(5) If the individual is incarcerated, the **conditions of pretrial release** **~~amount of any bail or bond~~**.

**10-12. Section 10-141.** **(Eff: 7-1-21)** The Local Records Act is amended by *adding* **Section 25** as follows:

(50 ILCS 205/25 new)

**Sec. 25. Police misconduct records. Notwithstanding any other provision of law to the contrary, all public records and nonpublic records related to complaints, investigations, and adjudications of police misconduct shall be permanently retained and may not be destroyed.**

**10-13. Section 10-143.** **(Eff: 7-1-21)** The Illinois Police Training Act is amended by *changing* **Sections 6, 6.2, 7, and 10.17 and by adding Section 10.6** as follows:

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

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

**f. To establish statewide standards for minimum standards regarding regular mental health screenings for probationary and permanent police officers, ensuring that counseling sessions and screenings remain confidential.**

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:

(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 **any** **~~a Class 2 or greater~~** felony **or sex offense**.

(c) The Board shall maintain a database readily available to any chief administrative officer, or his or her designee, of a law enforcement agency **or any State's Attorney** 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. The Board shall adopt rules and minimum standards for such schools which shall include, but not be limited to, the following: 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, including implicit bias and racial and ethnic sensitivity, criminal law, law of criminal procedure, constitutional and proper use of law enforcement authority, **crisis intervention training,** vehicle and traffic law including uniform and non-discriminatory enforcement of the Illinois

**The curriculum for probationary police officers shall include: (1) at least 12 hours of hands-on, scenario-based role-playing; (2) at least 6 hours of instruction on use of force techniques, including the use of de-escalation techniques to prevent or reduce the need for force whenever safe and feasible; (3) specific training on officer safety techniques, including cover, concealment, and time; and (4) at least 6 hours of training focused on high-risk traffic stops.**

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, **~~mental health awareness and response, officer wellness,~~** reporting child abuse and neglect, and cultural competency**, including implicit bias and racial and ethnic sensitivity**.

h. Minimum in-service training requirements, which a police officer must satisfactorily complete at least annually. Those requirements shall include law updates**, emergency medical response training and certification, crisis intervention training, and officer wellness and mental health** **~~and use of force training which shall include scenario based training, or similar training approved by the Board.~~**

**i. Minimum in-service training requirements as set forth in Section 10.6.**

**Sec. 10.6. Mandatory training to be completed every 3 years. The Board shall adopt rules and minimum standards for in-service training requirements as set forth in this Section. The training shall provide officers with knowledge of policies and laws regulating the use of force; equip officers with tactics and skills, including de-escalation techniques, to prevent or reduce the need to use force or, when force must be used, to use force that is objectively reasonable, necessary, and proportional under the totality of the circumstances; and ensure appropriate supervision and accountability. The training shall consist of at least 30 hours of training every 3 years and shall include:**

**(1) At least 12 hours of hands-on, scenario-based role-playing.**

**(2) At least 6 hours of instruction on use of force techniques, including the use of de-escalation techniques to prevent or reduce the need for force whenever safe and feasible.**

**(3) Specific training on the law concerning stops, searches, and the use of force under the Fourth Amendment to the United States Constitution.**

**(4) Specific training on officer safety techniques, including cover, concealment, and time.**

**(5) At least 6 hours of training focused on high-risk traffic stops.**

Sec. 10.17. Crisis intervention team training; mental health awareness training.

(a) The Illinois Law Enforcement Training Standards Board shall develop and approve a standard curriculum for certified training programs in crisis intervention **of at least 40 hours** addressing specialized policing responses to people with mental illnesses. The Board shall conduct Crisis Intervention Team (CIT) training programs that train officers to identify signs and symptoms of mental illness, to de-escalate situations involving individuals who appear to have a mental illness, and connect that person in crisis to treatment. **Crisis Intervention Team (CIT) training programs shall be a collaboration between law enforcement professionals, mental health providers, families, and consumer advocates and must minimally include the following components: (1) basic information about mental illnesses and how to recognize them; (2) information about mental health laws and resources; (3) learning from family members of individuals with mental illness and their experiences; and (4) verbal de-escalation training and role-plays.** Officers who have successfully completed this program shall be issued a certificate attesting to their attendance of a Crisis Intervention Team (CIT) training program.

**10-14. Section 10-145.** **(Eff: 7-1-21)** The Law Enforcement Officer-Worn Body Camera Act is amended by changing **Sections 10-15, 10-20, and 10-25** as follows:

(50 ILCS 706/10-15)

Sec. 10-15. Applicability.

**(a) All** **~~Any~~**law enforcement **agencies must employ the use of** **~~agency which employs the use of~~** officer-worn body cameras **in accordance with** **~~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.

**(b) All law enforcement agencies must implement the use of body cameras for all law enforcement officers, according to the following schedule:**

**(1) for municipalities and counties with populations of 500,000 or more, body cameras shall be implemented by**

**January 1, 2022;**

**(2) for municipalities and counties with populations of 100,000 or more but under 500,000, body cameras shall be implemented by January 1, 2023;**

**(3) for municipalities and counties with populations of 50,000 or more but under 100,000, body cameras shall be implemented by January 1, 2024;**

**(4) for municipalities and counties under 50,000, body cameras shall be implemented by January 1, 2025; and**

**(5) for the Department of State Police, body cameras shall be implemented by January 1, 2025.**

**(c) A law enforcement agency's compliance with the requirements under this Section shall receive preference by the Illinois Law Enforcement Training Standards Board in awarding grant funding under the Law Enforcement Camera Grant Act.**

Sec. 10-20. Requirements.

**(C) Officer-worn body cameras may be turned off when the officer is inside a correctional facility which is equipped with a functioning camera system.**

(6) **(A)** 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~~s**upervisor **of the recording officer** 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.

**(B) The recording officer's assigned field training officer may access and review recordings for training purposes. Any detective or investigator directly involved in the investigation of a matter may access and review recordings which pertain to that investigation but may not have access to delete or alter such recordings.**

Sec. 10-25. Reporting.

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

**10-15. Section 10-147.** **(Eff: 7-1-21)** The Uniform Crime Reporting Act is amended by changing **Sections 5-10, 5-12, and 5-20 and by adding Section 5-11** as follows:

(50 ILCS 709/5-10)

Sec. 5-10. Central repository of crime statistics. 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 **and monthly reporting** required to be reported by each law enforcement agency.

(50 ILCS 709/5-11 new)

**Sec. 5-11. FBI National Use of Force Database. The Department shall participate in and regularly submit use of force information to the Federal Bureau of Investigation (FBI) National Use of Force Database. Within 90 days of the effective date of this amendatory act, the Department shall promulgate rules outlining the use of force information required for submission to the Database, which shall be submitted monthly by law enforcement agencies under Section 5-12.**

(50 ILCS 709/5-12)

Sec. 5-12. Monthly reporting. All law enforcement agencies shall submit to the Department of State Police on a monthly basis the following:

**(7) beginning on July 1, 2021, a report on any incident where a law enforcement officer was dispatched to deal with a person experiencing a mental health crisis or incident.  The report shall include the number of incidents, the level of law enforcement response and the outcome of each incident;**

**(8) beginning on July 1, 2021, a report on use of force, including any action that resulted in the death or serious bodily injury of a person or the discharge of a firearm at or in the direction of a person. The report shall include information required by the Department, pursuant to Section 5-11 of this Act.**

Sec. 5-20. Reporting compliance. The Department of State Police shall annually report to the Illinois Law Enforcement Training Standards Board **and the Department of Revenue** 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**, with preference to law enforcement agencies which are in compliance with reporting requirements under this Act**.

**10-16. Section 10-150**. **(Eff: 7-1-21)** The Uniform Peace Officers' Disciplinary Act is amended by changing **Sections 3.2, 3.4, and 3.8** as follows:

(50 ILCS 725/3.2) (from Ch. 85, par. 2555)

Sec. 3.2. No officer shall be subjected to interrogation without first being informed in writing of the nature of the investigation. **~~If an administrative proceeding is instituted, the officer shall be informed beforehand of the names of all complainants.~~** The information shall be sufficient as to reasonably apprise the officer of the nature of the investigation.

Sec. 3.4. The officer under investigation shall be informed in writing of the **~~name, rank and unit or command of the officer in charge of the investigation, the~~** interrogators and all persons who will be present on the behalf of the employer during any interrogation except at a public administrative proceeding. The officer under investigation shall inform the employer of any person who will be present on his or her behalf during any interrogation except at a public administrative hearing.

Sec. 3.8. Admissions; counsel; verified complaint.

(b) **It shall not be a requirement for a person** **~~Anyone~~** filing a complaint against a sworn peace officer **to** **~~must~~** have the complaint supported by a sworn affidavit **or any other legal documentation**. **This ban on an affidavit requirement shall apply to any collective bargaining agreements entered after the effective date of this provision.** **~~Any complaint, having been supported by a sworn affidavit, and having been found, in total or in part, to contain knowingly false material information, shall be presented to the appropriate State's Attorney for a determination of prosecution.~~**

**10-17. Section 10-151.** **(Eff: 7-1-21)** The Uniform Peace Officers' Disciplinary Act is amended by *repealin****g*** **Section**[**6**](https://1.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000008&cite=ILSTC50S725%2f6&originatingDoc=IEBA5FA315D6711EBB371F2B57461BED6&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Keycite)).

**10-18. Section 10-155.** **(Eff: 1-1-23)** The Police and Community Relations Improvement Act is amended by *adding* **Section 1-35** as follows:

(50 ILCS 727/1-35 new)

**Sec. 1-35. Anonymous complaint policy.**

**(a)Any person may file notice of an anonymous complaint to the Illinois Law Enforcement Training Standards Board of any conduct the person believes a law enforcement officer has committed as described in subsection (b) of Section 6.3 of the Illinois Police Training Act. Notwithstanding any other provision in state law or any collective bargaining agreement, the Board shall accept notice and investigate any allegations from individuals who remain anonymous.**

**(b)The Board shall complete a preliminary review of the allegations to determine whether further investigation is warranted. During the preliminary review, the Board will take all reasonable steps to discover any and all objective verifiable evidence relevant to the alleged violation through the identification, retention, review, and analysis of all available evidence, including, but not limited to: all time-sensitive evidence, audio and video evidence, physical evidence, arrest reports, photographic evidence, GPS records, computer data, lab reports, medical documents, and witness interviews. All reasonable steps will be taken to preserve relevant evidence identified during the preliminary investigation.**

**(c)If the Board determines that for an anonymous notice there is objective verifiable evidence to support the allegation or allegations, the Board shall complete a sworn affidavit override to comply with subsection (b) of Section 3.8 of the Uniform Peace Officers' Disciplinary Act. The sworn affidavit override shall be specified on a form to be determined by the Board, including what evidence has been reviewed and, in reliance upon that evidence, it shall be affirmed that it is necessary and appropriate for the investigation to continue. It shall forward that form and the alleged violation in accordance with subsection (f) of Section 6.3 of the Illinois Police Training Act.**

**10-19. Section 10-160.** **(Eff: 1-1-23)** The Counties Code is amended by *changing* **Sections 4-5001, 4-12001, and 4-12001.1** as follows:

(55 ILCS 5/4-5001) (from Ch. 34, par. 4-5001)

Sec. 4-5001. Sheriffs; counties of first and second class. The fees of sheriffs in counties of the first and second class, except when increased by county ordinance under this Section, shall be

as follows:

**~~For taking special bail, $1 in each county.~~**

For taking all **civil** bonds on legal process**~~, civil and criminal,~~** in counties of first class, $1; in second class, $1.

Sec. 4-12001. Fees of sheriff in third class counties. The officers herein named, in counties of the third class, shall be entitled to receive the fees herein specified, for the services mentioned and such other fees as may be provided by law for such other services not herein designated. Fees for Sheriff

**~~For taking special bail, $5.~~**

Sec. 4-12001.1. Fees of sheriff in third class counties; local governments and school districts. The officers herein named, in counties of the third class, shall be entitled to receive the fees herein specified from all units of local government and school districts, for the services mentioned and such other fees as may be provided by law for such other services not herein designated. Fees for Sheriff

**~~For taking special bail, $2.~~**

**10-20. Section 10-161.** **(Eff: 7-1-21)** The Counties Code is amended by *adding* **Section 3-6041** as follows:

(55 ILCS 5/3-6041 new)

**Sec. 3-6041. Military equipment surplus program.**

**(a) For purposes of this Section: "Bayonet" means a large knife designed to be attached to the muzzle of a rifle, shotgun, or long gun for the purpose of hand-to-hand combat.**

**"Grenade launcher" means a firearm or firearm accessory designed to launch small explosive projectiles.**

**"Military equipment surplus program" means any federal or State program allowing a law enforcement agency to obtain surplus military equipment including, but not limited to, any program organized under Section 1122 of the National Defense Authorization Act for Fiscal Year 1994 (Pub. L. 103-160) or Section 1033 of the National Defense Authorization Act for Fiscal Year 1997 (Pub. L. 104-201) or any program established under 10 U.S.C. 2576a.**

**"Tracked armored vehicle" means a vehicle that provides ballistic protection to its occupants and utilizes a tracked system installed of wheels for forward motion.**

**"Weaponized aircraft, vessel, or vehicle" means any aircraft, vessel, or vehicle with weapons installed.**

**(b) A sheriff's department shall not request or receive from any military equipment surplus program nor purchase or otherwise utilize the following equipment:**

**(1) tracked armored vehicles;**

**(2) weaponized aircraft, vessels, or vehicles;**

**(3) firearms of .50-caliber or higher;**

**(4) ammunition of .50-caliber or higher;**

**(5) grenade launchers; or**

**(6) bayonets.**

**(c) A home rule county may not regulate the acquisition of equipment in a manner inconsistent with this Section. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule counties of powers and functions exercised by the State.**

**(d) If the sheriff requests property from a military equipment surplus program, the sheriff shall publish notice of the request on a publicly accessible website maintained by the sheriff or the county within 14 days after the request.**

**10-21. Section 10-165.** **(Eff: 7-1-21)** The Illinois Municipal Code is amended by adding **Section 11-5.1-2** as follows:

(65 ILCS 5/11-5.1-2 new)

**Sec. 11-5.1-2. Military equipment surplus program.**

**(a) For purposes of this Section: "Bayonet" means large knives designed to be attached to the muzzle of a rifle, shotgun, or long gun for the purposes of hand-to-hand combat.**

**"Grenade launcher" means a firearm or firearm accessory designed to launch small explosive projectiles.**

**"Military equipment surplus program" means any federal or state program allowing a law enforcement agency to obtain surplus military equipment including, but not limit to, any program organized under Section 1122 of the National Defense Authorization Act for Fiscal Year 1994 (Pub. L. 103-160) or Section 1033 of the National Defense Authorization Act for Fiscal Year 1997 (Pub. L. 104-201) or any program established by the United States Department of Defense under 10 U.S.C. 2576a.**

**"Tracked armored vehicle" means a vehicle that provides ballistic protection to its occupants and utilizes a tracked system installed of wheels for forward motion.**

**"Weaponized aircraft, vessels, or vehicles" means any aircraft, vessel, or vehicle with weapons installed.**

**(b) A police department shall not request or receive from any military equipment surplus program nor purchase or otherwise utilize the following equipment:**

**(1) tracked armored vehicles;**

**(2) weaponized aircraft, vessels, or vehicles;**

**(3) firearms of .50-caliber or higher;**

**(4) ammunition of .50-caliber or higher;**

**(5) grenade launchers, grenades, or similar explosives; or**

**(6) bayonets.**

**(c) A home rule municipality may not regulate the acquisition of equipment in a manner inconsistent with this Section. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule municipalities of powers and functions exercised by the State.**

**(d) If a police department requests other property not prohibited from a military equipment surplus program, the police department shall publish notice of the request on a publicly accessible website maintained by the police department or the municipality within 14 days after the request.**

(65 ILCS 5/1-2-12.1 rep.)

**10-22. Section 10-170**. **(Eff: 7-1-21)** The Illinois Municipal Code is amended by ***repealing*** **Section 1-2-12.1**.

**10-23. Section 10-175**. **(Eff: 1-1-23)** The Campus Security Enhancement Act of 2008 is amended by *changing* **Section 15**

as follows:

(110 ILCS 12/15)

Sec. 15. Arrest reports.

(a) When an individual is arrested, the following information must be made available to the news media for inspection and copying:

(5) If the individual is incarcerated, the **conditions of pretrial release** **~~amount of any bail or bond~~**.

**10-24. Section 10-180**. **(Eff: 1-1-23)** The Illinois Insurance Code is amended by *changing* **Sections 143.19, 143.19.1, and 205** as follows:

(215 ILCS 5/143.19) (from Ch. 73, par. 755.19)

Sec. 143.19. Cancellation of automobile insurance policy; grounds.

f. The named insured or any other operator who either resides in the same household or customarily operates an automobile insured under such policy:

5. has been convicted, or **violated conditions of pretrial release** **~~forfeited bail~~**, during the 36 months immediately preceding the notice of cancellation, for any felony, criminal negligence resulting in death, homicide or assault arising out of the operation of a motor vehicle, operating a motor vehicle while in an intoxicated condition or while under the influence of drugs, being intoxicated while in, or about, an automobile or while having custody of an automobile, leaving the scene of an accident without stopping to report, theft or unlawful taking of a motor vehicle, making false statements in an application for an operator's or chauffeur's license or has been convicted or **pretrial release has been revoked** **~~forfeited bail~~** for 3 or more violations within the 12 months immediately preceding the notice of cancellation, of any law, ordinance, or regulation limiting the speed of motor vehicles or any of the provisions of the motor vehicle laws of any state, violation of which constitutes a misdemeanor, whether or not the violations were repetitions of the same offense or different offenses;

Sec. 143.19.1. Limits on exercise of right of nonrenewal. After a policy of automobile insurance, as defined in Section 143.13, has been effective or renewed for 5 or more years, the company shall not exercise its right of non-renewal unless: The named insured or any other operator who either resides in the same household or customarily operates an automobile insured under such a policy:

5. Has been convicted or **pretrial release has been revoked** **~~forfeited bail~~**, during the 36 months immediately preceding the notice of non-renewal, for any felony, criminal negligence resulting in death, homicide or assault arising out of the operation of a motor vehicle, operating a motor vehicle while in an intoxicated condition or while under the influence of drugs, being intoxicated while in or about an automobile or while having custody of an automobile, leaving the scene of an accident without stopping to report, theft or unlawful taking of a motor vehicle, making false statements in an application for an operators or chauffeurs license, or has been convicted or **pretrial release has been revoked** **~~forfeited bail~~** for 3 or more violations within the 12 months immediately preceding the notice of non-renewal, of any law, ordinance or regulation limiting the speed of motor vehicles or any of the provisions of the motor vehicle laws of any state, violation of which constitutes a misdemeanor, whether or not the violations were repetitions of the same offense or different offenses; \*\*\*

Sec. 205. Priority of distribution of general assets.

(1) The priorities of distribution of general assets from the company's estate is to be as follows:

(d) Claims by policyholders, beneficiaries, and insureds, under insurance policies, annuity contracts, and funding agreements, liability claims against insureds covered under insurance policies and insurance contracts issued by the company, claims of obligees (and, subject to the discretion of the receiver, completion contractors) under surety bonds and surety undertakings (not to include **~~bail bonds,~~** mortgage or financial guaranty, or other forms of insurance offering protection against investment risk), claims by principals under surety bonds and surety undertakings for wrongful dissipation of collateral by the insurer or its agents, and claims incurred during any extension of coverage provided under subsection (5) of Section 193, and claims of the Illinois Insurance Guaranty Fund, the Illinois Life and Health Insurance Guaranty Association, the Illinois Health Maintenance Organization Guaranty Association, and any similar organization in another state as prescribed in Section 545. For purposes of this Section, "funding agreement" means an agreement whereby an insurer authorized to write business under Class 1 of Section 4 of this Code may accept and accumulate funds and make one or more payments at future dates in amounts that are not based upon mortality or morbidity contingencies.

**10-25. Section 10-185. (Eff: 1-1-23)** The Illinois Gambling Act is amended by *changing* **Section 5.1** as follows:

(230 ILCS 10/5.1) (from Ch. 120, par. 2405.1)

Sec. 5.1. Disclosure of records.

(a) Notwithstanding any applicable statutory provision to the contrary, the Board shall, on written request from any person, provide information furnished by an applicant or licensee concerning the applicant or licensee, his products, services or gambling enterprises and his business holdings, as follows:

(4) Whether an applicant or licensee has been indicted, convicted, pleaded guilty or nolo contendere, or **pretrial release has been revoked** **~~forfeited bail~~** concerning any criminal offense under the laws of any jurisdiction, either felony or misdemeanor (except for traffic violations), including the date, the name and location of the court, arresting agency and prosecuting agency, the case number, the offense, the disposition and the location and length of incarceration.

**10-26. Section 10-187**. **(Eff: 7-1-21)** The Sexual Assault Survivors Emergency Treatment Act is amended by *changing* **Section 7.5** as follows:

(410 ILCS 70/7.5)

Sec. 7.5. Prohibition on billing sexual assault survivors directly for certain services; written notice; billing protocols.

(a) A hospital, approved pediatric health care facility, health care professional, ambulance provider, laboratory, or pharmacy furnishing medical forensic services, transportation, follow-up healthcare, or medication to a sexual assault survivor shall not:

(6) the toll-free phone number of the Office of the Illinois Attorney General, **~~Crime Victim Services Division,~~** which the sexual assault survivor may call should the sexual assault survivor receive a bill from an ambulance provider, approved pediatric health care facility, a health care professional, a laboratory, or a pharmacy.

(d) Within 60 days after the effective date of this amendatory Act of the 99th General Assembly, every health care professional, except for those employed by a hospital or hospital affiliate, as defined in the Hospital Licensing Act, or those employed by a hospital operated under the University of Illinois Hospital Act, who bills separately for medical or forensic services must develop a billing protocol that ensures that no survivor of sexual assault will be sent a bill for any medical forensic services and submit the billing protocol to the **~~Crime Victim Services Division of the~~** Office of the Attorney General for approval. Within 60 days after the commencement of the provision of medical forensic services, every health care professional, except for those employed by a hospital or hospital affiliate, as defined in the Hospital Licensing Act, or those employed by a hospital operated under the University of Illinois Hospital Act, who bills separately for medical or forensic services must develop a billing protocol that ensures that no survivor of sexual assault is sent a bill for any medical forensic services and submit the billing protocol to the **~~Crime Victim Services Division of the Office of the~~** Attorney General for approval. Health care professionals who bill as a legal entity may submit a single billing protocol for the billing entity.

Within 60 days after the Department's approval of a treatment plan, an approved pediatric health care facility and any health care professional employed by an approved pediatric health care facility must develop a billing protocol that ensures that no survivor of sexual assault is sent a bill for any medical forensic services and submit the billing protocol to the **~~Crime Victim Services Division of the~~** Office of the Attorney General for approval.

The **~~Crime Victim Services Division of the~~** Office of the Attorney General may provide a sample acceptable billing protocol upon request.

The health care professional or approved pediatric health care facility shall implement the protocol upon approval by the **~~Crime Victim Services Division of the~~** Office of the Attorney General.

The health care professional or approved pediatric health care facility shall submit any proposed revision to or modification of an approved billing protocol to the **~~Crime Victim Services Division of the~~** Office of the Attorney General for approval.

The health care professional or approved pediatric health care facility shall implement the revised or modified billing protocol upon approval by the **~~Crime Victim Services Division of the~~** Office of the Illinois Attorney General.

(e) This Section is effective on and after July 1, 2021.

**10-27. Section 10-190**. **(Eff: 1-1-23)** The Illinois Vehicle Code is amended by *changing* **Sections 6-204, 6-206, 6-308, 6-500, 6-601, and 16-103** as follows:

(625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)

Sec. 6-204. When court to forward license and reports.

(a) For the purpose of providing to the Secretary of State the records essential to the performance of the Secretary's duties under this Code to cancel, revoke or suspend the driver's license and privilege to drive motor vehicles of certain minors and of persons found guilty of the criminal offenses or traffic violations which this Code recognizes as evidence relating to unfitness to safely operate motor vehicles, the following duties are imposed upon public officials:

(3) Whenever an order is entered vacating the **conditions of pretrial release** **~~forfeiture of any bail, security or bond~~** given to secure appearance for any offense under this Code or similar offenses under municipal ordinance, it shall be the duty of the clerk of the court in which such vacation was had or the judge of such court if such court has no clerk, within 5 days thereafter to forward to the Secretary of State a report of the vacation.

(c) For the purposes of this Code, a **violation of the conditions of pretrial release** **~~forfeiture of bail or collateral deposited to secure a defendant's appearance in court~~** when **the conditions of pretrial release have** **~~forfeiture has~~** not been vacated, or the failure of a defendant to appear for trial after depositing his driver's license in lieu of other bail, shall be equivalent to a conviction.

Sec. 6-206. Discretionary authority to suspend or revoke license or permit; right to a hearing.

Miscellaneous minor changes.

Sec. 6-308. Procedures for traffic violations.

(a) Any person cited for violating this Code or a similar provision of a local ordinance for which a violation is a petty offense as defined by Section 5-1-17 of the Unified Code of Corrections, excluding business offenses as defined by Section 5-1-2 of the Unified Code of Corrections or a violation of Section 15-111 or subsection (d) of Section 3-401 of this Code, shall not be required to sign the citation **~~or post bond to secure bail~~** for his or her release. All other provisions of this Code or similar provisions of local ordinances shall be governed by the **pretrial release** **~~bail~~** provisions of the Illinois Supreme Court Rules when it is not practical or feasible to take the person before a judge to have **conditions of pretrial release** **~~bail~~** set or to avoid undue delay because of the hour or circumstances.

(c) Illinois Supreme Court Rules shall govern **pretrial release** **~~bail~~** and appearance procedures when a person who is a resident of another state that is not a member of the Nonresident Violator Compact of 1977 is cited for violating this Code or a similar provision of a local ordinance.

Sec. 6-500. Definitions of words and phrases. Notwithstanding the definitions set forth elsewhere in this Code, for purposes of the Uniform Commercial Driver's License Act (UCDLA), the words and phrases listed below have the meanings ascribed to them as follows:

(8) Conviction. "Conviction" means an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal; an unvacated **revocation of pretrial release or** forfeiture of bail or collateral deposited to secure the person's appearance in court; a plea of guilty or nolo contendere accepted by the court; the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered; or a violation of a condition of **pretrial** release without bail, regardless of whether or not the penalty is rebated, suspended or probated.

Sec. 6-601. Penalties.

(d) For violations of this Code or a similar provision of a local ordinance for which a violation is a petty offense as defined by Section 5-1-17 of the Unified Code of Corrections, excluding business offenses as defined by Section 5-1-2 of the Unified Code of Corrections or a violation of Section 15-111 or subsection (d) of Section 3-401 of this Code, if the violation may be satisfied without a court appearance, the violator may, pursuant to Supreme Court Rule, satisfy the case with a written plea of guilty and payment of fines, penalties, and costs **as** **~~equal to the bail amount~~** established by the Supreme Court for the offense.

Sec. 16-103. Arrest outside county where violation committed.

Whenever a defendant is arrested upon a warrant charging a violation of this Act in a county other than that in which such warrant was issued, the arresting officer, immediately upon the request of the defendant, shall take such defendant before a circuit judge or associate circuit judge in the county in which the arrest was made who shall admit the defendant to **pretrial release** **~~bail~~** for his appearance before the court named in the warrant. On **setting the conditions of pretrial release** **~~taking such bail~~** the circuit judge or associate circuit judge shall certify such fact on the warrant and deliver the warrant and **conditions of pretrial release** **~~undertaking of bail or other security~~**, or the drivers license of such defendant if deposited, under the law relating to such licenses, in lieu of such security, to the officer having charge of the defendant. Such officer shall then immediately discharge the defendant from arrest and without delay deliver such warrant and such **acknowledgment by the defendant of his or her receiving the conditions of pretrial release** **~~undertaking of bail, or other security~~** or drivers license to the court before which the defendant is required to appear.

**10-28. Section 10-191**. **(Eff: 7-1-21)** The Illinois Vehicle Code is amended by *changing* **Sections 6-209.1, 11-208.3, 11-208.6, 11-208.8, 11-208.9, and 11-1201.1** as follows:

(625 ILCS 5/6-209.1)

Sec. 6-209.1. Restoration of driving privileges; revocation; suspension; cancellation.

**(a)** The Secretary shall rescind the suspension or cancellation of a person's driver's license that has been suspended or canceled before **July 1, 2020 (**the effective date of **Public Act 101-623)** **~~this amendatory Act of the 101st General Assembly~~** due to:

(7) the person failing to satisfy any fine or penalty resulting from a final order issued by the **Illinois State  Toll Highway** Authority relating directly or indirectly to 5 or more toll violations, toll evasions, or both;

**(b) As soon as practicable and no later than July 1, 2021, the Secretary shall rescind the suspension, cancellation, or prohibition of renewal of a person's driver's license that has been suspended, canceled, or whose renewal has been prohibited before the effective date of this amendatory Act of the 101st General Assembly due to the person having failed to pay any fine or penalty for traffic violations, automated traffic law enforcement system violations as defined in Sections 11-208.6, and 11-208.8,11-208.9, and 11-1201.1, or abandoned vehicle fees.**

Sec. 11-208.3. Administrative adjudication of violations of traffic regulations concerning the standing, parking, or condition of vehicles, automated traffic law violations, and automated speed enforcement system violations.

(b) Any ordinance establishing a system of administrative adjudication under this Section shall provide for:

(1) A traffic compliance administrator authorized to adopt, distribute**,** and process parking, compliance, and automated speed enforcement system or automated traffic law violation notices and other notices required by this Section, collect money paid as fines and penalties for violation of parking and compliance ordinances and automated speed enforcement system or automated traffic law violations, and operate an administrative adjudication system. **~~The traffic compliance administrator also may make a certified report to the Secretary of State under Section  6-306.5.~~**

This notice shall be sent following a final determination of parking, standing, compliance, automated speed enforcement system, or automated traffic law violation liability and the conclusion of judicial review procedures taken under this Section.

The notice shall state that the incomplete traffic education program or the unpaid fine or penalty, or both, is a debt due and owing the municipality or county. The notice shall contain warnings that failure to complete any required traffic education program or to pay any fine or penalty due and owing the municipality or county, or both, within the time specified may result in the municipality's or county's filing of a petition in the Circuit Court to have the incomplete traffic education program or unpaid fine or penalty, or both, rendered a judgment as provided by this Section, or, where applicable, may result in suspension of the person's **driver's** **~~drivers~~** license for failure to complete a traffic education program **~~or to pay fines or penalties, or both, for 5 or more automated traffic law violations under Section  11-208.6 or 11-208.9 or automated speed enforcement system violations under Section 11-208.8~~**.

(6) A notice of impending **driver's** **~~drivers~~** license suspension. This notice shall be sent to the person liable for failure to complete a required traffic education program **~~or to pay any fine or penalty that remains due and owing, or both, on 5 or more unpaid automated speed enforcement system or automated traffic law violations~~**.

The notice shall state that failure to complete a required traffic education program **~~or to pay the fine or penalty owing, or both,~~** within 45 days of the notice's date will result in the municipality or county notifying the Secretary of State that the person is eligible for initiation of suspension proceedings under Section 6-306.5 of this Code.

Sec. 11-208.6. Automated traffic law enforcement system.

(d) For each violation of a provision of this Code or a local ordinance recorded by an automatic traffic law enforcement system, the county or municipality having jurisdiction shall issue a written notice of the violation to the registered owner of the vehicle as the alleged violator. The notice shall be delivered to the registered owner of the vehicle, by mail, within 30 days after the Secretary of State notifies the municipality or county of the identity of the owner of the vehicle, but in no event later than 90 days after the violation.

The notice shall include:

(9) a warning that failure to pay the civil penalty, to complete a required traffic education program, or to contest liability in a timely manner is an admission of liability **~~and may result in a suspension of the driving privileges of the registered owner of the vehicle~~**;

(e) **(Blank).** **~~If a person charged with a traffic violation, as a result of an automated traffic law enforcement system, does not pay the fine or complete a required traffic education program, or both, or successfully contest the civil penalty resulting from that violation, the Secretary of State shall suspend the driving privileges of the registered owner of the vehicle under Section 6-306.5 of this Code for failing to complete a required traffic education program or to pay any fine or penalty due and owing, or both, as a result of a combination of 5 violations of the automated traffic law enforcement system or the automated speed enforcement system under Section 11-208.8 of this Code.~~**

(o) **(Blank).** **~~A municipality or county shall make a certified report to the Secretary of State pursuant to Section 6-306.5 of this Code whenever a registered owner of a vehicle has failed to pay any fine or penalty due and owing as a result of a combination of 5 offenses for automated traffic law or speed enforcement system violations.~~**

(p) No person who is the lessor of a motor vehicle pursuant to a written lease agreement shall be liable for an automated speed or traffic law enforcement system violation involving such motor vehicle during the period of the lease; provided that upon the request of the appropriate authority received within 120 days after the violation occurred, the lessor provides within 60 days after such receipt the name and address of the lessee. **~~The drivers license number of a lessee may be subsequently individually requested by the appropriate authority if needed for enforcement of this Section.~~**

Sec. 11-208.8. Automated speed enforcement systems in safety zones.

(f) The notice required under subsection (e) of this Section shall include:

(8) a warning that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability **~~and may result in a suspension of the driving privileges of the registered owner of the vehicle~~**;

(g) **(Blank).** **~~If a person charged with a traffic violation, as a result of an automated speed enforcement system, does not pay the fine or successfully contest the civil penalty resulting from that violation, the Secretary of State shall suspend the driving privileges of the registered owner of the vehicle under Section 6-306.5 of this Code for failing to pay any fine or penalty due and owing, or both, as a result of a combination of 5 violations of the automated speed enforcement system or the automated traffic law under Section 11-208.6 of this Code.~~**

(o) **(Blank).** **~~A municipality shall make a certified report to the Secretary of State pursuant to Section 6-306.5 of this Code whenever a registered owner of a vehicle has failed to pay any fine or penalty due and owing as a result of a combination of 5 offenses for automated speed or traffic law enforcement system violations.~~**

Sec. 11-208.9. Automated traffic law enforcement system; approaching, overtaking, and passing a school bus.

(e) The notice required under subsection (d) shall include:

(9) a warning that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability **~~and may result in a suspension of the driving privileges of the registered owner of the vehicle~~**;

(f) **(Blank).** **~~If a person charged with a traffic violation, as a result of an automated traffic law enforcement system under this Section, does not pay the fine or successfully contest the civil penalty resulting from that violation, the Secretary of State shall suspend the driving privileges of the registered owner of the vehicle under Section 6-306.5 of this Code for failing to pay any fine or penalty due and owing as a result of a combination of 5 violations of the automated traffic law enforcement system or the automated speed enforcement system under Section 11-208.8 of this Code.~~**

(p) No person who is the lessor of a motor vehicle pursuant to a written lease agreement shall be liable for an automated speed or traffic law enforcement system violation involving such motor vehicle during the period of the lease; provided that upon the request of the appropriate authority received within 120 days after the violation occurred, the lessor provides within 60 days after such receipt the name and address of the lessee. **~~The drivers license number of a lessee may be subsequently individually requested by the appropriate authority if needed for enforcement of this Section.~~**

(q) **(Blank).** **~~A municipality or county shall make a certified report to the Secretary of State pursuant to Section 6-306.5 of this Code whenever a registered owner of a vehicle has failed to pay any fine or penalty due and owing as a result of a combination of 5 offenses for automated traffic law or speed enforcement system violations.~~**

Sec. 11-1201.1. Automated Railroad Crossing Enforcement System.

(c) For each violation of Section 11-1201 of this Code or a local ordinance recorded by an automated railroad grade crossing enforcement system, the county or municipality having jurisdiction shall issue a written notice of the violation to the registered owner of the vehicle as the alleged violator. The notice shall be delivered to the registered owner of the vehicle, by mail, no later than 90 days after the violation.

The notice shall include:

(9) a warning that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability **~~and may result in a suspension of the driving privileges of the registered owner of the vehicle~~**; and

(d) **(Blank).** **~~If a person charged with a traffic violation, as a result of an automated railroad grade crossing enforcement system, does not pay or successfully contest the civil penalty resulting from that violation, the Secretary of State shall suspend the driving privileges of the registered owner of the vehicle under Section 6-306.5 of this Code for failing to pay any fine or penalty due and owing as a result of 5 violations of the automated railroad grade crossing enforcement system.~~**

**10-29. Section 10-193.** **(Eff: 7-1-21)** The Illinois Vehicle Code is amended by *repealing* **Sections 4-214.1, 6-306.5, and 6-306.6**.

**10-30. Section 10-195.** **(Eff: 1-1-23)** The Snowmobile Registration and Safety Act is amended by *changing* **Section 5-7** as follows:

(625 ILCS 40/5-7)

Sec. 5-7. Operating a snowmobile while under the influence of alcohol or other drug or drugs, intoxicating compound or compounds, or a combination of them; criminal penalties; suspension of operating privileges.

(c-2) For purposes of this Section, the following are equivalent to a conviction:

(1) a **violation of the terms of pretrial release when the court has not relieved the defendant of complying with the terms of pretrial release** **~~forfeiture of bail or collateral deposited to secure a defendant's appearance in court when forfeiture has not been vacated~~**; or \*\*\*

**10-31. Section 10-200.** **(Eff: 1-1-23)** The Clerks of Courts Act is amended by *changing* **Section 27.3b** as follows:

(705 ILCS 105/27.3b) (from Ch. 25, par. 27.3b)

Sec. 27.3b. Payment of Fines, Penalties, or Costs by Credit Card or Debit Card.

Sec. 27.3b. The clerk of court may accept payment of fines, penalties, or costs by credit card or debit card approved by the clerk from an offender who has been convicted of or placed on court supervision for a traffic offense, petty offense, ordinance offense, or misdemeanor or who has been convicted of a felony offense. The clerk of the circuit court may accept credit card payments over the Internet for fines, penalties, or costs from offenders on voluntary electronic pleas of guilty in minor traffic and conservation offenses to satisfy the requirement of written pleas of guilty as provided in Illinois Supreme Court Rule 529. The clerk of the court may also accept payment of statutory fees by a credit card or debit card. **~~The clerk of the court may also accept the credit card or debit card for the cash deposit of bail bond fees.~~**

Where the offender pays fines, penalties, or costs by credit card or debit card or through a third party fund guarantor, facilitator, or service provider, or anyone paying statutory fees of the circuit court clerk **~~or the posting of cash bail~~**, the clerk shall collect a service fee of up to $5 or the amount charged to the clerk for use of its services by the credit card or debit card issuer, third party fund guarantor, facilitator, or service provider.

**10-32. Section 10-205.** **(Eff: 1-1-23)** The Attorney Act is amended by *changing* **Section 9** as follows:

(705 ILCS 205/9) (from Ch. 13, par. 9)

Sec. 9. All attorneys and counselors at law, judges, clerks and sheriffs, and all other officers of the several courts within this state, shall be liable to be arrested and held to **terms of pretrial release** **~~bail~~**, and shall be subject to the same legal process, and may in all respects be prosecuted and proceeded against in the same courts and in the same manner as other persons are, any law, usage or custom to the contrary notwithstanding: Provided, nevertheless, said judges, counselors or attorneys, clerks, sheriffs and other officers of said courts, shall be privileged from arrest while attending courts, and whilst going to and returning from court.

**10-33. Section 10-210.** **(Eff: 1-1-23)** The Juvenile Court Act of 1987 is amended by *changing* **Sections 1-7, 1-8, and 5-150** as follows:

(705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

Sec. 1-7. Confidentiality of juvenile law enforcement and municipal ordinance violation records.

(b) when institution of criminal proceedings has been permitted or required under Section 5-805 and the minor is the subject of a proceeding to determine the **conditions of pretrial release** **~~amount of bail~~**;

Sec. 1-8. Confidentiality and accessibility of juvenile court records.

(b) when criminal proceedings have been permitted or required under Section 5-805 and a minor is the subject of a proceeding to determine the **conditions of pretrial release** **~~amount of bail~~**;

(d) when a minor becomes 18 years of age or older, and is the subject of criminal proceedings, including a hearing to determine the **conditions of pretrial release** **~~amount of bail~~**, a pre-trial investigation, a pre-sentence investigation, a fitness hearing, or proceedings on an application for probation.

Sec. 5-150. Admissibility of evidence and adjudications in other proceedings.

(1) Evidence and adjudications in proceedings under this Act shall be admissible:

(b) in criminal proceedings when the court is to determine the **conditions of pretrial release** **~~amount of bail~~**, fitness of the defendant or in sentencing under the Unified Code of Corrections; or

**10-34. Section 10-215.** **(Eff: 1-1-23)** The Criminal Code of 2012 is amended by *changing* **Sections 26.5-5, 31-1, 31A-0.1, 32-10, and 32-15** as follows:

(720 ILCS 5/26.5-5)

Sec. 26.5-5. Sentence.

(b) In any of the following circumstances, a person who violates Section 26.5-1, 26.5-2, or 26.5-3 of this Article shall be guilty of a Class 4 felony:

(3) At the time of the offense, the offender was under conditions of **pretrial release** **~~bail~~**, probation, conditional discharge, mandatory supervised release or was the subject of an order of protection, in this or any other state, prohibiting contact with the victim or any member of the victim's family or household;\*\*\*.

Sec. 31-1. Resisting or obstructing a peace officer, firefighter, or correctional institution employee.

(b) For purposes of this Section, "correctional institution employee" means \*\*\*, or awaiting a **~~bail setting~~** hearing or preliminary hearing **on setting the conditions of pretrial release**, or who \*\*\*.

**(d) A person shall not be subject to arrest under this Section unless there is an underlying offense for which the person was initially subject to arrest.**

Sec. 31A-0.1. Definitions. For the purposes of this Article:

"Penal institution" means \*\*\*, or awaiting a **~~bail setting~~** hearing **on the setting of conditions of pretrial release** or preliminary hearing; provided that where the place for incarceration or custody is housed within another public building this Article shall not apply to that part of the building unrelated to the incarceration or custody of persons.

(720 ILCS 5/32-10) (from Ch. 38, par. 32-10)

Sec. 32-10. Violation of **conditions of pretrial release** **~~bail bond~~**.

(a) Whoever, having been **released pretrial under conditions** **~~admitted to bail~~** for appearance before any court of this State, incurs a **violation of conditions of pretrial release** **~~forfeiture of the bail~~** and knowingly fails to surrender himself or herself within 30 days following the date of the **violation** **~~forfeiture~~**, commits, if the **conditions of pretrial release** **~~bail~~** was given in connection with a charge of felony or pending appeal or certiorari after conviction of any offense, **~~a felony of the next lower Class or~~** a Class A misdemeanor if the underlying offense was a **~~Class 4~~** felony **. If the violation of pretrial conditions were made** **~~; or, if the bail was given~~** in connection with a charge of committing a misdemeanor, or for appearance as a witness, commits **~~a misdemeanor of the next lower Class, but not less than~~** a Class C misdemeanor.

(a-5) Any person who knowingly violates a condition of **pretrial release** **~~bail bond~~** by possessing a firearm in violation of his or her conditions of **pretrial release** **~~bail~~** commits a Class 4 felony for a first violation and a Class 3 felony for a second or subsequent violation.

(b) Whoever, having been **released pretrial under conditions** **~~admitted to bail~~** for appearance before any court of this State, while charged with a criminal offense in which the victim is a family or household member as defined in Article 112A of the Code of Criminal Procedure of 1963, knowingly violates a condition of that release as set forth in Section 110-10, subsection (d) of the Code of Criminal Procedure of 1963, commits a Class A misdemeanor.

(c) Whoever, having been **released pretrial under conditions** **~~admitted to bail~~** for appearance before any court of this State for a felony, Class A misdemeanor or a criminal offense in which the victim is a family or household member as defined in Article 112A of the Code of Criminal Procedure of 1963, is charged with any other felony, Class A misdemeanor, or a criminal offense in which the victim is a family or household member as defined in Article 112A of the Code of Criminal Procedure of 1963 while on this release, must appear before the court **~~before bail is statutorily set~~**.

(d) Nothing in this Section shall interfere with or prevent the exercise by any court of its power to punishment for contempt. Any sentence imposed for violation of this Section **may** **~~shall~~** be served consecutive to the sentence imposed for the charge for which **pretrial release** **~~bail~~** had been granted and with respect to which the defendant has been convicted.

Sec. 32-15. **Pretrial release** **~~Bail bond~~** false statement. Any person who in any affidavit, document, schedule or other application to **ensure compliance of another with the terms of pretrial release ~~become surety or bail for another on any bail bond or recognizance~~** in any civil or criminal proceeding then pending or about to be started against the other person, having taken a lawful oath or made affirmation, shall swear or affirm wilfully, corruptly and falsely as to the **factors the court relied on to approve the conditions of the other person's pretrial release** **~~ownership or liens or incumbrances upon or the value of any real or personal property alleged to be owned~~** by the person proposed **to ensure those conditions** **~~as surety or bail, the financial worth or standing of the person proposed as surety or bail, or as to the number or total penalties of all other bonds or recognizances signed by and standing against the proposed surety or bail~~**, or any person who, having taken a lawful oath or made affirmation, shall testify wilfully, corruptly and falsely as to any of said matters for the purpose of inducing the approval of any such **conditions of pretrial release** **~~bail bond~~** or recognizance; or for the purpose of justifying on any such **conditions of pretrial release** **~~bail bond~~** or recognizance, or who shall suborn any other person to so swear, affirm or testify as aforesaid, shall be deemed and adjudged guilty of perjury or subornation of perjury (as the case may be) and punished accordingly.

**10-35. Section 10-216.** **(Eff: 7-1-21)** The Criminal Code of 2012 is amended by *changing* **Sections 7-5, 7-5.5, 7-9, 9-1, and 33-3 and by adding Sections 7-15, 7-16, and 33-9** as follows:

(720 ILCS 5/7-5) (from Ch. 38, par. 7-5)

Sec. 7-5. Peace officer's use of force in making arrest.

(a) A peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he reasonably believes**, based on the totality of the circumstances,** to be necessary to effect the arrest and of any force which he reasonably believes**, based on the totality of the circumstances,** to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using force likely to cause death or great bodily harm only when he reasonably believes**, based on the totality of the circumstances,** that such force is necessary to prevent death or great bodily harm to himself or such other person, or when he reasonably believes**, based on the totality of the circumstances,** both that:

(1) Such force is necessary to prevent the arrest from being defeated by resistance or escape**; the officer reasonably believes that the person to be arrested cannot be apprehended at a later date, and the officer reasonably believes that the person to be arrested is likely to cause great bodily harm to another**; and

(2) The person to be arrested **just** **~~has~~** committed or attempted a forcible felony which involves the infliction or threatened infliction of great bodily harm or is attempting to escape by use of a deadly weapon, or otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay.

**As used in this subsection, "retreat" does not mean tactical repositioning or other de-escalation tactics.**

**(a-5) Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify himself or herself as a peace officer and to warn that deadly force may be used, unless the officer has reasonable grounds to believe that the person is aware of those facts.**

**(a-10) A peace officer shall not use deadly force against a person based on the danger that the person poses to himself or herself if an reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person.**

**(a-15) A peace officer shall not use deadly force against a person who is suspected of committing a property offense, unless that offense is terrorism or unless deadly force is otherwise authorized by law.**

(b) A peace officer making an arrest pursuant to an invalid warrant is justified in the use of any force which he would be justified in using if the warrant were valid, unless he knows that the warrant is invalid.

**(c) The authority to use physical force conferred on peace officers by this Article is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life.**

**(d) Peace officers shall use deadly force only when reasonably necessary in defense of human life. In determining whether deadly force is reasonably necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques, if reasonably safe and feasible to a reasonable officer.**

**(e) The decision by a peace officer to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by peace officers, in order to ensure that officers use force consistent with law and agency policies.**

**(f) The decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time of the decision, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.**

**(g) Law enforcement agencies are encouraged to adopt and develop policies designed to protect individuals with physical, mental health, developmental, or intellectual disabilities, who are significantly more likely to experience greater levels of physical force during police interactions, as these disabilities may affect the ability of a person to understand or comply with commands from peace officers.**

**(h) As used in this Section:**

**(1) "Deadly force" means any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm.**

**(2) A threat of death or serious bodily injury is "imminent" when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.**

**(3) "Totality of the circumstances" means all facts known to the peace officer at the time, or that would be known to a reasonable officer in the same situation, including the conduct of the officer and the subject leading up to the use of deadly force.**

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

(a) A peace officer**, or any person acting on behalf of a peace officer,** shall not use a chokehold **or restraint above the shoulders with risk of asphyxiation** in the performance of his or her duties, unless deadly force is justified under Article 7 of this Code.

(b) A peace officer**, or any person acting on behalf of a peace officer,** shall not use a chokehold **or restraint above the shoulders with risk of asphyxiation**, 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~~**.

**(d) As used in this Section, "restraint above the shoulders with risk of positional asphyxiation" means a use of a technique used to restrain a person above the shoulders, including the neck or head, in a position which interferes with the person's ability to breathe after the person no longer poses a threat to the officer or any other person.**

**(e) A peace officer, or any person acting on behalf of a peace officer, shall not:**

**(i) use force as punishment or retaliation;**

**(ii) discharge kinetic impact projectiles and all other non-or less-lethal projectiles in a manner that targets the head, pelvis, or back;**

**(iii) discharge firearms or kinetic impact projectiles indiscriminately into a crowd; or**

**(iv) use chemical agents or irritants, including pepper spray and tear gas, prior to issuing an order to disperse in a sufficient manner to ensure the order is heard and repeated if necessary, followed by sufficient time and space to allow compliance with the order.**

Sec. 7-9. Use of force to prevent escape.

(a) A peace officer or other person who has an arrested person in his custody is justified in the use of **~~such~~** force**, except deadly force,** to prevent the escape of the arrested person from custody as he would be justified in using if he were arresting such person.

(b) A guard or other peace officer is justified in the use of force**~~, including force likely to cause death or great bodily harm,~~** which he reasonably believes to be necessary to prevent the escape from a penal institution of a person whom the officer reasonably believes to be lawfully detained in such institution under sentence for an offense or awaiting trial or commitment for an offense.

**(c) Deadly force shall not be used to prevent escape under this Section unless, based on the totality of the circumstances, deadly force is necessary to prevent death or great bodily harm to himself or such other person.**

(720 ILCS 5/7-15 new)

**Sec. 7-15. Duty to render aid. It is the policy of the State of Illinois that all law enforcement officers must, as soon as reasonably practical, determine if a person is injured, whether as a result of a use of force or otherwise, and render medical aid and assistance consistent with training and request emergency medical assistance if necessary. "Render medical aid and assistance" includes, but is not limited to, (i) performing emergency life-saving procedures such as cardiopulmonary resuscitation or the administration of an automated external defibrillator; and (ii) the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that treatment is necessary, or if such carrying is requested by the injured person.**

(720 ILCS 5/7-16 new)

**Sec. 7-16. Duty to intervene.**

**(a) A peace officer, or any person acting on behalf of a peace officer, shall have an affirmative duty to intervene to prevent or stop another peace officer in his or her presence from using any unauthorized force or force that exceeds the degree of force permitted, if any, without regard for chain of command.**

**(b) A peace officer, or any person acting on behalf of a peace officer, who intervenes as required by this Section shall report the intervention to the person designated/identified by the law enforcement entity in a manner prescribed by the agency. The report required by this Section must include the date, time, and place of the occurrence; the identity, if known, and description of the participants; and a description of the intervention actions taken and whether they were successful. In no event shall the report be submitted more than 5 days after the incident.**

**(c) A member of a law enforcement agency shall not discipline nor retaliate in any way against a peace officer for intervening as required in this Section or for reporting unconstitutional or unlawful conduct, or for failing to follow what the officer reasonably believes is an unconstitutional or unlawful directive.**

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

Sec. 9-1. First degree murder; death penalties; exceptions; separate hearings; proof; findings; appellate procedures; reversals.

(a) A person who kills an individual without lawful justification commits first degree murder if, in performing the acts which cause the death:

(3) **he or she, acting alone or with one or more participants, commits or attempts to commit a forcible felony other than second degree murder, and in the course of or in furtherance of such crime or flight therefrom, he or she or another participant causes the death of a person** **~~he or she is attempting or committing a forcible felony other than second degree murder~~**.

Sec. 33-3. Official misconduct.

(d) For purposes of this Section**: "Special** ***~~, "special~~*** government agent" has the meaning ascribed to it in subsection (l) of Section 4A-101 of the

 (720 ILCS 5/33-9 new)

**Sec. 33-9. Law enforcement misconduct.**

**(a) A law enforcement officer or a person acting on behalf of a law enforcement officer commits law enforcement misconduct when, in the performance of his or her official duties, he or she knowingly and intentionally:**

**(1) misrepresents or fails to provide facts describing an incident in any report or during any investigations regarding the law enforcement employee's conduct;**

**(2) withholds any knowledge of the misrepresentations of another law enforcement officer from the law enforcement employee's supervisor, investigator, or other person or entity tasked with holding the law enforcement officer accountable; or**

**(3) fails to comply with State law or their department policy requiring the use of officer-worn body cameras.**

**(b) Sentence. Law enforcement misconduct is a Class 3 felony.**

**10-36. Section 10-255.** **(Eff: 1-1-23**) The Code of Criminal Procedure of 1963 is amended by *changing* **the heading of Article 110** andby *changing* **Sections 102-6, 102-7, 103-5, 103-7, 103-9, 104-13, 104-17, 106D-1, 107-4, 107-9, 109-1, 109-2, 109-3, 109-3.1, 110-1, 110-2, 110-3, 110-4, 110-5, 110-5.2, 110-6, 110-6.1, 110-6.2, 110-6.4, 110-10, 110-11, 110-12, 111-2, 112A-23, 114-1, 115-4.1, and 122-6 and by adding Section 110-1.5** as follows:

(725 ILCS 5/102-6) (from Ch. 38, par. 102-6)

Sec. 725 ILCS 5/102-6. **Pretrial release** **~~"Bail"~~**.

**"Pretrial release"** **~~"Bail"~~** **has the meaning ascribed to bail in Section 9 of Article I of the Illinois Constitution that is non-monetary** **~~means the amount of money set by the court which is required to be obligated and secured as provided by law for the release of a person in custody in order that he will appear before the court in which his appearance may be required and that he will comply with such conditions as set forth in the bail bond~~**.

Sec. 725 ILCS 5/102-7. **Conditions of pretrial release** **~~"Bail bond"~~**.

**"Conditions of pretrial release"** **~~"Bail bond"~~** means **the conditions established by the court** **~~an undertaking secured by bail~~** entered into by a person in custody by which he binds himself to comply with such conditions as are set forth therein.

(725 ILCS 5/103-5) (from Ch. 38, par. 103-5)

Sec. 725 ILCS 5/103-5. Speedy trial.)

(a) The provisions of this subsection (a) do not apply to a person on **pretrial release** **~~bail~~** or recognizance for an offense but who is in custody for a violation of his or her parole, aftercare release, or mandatory supervised release for another offense.

(b) Every person on **pretrial release** **bail** or recognizance shall be tried by the court having jurisdiction within 160 days from the date defendant demands trial unless \*\*\*.

For purposes of computing the 160 day period under this subsection (b), every person who was in custody for an alleged offense and demanded trial and is subsequently released on **pretrial release** **~~bail~~** or recognizance and demands trial, shall be given credit for time spent in custody following the making of the demand while in custody.

(d) Every person not tried in accordance with subsections (a), (b) and (c) of this Section shall be discharged from custody or released from the obligations of his **pretrial release** **~~bail~~** or recognizance.

Sec. 725 ILCS 5/103-7. Posting notice of rights.

Every sheriff, chief of police or other person who is in charge of any jail, police station or other building where persons under arrest are held in custody pending investigation, **pretrial release** **~~bail~~** or other criminal proceedings, shall post in every room, other than cells, of such buildings where persons are held in custody, in conspicuous places where it may be seen and read by persons in custody and others, a poster, printed in large type, containing a verbatim copy in the English language of the provisions of Sections 103-2, 103-3, 103-4, 109-1, 110-2, 110-4, **~~and sub-parts (a) and (b) of Sections 110-7~~** and 113-3 of this Code.

(725 ILCS 5/103-9) (from Ch. 38, par. 103-9)

Sec. 725 ILCS 5/103-9. Bail bondsmen. No bail bondsman from any state may seize or transport unwillingly any person found in this State who is allegedly in violation of a bail bond posted in some other state **or conditions of pretrial release**.

(725 ILCS 5/104-13) (from Ch. 38, par. 104-13)

Sec. 104-13. Fitness Examination.

(d) Release on **pretrial release** **~~bail~~** or on recognizance shall not be revoked and an application therefor shall not be denied on the grounds that an examination has been ordered.

Sec. 725 ILCS 5/104-17. Commitment for treatment; treatment plan.

(a) If the defendant is eligible to be or has been released on **pretrial release** **~~bail~~** or on his own recognizance, the court shall select the least physically restrictive form of treatment therapeutically appropriate and consistent with the treatment plan.

Sec. 725 ILCS 5/106D-1. Defendant's appearance by closed circuit television and video conference.

(a) Whenever the appearance in person in court, in either a civil or criminal proceeding, is required of anyone held in a place of custody or confinement operated by the State or any of its political subdivisions, including counties and municipalities, the chief judge of the circuit by rule may permit the personal appearance to be made by means of two-way audio-visual communication, including closed circuit television and computerized video conference, in the following proceedings:

(1) the initial appearance before a judge on a criminal complaint, at which **the conditions of pretrial release** **~~bail~~** will be set;

Sec. 725 ILCS 5/107-4. Arrest by peace officer from other jurisdiction.

(c) If the court determines that the arrest was lawful it shall commit the person arrested, to await for a reasonable time the issuance of an extradition warrant by the Governor of this State, or admit him to **pretrial release** **~~bail~~** for such purpose.

Sec. 725 ILCS 5/107-9. Issuance of arrest warrant upon complaint.

(d) The warrant of arrest shall:

(7) Specify the **conditions of pretrial release** **~~amount of bail~~**; and

Sec. 725 ILCS 5/109-1. Person arrested**; release from law enforcement custody and court appearance; geographical constraints prevent in-person appearances**.

(a) A person arrested with or without a warrant **for an offense for which pretrial release may be denied under paragraphs (1) through (6) of Section 110-6.1** shall be taken without unnecessary delay before the nearest and most accessible judge in that county, except when such county is a participant in a regional jail authority, in which event such person may be taken to the nearest and most accessible judge, irrespective of the county where such judge presides, and a charge shall be filed. Whenever a person arrested either with or without a warrant is required to be taken before a judge, a charge may be filed against such person by way of a two-way closed circuit television system, except that a hearing to deny **pretrial release** **~~bail~~** to the defendant may not be conducted by way of closed circuit television.

**(a-1) Law enforcement shall issue a citation in lieu of custodial arrest, upon proper identification, for those accused of traffic and Class B and C criminal misdemeanor offenses, or of petty and business offenses, who pose no obvious threat to the community or any person, or who have no obvious medical or mental health issues that pose a risk to their own safety. Those released on citation shall be scheduled into court within 21 days.**

**(a-3) A person arrested with or without a warrant for an offense for which pretrial release may not be denied may, except as otherwise provided in this Code, be released by the officer without appearing before a judge. The releasing officer shall issue the person a summons to appear within 21 days. A presumption in favor of pretrial release shall by applied by an arresting officer in the exercise of his or her discretion under this Section.**

(a-5) A person charged with an offense shall be allowed counsel at the hearing at which **pretrial release ~~bail~~** is determined under Article 110 of this Code.

(b) **Upon initial appearance of a person before the court, the** **~~The~~** judge shall:

(1) **inform** **~~Inform~~** the defendant of the charge against him and shall provide him with a copy of the charge;

(2) **advise** **~~Advise~~** the defendant of his right to counsel and if indigent shall appoint a public defender or licensed attorney at law of this State to represent him in accordance with the provisions of Section 113-3 of this Code;

(3) **schedule** **~~Schedule~~** a preliminary hearing in appropriate cases;

(4) **admit** **~~Admit~~** the defendant to **pretrial release** **~~bail~~** in accordance with the provisions of Article **110/5 ~~110~~** of this Code**, or upon verified petition of the State, proceed with the setting of a detention hearing as provided in Section 110-6.1**; and

(c) The court may issue an order of protection in accordance with the provisions of Article 112A of this Code. **Crime victims shall be given notice by the State's Attorney's office of this hearing as required in paragraph (2) of subsection (b) of the Rights of Crime Victims and Witnesses Act and shall be informed of their opportunity at this hearing to obtain an order of protection under Article 112A of this Code.**

**(f) At the hearing at which conditions of pretrial release are determined, the person charged shall be present in person rather than by video phone or any other form of electronic communication, unless the physical health and safety of the person would be endangered by appearing in court or the accused waives the right to be present in person.**

**(g) Defense counsel shall be given adequate opportunity to confer with Defendant prior to any hearing in which conditions of release or the detention of the Defendant is to be considered, with a physical accommodation made to facilitate attorney/client consultation.**

Sec. 725 ILCS 5/109-2. Person arrested in another county. (a) Any person arrested in a county other than the one in which a warrant for his arrest was issued shall be taken without unnecessary delay before the nearest and most accessible judge in the county where the arrest was made or, if no additional delay is created, before the nearest and most accessible judge in the county from which the warrant was issued. **Upon arrival in the county in which the warrant was issued, the status of the arrested person's release status shall be determined by the release revocation process described in Section 110-6.** **~~He shall be admitted to bail in the amount specified in the warrant or, for offenses other than felonies, in an amount as set by the judge, and such bail shall be conditioned on his appearing in the court issuing the warrant on a certain date.~~** The judge may hold a hearing to determine if the defendant is the same person as named in the warrant.

**(c) If a defendant is charged with a felony offense, but has a warrant in another county, the defendant shall be taken to the county that issued the warrant within 72 hours of the completion of condition or detention hearing, so that release or detention status can be resolved. This provision shall not apply to warrants issued outside of Illinois.**

Sec. 725 ILCS 5/109-3. Preliminary examination.

(d) Any witness who executes a recognizance and fails to comply with its terms shall, in addition to any forfeiture provided in the recognizance, be subject to the penalty provided in Section 32-10 of the Criminal Code of 2012 for violation of **the conditions of pretrial release ~~bail bond~~**.

Sec. 725 ILCS 5/109-3.1. Persons Charged with Felonies.

(b) Every person on **pretrial release** **~~bail~~** or recognizance for the alleged commission of a felony shall receive either a preliminary examination as provided in Section 109-3 or an indictment by Grand Jury as provided in Section 111-2, within 60 days from the date he or she was arrested.

ARTICLE 110. **PRETRIAL RELEASE** **~~BAIL~~** (725 ILCS 5/110-1) (from Ch. 38, par. 110-1)

Sec. 725 ILCS 5/110-1. Definitions. (a) **(Blank).** **~~"Security" is that which is required to be pledged to insure the payment of bail.~~**

(b) **~~"Surety" is one who executes a bail bond and binds himself to pay the bail if the person in custody fails to comply with all conditions of the bail bond.~~**

(c) The phrase "for which a sentence of imprisonment, without conditional and revocable release, shall be imposed by law as a consequence of conviction" means an offense for which a sentence of imprisonment, without probation, periodic imprisonment or conditional discharge, is required by law upon conviction.

(d) **(Blank.)** **~~"Real and present threat to the physical safety of any person or persons", as used in this Article, includes a threat to the community, person, persons or class of persons.~~**

**(e) Willful flight means planning or attempting to intentionally evade prosecution by concealing oneself. Simple past non-appearance in court alone is not evidence of future intent to evade prosecution.**

**Sec.** 725 ILCS 5/**110-1.5. Abolition of monetary bail.**

**On and after January 1, 2023, the requirement of posting monetary bail is abolished, except as provided in the Uniform Criminal Extradition Act, the Driver License Compact, or the Nonresident Violator Compact which are compacts that have been entered into between this State and its sister states.**

Sec. 725 ILCS 5/110-2. Release on own recognizance.

**(a) It is presumed that a defendant is entitled to release on personal recognizance on the condition that the defendant attend all required court proceedings and the defendant does not commit any criminal offense, and complies with all terms of pretrial release, including, but not limited to, orders of protection under both Section 112A-4 of this Code and Section 214 of the Illinois Domestic Violence Act of 1986, all civil no contact orders, and all stalking no contact orders.**

**(b) Additional conditions of release, including those highlighted above, shall be set only when it is determined that they are necessary to assure the defendant's appearance in court, assure the defendant does not commit any criminal offense, and complies with all conditions of pretrial release.**

**(c) Detention only shall be imposed when it is determined that the defendant poses a specific, real and present threat to a person, or has a high likelihood of willful flight. If the court deems that the defendant is to be released on personal recognizance, the court may require that a written admonishment be signed by** **~~When from all the circumstances the court is of the opinion that the defendant will appear as required either before or after conviction and the defendant will not pose a danger to any person or the community and that the defendant will comply with all conditions of bond, which shall include the defendant's current address with a written admonishment to~~** the defendant **requiring** that he or she must comply with the provisions of Section 110-12 of this Code regarding any change in his or her address**. The** **~~, the~~** defendant may be released on his or her own recognizance **upon signature**. The defendant's address shall at all times remain a matter of public record with the clerk of the court. A failure to appear as required by such recognizance shall constitute an offense subject to the penalty provided in Section 32-10 of the Criminal Code of 2012 for violation of the **conditions of pretrial release** **~~bail bond, and any obligated sum fixed in the recognizance shall be forfeited and collected in accordance with subsection (g) of Section 110-7 of this Code~~**.

**(d) If, after the procedures set out in Section 110-6.1, the court decides to detain the defendant, the Court must make a written finding as to why less restrictive conditions would not assure safety to the community and assure the defendant's appearance in court. At each subsequent appearance of the defendant before the Court, the judge must find that continued detention or the current set of conditions imposed are necessary to avoid the specific, real and present threat to any person or of willful flight from prosecution to continue detention of the defendant. The court is not required to be presented with new information or a change in circumstance to consider reconsidering pretrial detention on current conditions.**

**(e)** This Section shall be liberally construed to effectuate the purpose of relying upon contempt of court proceedings or criminal sanctions instead of financial loss to assure the appearance of the defendant, and that the defendant will not pose a danger to any person or the community and that the defendant will **not pose** **~~comply with all conditions of bond. Monetary bail should be set only when it is determined that no other conditions of release will reasonably assure the defendant's appearance in court, that the defendant does not present~~** a danger to any person or the community and that the defendant will comply with all conditions of **pretrial release** **~~bond~~**.

**~~The State may appeal any order permitting release by personal recognizance.~~**

Sec. 725 ILCS 5/110-3. **Options for warrant alternatives** **~~Issuance of warrant~~**.

**(a)** Upon failure to comply with any condition of **pretrial release** **~~a bail bond~~** or recognizance the court having jurisdiction at the time of such failure may, **on its own motion or upon motion from the State, issue an order to show cause as to why he or she shall not be subject to revocation of pretrial release, or for sanctions, as provided in Section 110-6. Nothing in this Section prohibits the court from issuing a warrant under subsection (c) upon failure to comply with any condition of pretrial release or recognizance.**

**(b) The order issued by the court shall state the facts alleged to constitute the hearing to show cause or otherwise why the person is subject to revocation of pretrial release. A certified copy of the order shall be served upon the person at least 48 hours in advance of the scheduled hearing.**

**(c) If the person does not appear at the hearing to show cause or absconds, the court may,** in addition to any other action provided by law, issue a warrant for the arrest of the person at liberty on **pretrial release** **~~bail or his own recognizance~~**. The contents of such a warrant shall be the same as required for an arrest warrant issued upon complaint **and may modify any previously imposed conditions placed upon the person, rather than revoking pretrial release or issuing a warrant for the person in accordance with the requirements in subsections (d) and (e) of Section 110-5**. When a defendant is at liberty on **pretrial release** **~~bail~~** or his own recognizance on a felony charge and fails to appear in court as directed, the court **may** **~~shall~~** issue a warrant for the arrest of such person **after his or her failure to appear at the show for cause hearing as provided in this Section**. Such warrant shall be noted with a directive to peace officers to arrest the person and hold such person without **pretrial release** **~~bail~~** and to deliver such person before the court for further proceedings.

**(d) If the order as described in Subsection B is issued, a failure to appear shall not be recorded until the Defendant fails to appear at the hearing to show cause. For the purpose of any risk assessment or future evaluation of risk of willful flight or risk of failure to appear, a non-appearance in court cured by an appearance at the hearing to show cause shall not be considered as evidence of future likelihood appearance in court.** **~~A defendant who is arrested or surrenders within 30 days of the issuance of such warrant shall not be bailable in the case in question unless he shows by the preponderance of the evidence that his failure to appear was not intentional.~~**

 (725 ILCS 5/110-4) (from Ch. 38, par. 110-4)

Sec. 110-4. **Pretrial release** **~~Bailable Offenses~~**.

(a) **All persons charged with an offense shall be eligible for pretrial release before conviction. Pretrial release may only be denied when a person is charged with an offense listed in Section 110-6.1 or when the defendant has a high likelihood of willful flight, and after the court has held a hearing under Section 110-6.1*.  DELETED PRIOR TEXT.***

(b) A person seeking **pretrial** release ~~on bail~~ who is charged with a capital offense or an offense for which a sentence of life imprisonment may be imposed shall not be **eligible for release pretrial** **~~bailable~~** until a hearing is held wherein such person has the burden of demonstrating that the proof of his guilt is not evident and the presumption is not great.

(c) Where it is alleged that **pretrial release** **~~bail~~** should be denied to a person upon the grounds that the person presents a real and present threat to the physical safety of any person or persons, the burden of proof of such allegations shall be upon the State.

(d) When it is alleged that **pretrial release** **~~bail~~** should be denied to a person charged with stalking or aggravated stalking upon the grounds set forth in Section 110-6.3 of this Code, the burden of proof of those allegations shall be upon the State.

(725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

Sec. 110-5. Determining the amount of bail and conditions of release.

(a) In determining **which** **~~the amount of monetary bail or~~** conditions of **pretrial** release, if any, which will reasonably assure the appearance of a defendant as required or the safety of any other person or the community and the likelihood of compliance by the defendant with all the conditions of **pretrial release ~~bail~~**, the court shall, on the basis of available information, take into account such matters as**:**

**(1)** the nature and circumstances of the offense charged**;**

**(2) the weight of the evidence against the eligible defendant, except that the court may consider the admissibility of any evidence sought to be excluded;**

**(3) the history and characteristics of the eligible defendant, including:**

**(A) the eligible defendant's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past relating to drug or alcohol abuse, conduct, history criminal history, and record concerning appearance at court proceedings; and**

**(B) whether, at the time of the current offense or arrest, the eligible defendant was on probation, parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under federal law, or the law of this or any other state;**

**(4) the nature and seriousness of the specific, real and present threat to any person that would be posed by the eligible defendant's release, if applicable; as required under paragraph (7.5) of**

**Section 4 of the Rights of Crime Victims and Witnesses Act; and**

**(5) the nature and seriousness of the risk of obstructing or attempting to obstruct the criminal justice process that would be posed by the eligible defendant's release, if applicable.**

**(b) The court shall impose any conditions that are mandatory under Section 110-10. The court may impose any conditions that are permissible under Section 110-10.** **Deleted Prior Text**

**(b)** **~~(f)~~** When a person is charged with a violation of an order of protection under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012 or when a person is charged with domestic battery, aggravated domestic battery, kidnapping, aggravated kidnaping, unlawful restraint, aggravated unlawful restraint, stalking, aggravated stalking, cyberstalking, harassment by telephone, harassment through electronic communications, or an attempt to commit first degree murder committed against an intimate partner regardless whether an order of protection has been issued against the person,

(9) whether a separation of the person from the **victim of abuse** **~~alleged victim~~** or a termination of the relationship between the person and the **victim of abuse** **~~alleged victim~~** has recently occurred or is pending;

(10) whether the person has exhibited obsessive or controlling behaviors toward the **victim of abuse ~~alleged victim~~**, including, but not limited to, stalking, surveillance, or isolation of the **victim of abuse ~~alleged victim~~** or victim's family member or members;

(11) whether the person has expressed suicidal or homicidal ideations;

**(11.5) any other factors deemed by the court to have a reasonable bearing upon the defendant's propensity or reputation for violent, abusive or assaultive behavior, or lack of that behavior**

**~~(12)~~ Deleted Prior Text**

**(c) In cases of stalking or aggravated stalking under Section 12-7.3 or 12-7.4 of the Criminal Code of 2012, the court may consider the following additional factors:**

**(1) Any evidence of the defendant's prior criminal history indicative of violent, abusive or assaultive behavior, or lack of that behavior. The evidence may include testimony or documents received in juvenile proceedings, criminal, quasi-criminal, civil commitment, domestic relations or other proceedings;**

**(2) Any evidence of the defendant's psychological, psychiatric or other similar social history that tends to indicate a violent, abusive, or assaultive nature, or lack of any such history.**

**(3) The nature of the threat which is the basis of the charge against the defendant;**

**(4) Any statements made by, or attributed to the defendant, together with the circumstances surrounding them;**

**(5) The age and physical condition of any person allegedly assaulted by the defendant;**

**(6) Whether the defendant is known to possess or have access to any weapon or weapons;**

**(7) Any other factors deemed by the court to have a reasonable bearing upon the defendant's propensity or reputation for violent, abusive or assaultive behavior, or lack of that behavior.**

**(d) The Court may use a regularly validated risk assessment tool to aid it determination of appropriate conditions of release as provided for in Section 110-6.4. Risk assessment tools may not be used as the sole basis to deny pretrial release. If a risk assessment tool is used, the defendant's counsel shall be provided with the information and scoring system of the risk assessment tool used to arrive at the determination. The defendant retains the right to challenge the validity of a risk assessment tool used by the court and to present evidence relevant to the defendant's challenge.**

**(e) If a person remains in pretrial detention after his or her pretrial conditions hearing after having been ordered released with pretrial conditions, the court shall hold a hearing to determine the reason for continued detention. If the reason for continued detention is due to the unavailability or the defendant's ineligibility for one or more pretrial conditions previously ordered by the court or directed by a pretrial services agency, the court shall reopen the conditions of release hearing to determine what available pretrial conditions exist that will reasonably assure the appearance of a defendant as required or the safety of any other person and the likelihood of compliance by the defendant with all the conditions of pretrial release. The inability of Defendant to pay for a condition of release or any other ineligibility for a condition of pretrial release shall not be used as a justification for the pretrial detention of that Defendant.**

**(f) Prior to the defendant's first appearance, the Court shall appoint the public defender or a licensed attorney at law of this State to represent the Defendant for purposes of that hearing, unless the defendant has obtained licensed counsel for themselves.**

**(g) Electronic monitoring, GPS monitoring, or home confinement can only be imposed condition of pretrial release if a no less restrictive condition of release or combination of less restrictive condition of release would reasonably ensure the appearance of the defendant for later hearings or protect an identifiable person or persons from imminent threat of serious physical harm.**

**(h) If the court imposes electronic monitoring, GPS monitoring, or home confinement the court shall set forth in the record the basis for its finding. A defendant shall be given custodial credit for each day he or she was subjected to that program, at the same rate described in subsection (b) of Section 5-4.5-100 of the unified code of correction.**

**(i) If electronic monitoring, GPS monitoring, or home confinement is imposed, the court shall determine every 60 days if no less restrictive condition of release or combination of less restrictive conditions of release would reasonably ensure the appearance, or continued appearance, of the defendant for later hearings or protect an identifiable person or persons from imminent threat of serious physical harm. If the court finds that there are less restrictive conditions of release, the court shall order that the condition be removed.**

**(j) Crime Victims shall be given notice by the State's Attorney's office of this hearing as required in paragraph (1) of subsection (b) of Section 4.5 of the Rights of Crime Victims and Witnesses Act and shall be informed of their opportunity at this hearing to obtain an order of protection under Article 112A of this Code.**

(725 ILCS 5/110-5.2)

Sec. 110-5.2. **Pretrial release** **~~Bail~~**; pregnant pre-trial detainee.

 (725 ILCS 5/110-6) (from Ch. 38, par. 110-6)

Sec. 110-6. **Revocation of pretrial release, modification of conditions of pretrial release, and sanctions for violations of conditions of pretrial release** **~~Modification of bail or conditions~~**.

(a) **When a defendant is granted pretrial release under this section, that pretrial release may be revoked only under the following conditions:**

**(1) if the defendant is charged with a detainable felony as defined in 110-6.1, a defendant may be detained after the State files a verified petition for such a hearing, and gives the defendant notice as prescribed in 110-6.1; or**

**(2) in accordance with subsection (b) of this section.**

**(b) Revocation due to a new criminal charge: If an individual, while on pretrial release for a Felony or Class A misdemeanor under this Section, is charged with a new felony or Class A misdemeanor under the Criminal Code of 2012, the court may, on its own motion or motion of the state, begin proceedings to revoke the individual's' pretrial release.**

**(1) When the defendant is charged with a felony or class A misdemeanor offense and while free on pretrial release bail is charged with a subsequent felony or class A misdemeanor offense that is alleged to have occurred during the defendant's pretrial release, the state may file a verified petition for revocation of pretrial release.**

**(2) When a defendant on pretrial release is charged with a violation of an order of protection issued under Section 112A-14 of this Code, or Section 214 of the Illinois Domestic Violence Act of 1986 or previously was convicted of a violation of an order of protection under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012, and the subject of the order of protection is the same person as the victim in the underlying matter, the state shall file a verified petition for revocation of pretrial release.**

**(3) Upon the filing of this petition, the court shall order the transfer of the defendant and the application to the court before which the previous felony matter is pending. The defendant shall be held without bond pending transfer to and a hearing before such court. The defendant shall be transferred to the court before which the previous matter is pending without unnecessary delay. In no event shall the time between the filing of the state's petition for revocation and the defendant's appearance before the court before which the previous matter is pending exceed 72 hours.**

**(4) The court before which the previous felony matter is pending may revoke the defendant's pretrial release only if it finds, after considering all relevant circumstances including, but not limited to, the nature and seriousness of the violation or criminal act alleged, by the court finds clear and convincing evidence that no condition or combination of conditions of release would reasonably assure the appearance of the defendant for later hearings or prevent the defendant from being charged with a subsequent felony or class A misdemeanor.**

**(5) In lieu of revocation, the court may release the defendant pre-trial, with or without modification of conditions of pretrial release.**

**(6) If the case that caused the revocation is dismissed, the defendant is found not guilty in the case causing the revocation, or the defendant completes a lawfully imposed sentence on the case causing the revocation, the court shall, without unnecessary delay, hold a hearing on conditions of release pursuant to section 110-5 and release the defendant with or without modification of conditions of pretrial release.**

**(7) Both the state and the defense may appeal an order revoking pretrial release or denying a petition for revocation of release.**

**(c) Violations other than re-arrest for a felony or class A misdemeanor. If a defendant:**

**(1) fails to appear in court as required by their conditions of release;**

**(2) is charged with a class B or C misdemeanor, petty offense, traffic offense, or ordinance violation that is alleged to have occurred during the defendant's pretrial release; or**

**(3) violates any other condition of release set by the court, the court shall follow the procedures set forth in Section 110-3 to ensure the defendant's appearance in court to address the violation.**

**(d) When a defendant appears in court for a notice to show cause hearing, or after being arrested on a warrant issued because of a failure to appear at a notice to show cause hearing, or after being arrested for an offense other than a felony or class A misdemeanor, the state may file a verified petition requesting a hearing for sanctions.**

**(e) During the hearing for sanctions, the defendant shall be represented by counsel and have an opportunity to be heard regarding the violation and evidence in mitigation. The court shall only impose sanctions if it finds by clear and convincing evidence that:**

**1. The defendant committed an act that violated a term of their pretrial release;**

**2. The defendant had actual knowledge that their action would violate a court order;**

**3. The violation of the court order was willful; and**

**4. The violation was not caused by a lack of access to financial monetary resources.**

**(f) Sanctions: sanctions for violations of pretrial release may include:**

**1. A verbal or written admonishment from the court;**

**2. Imprisonment in the county jail for a period not exceeding 30 days;**

**3. A fine of not more than $200; or**

**4. A modification of the defendant's pretrial conditions.**

**(g) Modification of Pretrial Conditions**

**(a) The court may, at any time, after motion by either party or on its own motion, remove previously set conditions of pretrial release, subject to the provisions in section (e). The court may only add or increase conditions of pretrial release at a hearing under this Section, in a warrant issued under Section 110-3, or upon motion from the state.**

**(b) Modification of conditions of release regarding contact with victims or witnesses. The court shall not remove a previously set condition of bond regulating contact with a victim or witness in the case, unless the subject of the condition has been given notice of the hearing as required in paragraph (1) of subsection (b) of Section 4.5 of the Rights of Crime Victims and Witnesses Act. If the subject of the condition of release is not present, the court shall follow the procedures of paragraph (10) of subsection (c-1) of the Rights of Crime Victims and Witnesses Act.**

**(h) Notice to Victims: Crime Victims shall be given notice by the State's Attorney's office of all hearings in this section as required in paragraph (1) of subsection (b) of Section 4.5 of the Rights of Crime Victims and Witnesses Act and shall be informed of their opportunity at these hearing to obtain an order of protection under Article 112A of this Code.**

***Deleted Prior Text***

Sec. 110-6.1. Denial of **pretrial release** **~~bail in non-probationable felony offenses~~**.

(a) Upon verified petition by the State, the court shall hold a hearing **and may deny** **~~to determine whether bail should be denied to~~** a defendant **pretrial release only if:**

**(1) the defendant** **~~who~~** is charged with a **forcible** felony offense for which a sentence of imprisonment, without probation, periodic imprisonment or conditional discharge, is required by law upon conviction, **and ~~when~~** it is alleged that the defendant's **pretrial release poses a specific, real and present threat to any person or the community. ~~admission to bail poses a real and present threat to the physical safety of any person or persons~~** **;** .

**(2) the defendant is charged with stalking or aggravated stalking and it is alleged that the defendant's pre-trial release poses a real and present threat to the physical safety of a victim of the alleged offense, and denial of release is necessary to prevent fulfillment of the threat upon which the charge is based;**

**(3) the victim of abuse was a family or household member as defined by paragraph (6) of Section 103 of the Illinois Domestic Violence Act of 1986, and the person charged, at the time of the alleged offense, was subject to the terms of an order of protection issued under Section 112A-14 of this Code, or Section 214 of the Illinois Domestic Violence Act of 1986 or previously was convicted of a violation of an order of protection under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012 or a violent crime if the victim was a family or household member as defined by paragraph (6) of the Illinois Domestic Violence Act of 1986 at the time of the offense or a violation of a substantially similar municipal ordinance or law of this or any other state or the United States if the victim was a family or household member as defined by paragraph (6) of Section 103 of the Illinois Domestic Violence Act of 1986 at the time of the offense, and it is alleged that the defendant's pre-trial release poses a real and present threat to the physical safety of any person or persons;**

**(4) the defendant is charged with domestic battery or aggravated domestic battery under Section 12-3.2 or 12-3.3 of the Criminal Code of 2012 and it is alleged that the defendant's pretrial release poses a real and present threat to the physical safety of any person or persons;**

**(5) the defendant is charged with any offense under Article 11 of the Criminal Code of 2012, except for Sections 11-30, 11-35, 11-40, and 11-45 of the Criminal Code of 2012, or similar provisions of the Criminal Code of 1961 and it is alleged that the defendant's pretrial release poses a real and present threat to the physical safety of any person or persons;**

**(6) the defendant is charged with any of these violations under the Criminal Code of 2012 and it is alleged that the defendant's pretrial releases poses a real and present threat to the physical safety of any specifically identifiable person or persons.**

**(A) Section 24-1.2 (aggravated discharge of a firearm);**

**(B) Section 24-2.5 (aggravated discharge of a machine gun or a firearm equipped with a device designed or use for silencing the report of a firearm);**

**(C) Section 24-1.5 (reckless discharge of a firearm);**

**(D) Section 24-1.7 (armed habitual criminal);**

**(E) Section 24-2.2 2 (manufacture, sale or transfer of bullets or shells represented to be armor piercing bullets, dragon's breath shotgun shells, bolo shells or flechette shells);**

**(F) Section 24-3 (unlawful sale or delivery of firearms);**

**(G) Section 24-3.3 (unlawful sale or delivery of firearms on the premises of any school);**

**(H) Section 24-34 (unlawful sale of firearms by liquor license);**

**(I) Section 24-3.5 {unlawful purchase of a firearm);**

**(J) Section 24-3A (gunrunning); or**

**(K) Section on 24-3B (firearms trafficking );**

**(L) Section 10-9 (b) (involuntary servitude);**

**(M) Section 10-9 (c) (involuntary sexual servitude of a minor);**

**(N) Section 10-9(d) (trafficking in persons);**

**(O) Non-probationable violations: (i) (unlawful use or possession of weapons by felons or persons in the Custody of the Department of Corrections facilities (Section 24-1.1), (ii) aggravated unlawful use of a weapon (Section 24-1.6, or (iii) aggravated possession of a stolen firearm (Section 24-3.9);**

**(7) the person has a high likelihood of willful flight to avoid prosecution and is charged with:**

**(A) Any felony described in Sections (a)(1) through (a)(5) of this Section; or**

**(B) A felony offense other than a Class 4 offense.**

**(b) If the charged offense is a felony, the Court shall hold a hearing pursuant to 109-3 of this Code to determine whether there is probable cause the defendant has committed an offense, unless a grand jury has returned a true bill of indictment against the defendant. If there is a finding of no probable cause, the defendant shall be released. No such finding is necessary if the defendant is charged with a misdemeanor.**

**(c) Timing of petition.**

**(2) Upon filing, the court shall immediately hold a hearing on the petition unless a continuance is requested.**

**If a continuance is requested, the hearing shall be held within 48 hours of the defendant's first appearance if the defendant is charged with a Class X, Class 1, Class 2, or Class 3 felony, and within 24 hours if the defendant is charged with a Class 4 or misdemeanor offense. The Court may deny and or grant the request for continuance. If the court decides to grant the continuance, the Court retains the discretion to detain or release the defendant in the time between the filing of the petition and the hearing.**

**(d) Contents of petition.**

**(1) The petition shall be verified by the State and shall state the grounds upon which it contends the defendant should be denied pretrial release, including the identity of the specific person or persons the State believes the defendant poses a danger to.**

**(2) Only one petition may be filed under this Section.**

**(e) Eligibility: All defendants shall be presumed eligible for pretrial release, and the State shall bear the burden of proving by clear and convincing evidence that:** **Deleted Prior Text**

**~~(b) The court may deny bail to the defendant where, after the hearing, it is determined that:~~**

(1) the proof is evident or the presumption great that the defendant has committed an offense **listed in paragraphs**

**(1) through (6) of subsection (a)** **~~for which a sentence of imprisonment, without probation, periodic imprisonment or conditional discharge, must be imposed by law as a consequence of conviction~~**, and

(2) the defendant poses a real and present threat to the **~~physical~~** safety of **a specific, identifiable** **~~any~~** person or persons, by conduct which may include, but is not limited to, a forcible felony, the obstruction of justice, intimidation, injury, **or abuse as defined by paragraph (1) of Section 103 of the Illinois Domestic Violence Act of 1986** **~~physical harm, an offense under the Illinois Controlled Substances Act which is a Class X felony, or an offense under the Methamphetamine Control and Community Protection Act which is a Class X felony~~**, and

(3) **~~the court finds that~~** no condition or combination of conditions set forth in subsection (b) of Section 110-10 of this Article **can mitigate the real and present threat to the safety of any** **~~, can reasonably assure the physical safety of any other~~** person or persons **or the defendant's willful flight**.

**(f)** **~~(c)~~** Conduct of the hearings.

(1) **Prior to the hearing the State shall tender to the defendant copies of defendant's criminal history available, any written or recorded statements, and the substance of any oral statements made by any person, if relied upon by the State in its petition, and any police reports in the State's Attorney's possession at the time of the hearing that are required to be disclosed to the defense under Illinois Supreme Court rules.** **~~The hearing on the defendant's culpability and dangerousness shall be conducted in accordance with the following provisions:~~**

**(2) The State or defendant may present evidence at the hearing** **~~(A) Information used by the court in its findings or stated in or offered at such hearing may be~~** by way of proffer based upon reliable information **~~offered by the State or by defendant~~**.

**(3) The defendant** **~~Defendant~~** has the right to be represented by counsel, and if he **or she** is indigent, to have counsel appointed for him **or her. The defendant~~. Defendant~~** shall have the opportunity to testify, to present witnesses **on** **~~in~~** his **or her** own behalf, and to cross-examine **any** witnesses **that** **if any** are called by the State.

**(4) If the defense seeks to call the complaining witness as a witness in its favor, it shall petition the court for permission.** **~~The defendant has the right to present witnesses in his favor.~~** When the ends of justice so require, the court may **exercise** **~~exercises~~** its discretion and compel the appearance of a complaining witness. The court shall state on the record reasons for granting a defense request to compel the presence of a complaining witness. **In making a determination under this section, the court shall state on the record the reason for granting a defense request to compel the presence of a complaining witness, and only grant the request if the court finds by clear and convincing evidence that the defendant will be materially prejudiced if the complaining witness does not appear.**

**~~The State shall tender to the defendant, prior to the hearing, copies of defendant's criminal history, if any, if available, and any written or recorded statements and the substance of any oral statements made by any person, if relied upon by the State in its petition.~~**

**(6) The** **~~(B) A motion by the~~** defendant **may not move** to suppress evidence or **~~to suppress~~** a confession**, however, evidence** **~~shall not be entertained. Evidence~~** that proof **of the charged crime** may have been **~~obtained as~~** the result of an unlawful search **or** **~~and~~** seizure**, or both,** or through improper interrogation**,** is **~~not~~** relevant **in assessing the weight of the evidence against the defendant** **~~to this state of the prosecution~~**.

**(7) Decisions regarding release, conditions of release and detention prior trial should be individualized, and no single factor or standard should be used exclusively to make a condition or detention decision.**

**~~(2) The facts relied upon by the court to support a finding that the defendant poses a real and present threat to the physical safety of any person or persons shall be supported by clear and convincing evidence presented by the~~**

**~~State.~~**

**(g)** **~~(d)~~** Factors to be considered in making a determination of dangerousness. The court may, in determining whether the defendant poses a **specific, imminent** **~~real and present~~** threat **of serious** **~~to the~~** physical **harm to an identifiable** **~~safety of any~~** person or persons, consider but shall not be limited to evidence or testimony concerning:

(1) The nature and circumstances of any offense charged, including whether the offense is a crime of violence, involving a weapon**, or a sex offense**.

(5) The age and physical condition of **~~any person assaulted by~~** the defendant;

(6) **The age and physical condition of any victim or complaining witness;**

**(h)** **~~(e)~~** Detention order. The court shall, in any order for detention:

(1) briefly summarize the evidence of the defendant's **guilt or innocence,** **~~culpability~~** and **the court's** **~~its~~** reasons for concluding that the defendant should be **denied pretrial release** **~~held without bail~~**;

**(i) Detention.**  If the court enters an order for the detention of the defendant pursuant to subsection (e) of this Section, the defendant shall be brought to trial on the offense for which he is detained within 90 days after the date on which the order for detention was entered. If the defendant is not brought to trial within the 90 day period required by the preceding sentence, he shall not be **denied pretrial release** **~~held longer without bail~~**. In computing the 90 day period, the court shall omit any period of delay resulting from a continuance granted at the request of the defendant.

**(j)** **~~(g)~~** Rights of the defendant. Any person shall be entitled to appeal any order entered under this Section denying **pretrial release** **~~bail~~** to the defendant.

**(k) Appeal.** ~~(h)~~ The State may appeal any order entered under this Section denying any motion for denial of **pretrial release** **~~bail~~**.

**(l) Presumption of innocence.** **~~(i)~~** Nothing in this Section shall be construed as modifying or limiting in any way the defendant's presumption of innocence in further criminal proceedings.

**(m) Victim notice.**

**(1) Crime Victims shall be given notice by the State's Attorney's office of this hearing as required in paragraph (1) of subsection (b) of Section 4.5 of the Rights of Crime Victims and Witnesses Act and shall be informed of their opportunity at this hearing to obtain an order of protection under Article 112A of this Code.**

Sec. 110-6.2. Post-conviction Detention.

(a) The court may order that a person who has been found guilty of an offense and who is waiting imposition or execution of sentence be held without **release** **~~bond~~** unless the court finds by clear and convincing evidence that the person is not likely to flee or pose a danger to any other person or the community if released under Sections 110-5 and 110-10 of this Act.

(b) The court may order that person who has been found guilty of an offense and sentenced to a term of imprisonment be held without **release** **~~bond~~** unless the court finds by clear and convincing evidence that:

(1) the person is not likely to flee or pose a danger to the safety of any other person or the community if released **~~on bond~~** pending appeal; and

(725 ILCS 5/110-6.4)

Sec. 110-6.4. Statewide risk-assessment tool. The Supreme Court may establish a statewide risk-assessment tool to be used in proceedings to assist the court in establishing **conditions of pretrial release** **~~bail~~** for a defendant by assessing the defendant's likelihood of appearing at future court proceedings or determining if the defendant poses a real and present threat to the physical safety of any person or persons. \*\*\*.

 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

Sec. 110-10. Conditions of **pretrial release** **~~bail bond~~**.

(a) If a person is released prior to conviction, **~~either upon payment of bail security or on his or her own recognizance,~~** the conditions of **pretrial release** **~~the bail bond~~** shall be that he or she will:

(3) **(Blank);** **~~Not depart this State without leave of the court;~~**

Psychological evaluations ordered pursuant to this Section shall be completed promptly and made available to the State, the defendant, and the court. As a further condition of **pretrial release** **~~bail~~** under these circumstances, the court shall order the defendant to refrain from entering upon the property of the school, including any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity, or on any public way within 1,000 feet of real property comprising any school. Upon receipt of the psychological evaluation, either the State or the defendant may request a change in the conditions of **pretrial release** **~~bail~~**, pursuant to Section 110-6 of this Code. The court may change the conditions of **pretrial release** **~~bail~~** to include a requirement that the defendant follow the recommendations of the psychological evaluation, including undergoing psychiatric treatment. The conclusions of the psychological evaluation and any statements elicited from the defendant during its administration are not admissible as evidence of guilt during the course of any trial on the charged offense, unless the defendant places his or her mental competency in issue.

(b) The court may impose other conditions, such as the following, if the court finds that such conditions are reasonably necessary to assure the defendant's appearance in court, protect the public from the defendant, or prevent the defendant's unlawful interference with the orderly administration of justice: **(0.05) Not depart this State without leave of the court;**

(14) Be placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial **~~bond~~** home supervision capacity with or without the use of an approved electronic monitoring device subject to Article 8A of Chapter V of the Unified Code of Corrections;

(14.1) The court **may** **~~shall~~** impose upon a defendant who is charged with any alcohol, cannabis, methamphetamine, or controlled substance violation and is placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial **~~bond~~** home supervision capacity with the use of an approved monitoring device, as a condition of such **pretrial monitoring** **~~bail bond~~**, a fee that represents costs incidental to the electronic monitoring for each day of such **pretrial** **~~bail~~** supervision ordered by the court, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. \*\*\*

(14.2) The court **may** **~~shall~~** impose upon all defendants, including those defendants subject to paragraph (14.1) above, placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial **~~bond~~** home supervision capacity with the use of an approved monitoring device, as a condition of such **release** **~~bail bond~~**, a fee which shall represent costs incidental to such electronic monitoring for each day of such **~~bail~~** supervision ordered by the court, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. \*\*\*

(16) **(Blank); and** **~~Under Section 110-6.5 comply with the conditions of the drug testing program; and~~**

(c) When a person is charged with an offense under Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012, involving a victim who is a minor under 18 years of age living in the same household with the defendant at the time of the offense, in **~~granting bail or~~** releasing the defendant **~~on his own recognizance~~**, the judge shall impose conditions to restrict the defendant's access to the victim which may include, but are not limited to conditions that he will: \*\*\*

Article 112A, conditions shall be imposed at the time of the defendant's release **~~on bond~~** that restrict the defendant's access to the victim. Unless provided otherwise by the court, the restrictions shall include requirements that the defendant do the following: \*\*\*

(e) Local law enforcement agencies shall develop standardized **pretrial release** **~~bond~~** forms for use in cases involving family or household members as defined in Article 112A, including specific conditions of **pretrial release** **~~bond~~** as provided in subsection (d). Failure of any law enforcement department to develop or use those forms shall in no way limit the applicability and enforcement of subsections (d) and (f).

(f) If the defendant is **released** **~~admitted to bail~~** after conviction **following appeal or other post-conviction proceeding,** the conditions of the **pretrial release** **~~bail bond~~** shall be that he will, in addition to the conditions set forth in subsections (a) and (b) hereof:

(5) If the judgment is affirmed or the cause reversed and remanded for a new trial, forthwith surrender to the officer from whose custody he was **released** bailed.

(g) Upon a finding of guilty for any felony offense, the defendant shall physically surrender, at a time and place designated by the court, any and all firearms in his or her possession and his or her Firearm Owner's Identification Card as a condition of **being released** **~~remaining on bond~~** pending sentencing.

(h) In the event the defendant is **denied pretrial release** **~~unable to post bond~~**, the court may impose a no contact provision with the victim or other interested party that shall be enforced while the defendant remains in custody.

(725 ILCS 5/110-11) (from Ch. 38, par. 110-11)

Sec. 110-11. **Pretrial release** **~~Bail~~** on a new trial. If the judgment of conviction is reversed and the cause remanded for a new trial the trial court may order that the **conditions of pretrial release** **~~bail~~** stand pending such trial, or **modify the conditions of pretrial release** **~~reduce or increase bail~~**.

(725 ILCS 5/110-12) (from Ch. 38, par. 110-12)

Sec. 110-12. Notice of change of address.

A defendant who has been admitted to **pretrial release** ~~bail~~ shall file a written notice with the clerk of the court before which the proceeding is pending of any change in his or her address within 24 hours after such change, except that a defendant who has been admitted to **pretrial release** **~~bail~~** for a forcible felony as defined in Section 2-8 of the Criminal Code of 2012 shall file a written notice with the clerk of the court before which the proceeding is pending and the clerk shall immediately deliver a time stamped copy of the written notice to the State's Attorney charged with the prosecution within 24 hours prior to such change. The address of a defendant who has been admitted to **pretrial release** **~~bail~~** shall at all times remain a matter of public record with the clerk of the court.

(725 ILCS 5/111-2) (from Ch. 38, par. 111-2)

Sec. 111-2. Commencement of prosecutions.

(e) When the offense is **eligible for pretrial release** **~~bailable~~**, the judge shall endorse on the warrant the **conditions of pretrial release** **~~amount of bail~~** required by the order of the court, and if the court orders the process returnable forthwith, the warrant shall require that the accused be arrested and brought immediately into court.

(725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

Sec. 112A-23. Enforcement of protective orders.

(g) Penalties.

(4) In addition to any other penalties imposed for a violation of a protective order, a criminal court may consider evidence of any violations of a protective order:

(i) to **~~increase, revoke, or~~** modify the **conditions of pretrial release** **~~bail bond~~** on an underlying criminal charge pursuant to Section 110-6 of this Code;

 (725 ILCS 5/114-1) (from Ch. 38, par. 114-1)

Sec. 114-1. Motion to dismiss charge.

(e) Dismissal of the charge upon the grounds set forth in subsections (a)(4) through (a)(11) of this Section shall not prevent the return of a new indictment or the filing of a new charge, and upon such dismissal the court may order that the defendant be held in custody or, if the defendant had been previously released on **pretrial release** **~~bail~~**, that the **pretrial release** **~~bail~~** be continued for a specified time pending the return of a new indictment or the filing of a new charge.

(725 ILCS 5/115-4.1) (from Ch. 38, par. 115-4.1)

Sec. 115-4.1. Absence of defendant.

(a) Absence of a defendant as specified in this Section shall not be a bar to indictment of a defendant, return of information against a defendant, or arraignment of a defendant for the charge for which **pretrial release** **~~bail~~** has been granted. If a defendant fails to appear at arraignment, the court may enter a plea of "not guilty" on his behalf.

All procedural rights guaranteed by the United States Constitution, Constitution of the State of Illinois, statutes of the State of Illinois, and rules of court shall apply to the proceedings the same as if the defendant were present in court and had not either **had his or her pretrial release revoked** **~~forfeited his bail bond~~** or escaped from custody. \*\*\*.

(725 ILCS 5/122-6) (from Ch. 38, par. 122-6)

Sec. 122-6. Disposition in trial court.

If the court finds in favor of the petitioner, it shall enter an appropriate order with respect to the judgment or sentence in the former proceedings and such supplementary orders as to rearraignment, retrial, custody, **conditions of pretrial release** **~~bail~~** or discharge as may be necessary and proper.

**10-37. Section 10-256.** **(Eff: 7-1-21)** The Code of Criminal Procedure of 1963 is amended by changing *the heading of Article 110* and by *changing* **Sections 103-2, 103-3, and 108-8** as follows:

(725 ILCS 5/103-2) (from Ch. 38, par. 103-2)

Sec. 103-2. Treatment while in custody.

(c) Persons in custody shall be treated humanely and provided with proper food, shelter and, if required, medical treatment **without unreasonable delay if the need for the treatment is apparent**.

(725 ILCS 5/103-3) (from Ch. 38, par. 103-3)

Sec. 103-3. Right to communicate with attorney and family; transfers.

(a) **(Blank).** **~~Persons who are arrested shall have the right to communicate with an attorney of their choice and a member of their family by making a reasonable number of telephone calls or in any other reasonable manner. Such communication shall be permitted within a reasonable time after arrival at the first place of custody.~~**

**(a-5) Persons who are in police custody have the right to communicate free of charge with an attorney of their choice and members of their family as soon as possible upon being taken into police custody, but no later than three hours after arrival at the first place of custody. Persons in police custody must be given:**

**(1) access to use a telephone via a land line or cellular phone to make three phone calls; and**

**(2) the ability to retrieve phone numbers contained in his or her contact list on his or her cellular phone prior to the phone being placed into inventory.**

**(a-10) In accordance with Section 103-7, at every facility where a person is in police custody a sign containing, at minimum, the following information in bold block type must be posted in a conspicuous place:**

**(1) a short statement notifying persons who are in police custody of their right to have access to a phone within three hours after being taken into police custody;**

**and**

**(2) persons who are in police custody have the right to make three phone calls within three hours after being taken into custody, at no charge.**

**(a-15) In addition to the information listed in subsection (a-10), if the place of custody is located in a jurisdiction where the court has appointed the public defender or other attorney to represent persons who are in police custody, the telephone number to the public defender or appointed attorney's office must also be displayed. The telephone call to the public defender or other attorney must not be monitored, eavesdropped upon, or recorded.**

(b) **(Blank).** **~~In the event the accused is transferred to a new place of custody his right to communicate with an attorney and a member of his family is renewed.~~**

**(c) In the event a person who is in police custody is transferred to a new place of custody, his or her right to make telephone calls under this Section within three hours after arrival is renewed.**

**d) In this Section "custody" means the restriction of a person's freedom of movement by a law enforcement officer's exercise of his or her lawful authority.**

**(e) The three hours requirement shall not apply while the person in police custody is asleep, unconscious, or otherwise incapacitated.**

**(f) Nothing in this Section shall interfere with a person's rights or override procedures required in the Bill of Rights of the Illinois and US Constitutions, including but not limited to Fourth Amendment search and seizure rights, Fifth Amendment due process rights and rights to be free from self-incrimination and Sixth Amendment right to counsel.**

(725 ILCS 5/108-8) (from Ch. 38, par. 108-8)

Sec. 108-8. Use of force in execution of search warrant.

**(c) Prior to the issuing of a warrant under subsection (b), the officer must attest that:**

**(1) prior to entering the location described in the search warrant, a supervising officer will ensure that each participating member is assigned a body worn camera and is following policies and procedures in accordance with**

**Section 10-20 of the Law Enforcement Officer-Worn Body Camera Act; provided that the law enforcement agency has implemented body worn camera in accordance with Section 10-15 of the Law Enforcement Officer-Worn Body Camera Act.  If a law enforcement agency has not implemented a body camera in accordance with Section 10-15 of the Law Enforcement Officer-Worn Body Camera Act, the officer must attest that the interaction authorized by the warrant is otherwise recorded;**

**(2) steps were taken in planning the search to ensure accuracy and plan for children or other vulnerable people on-site; and**

**(3) if an officer becomes aware the search warrant was executed at an address, unit, or apartment different from the location listed on the search warrant, that member will immediately notify a supervisor who will ensure an internal investigation ensues.**

**10-38. Section 10-260.** **(Eff: 7-1-21)** The Code of Criminal Procedure of 1963 is amended by ***repealing*** **Sections 110-5.1, 110-6.3, 110-6.5, 110-7, 110-8, 110-9, 110-13, 110-14, 110-15, 110-16, 110-17, and 110-18**.

**10-39. Section 10-265.** **(Eff: 1-1-23)** The Rights of Crime Victims and Witnesses Act is amended by changing **Sections 4 and 4.5** as follows:

(725 ILCS 120/4) (from Ch. 38, par. 1404)

Sec. 4. Rights of crime victims.

(a) Crime victims shall have the following rights:

(7.5) The right to have the safety of the victim and the victim's family considered in **~~denying or fixing the amount of bail,~~** determining whether to release the defendant and setting conditions of release after arrest and conviction.

(725 ILCS 120/4.5)

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

(b) The office of the State's Attorney:

(13) shall provide notice within a reasonable time after receipt of notice from the custodian, of the release of the defendant on **pretrial release** **~~bail~~** or personal recognizance or the release from detention of a minor who has been detained;

(c-5) The following procedures shall be followed to afford victims the rights guaranteed by Article I, Section 8.1 of the Illinois Constitution:

(16) The right to be reasonably protected from the accused throughout the criminal justice process and the right to have the safety of the victim and the victim's family considered in **~~denying or fixing the amount of bail,~~** determining whether to release the defendant, and setting conditions of release after arrest and conviction. A victim of domestic violence, a sexual offense, or stalking may request the entry of a protective order under Article 112A of the Code of Criminal Procedure of 1963.

**10-40. Section 10-270**. **(Eff: 1-1-23)** The Pretrial Services Act is amended by changing **Sections 11, 20, 22, and 34** as follows:

(725 ILCS 185/11) (from Ch. 38, par. 311)

Sec. 11. Statements made by the defendant during the interview, or evidence derived therefrom, are admissible in evidence only when the court is considering the imposition of pretrial or posttrial conditions to **~~bail or~~** recognizance, or when considering the modification of a prior release order.

(725 ILCS 185/20) (from Ch. 38, par. 320)

Sec. 20. In preparing and presenting its written reports under Sections 17 and 19, pretrial services agencies shall in appropriate cases include specific recommendations for **~~the~~** setting **the conditions** **~~, increase, or decrease~~** of **pretrial release** **~~bail~~**; the release of the interviewee on his own recognizance in sums certain; and the imposition of **~~pretrial~~** conditions **of pretrial release** **~~to bail~~** or recognizance designed to minimize the risks of nonappearance, the commission of new offenses while awaiting trial, and other potential interference with the orderly administration of justice.

(725 ILCS 185/22) (from Ch. 38, par. 322)

Sec. 22. Such conditions shall become part of the conditions of **pretrial release** **~~the bail bond~~**. A copy of the uniform release order shall be provided to the defendant and defendant's attorney of record, and the prosecutor.

(725 ILCS 185/34)

Sec. 34. Probation and court services departments considered pretrial services agencies. For the purposes of administering the provisions of Public Act 95-773, known as the Cindy Bischof Law, all probation and court services departments are to be considered pretrial services agencies under this Act and under the **pretrial release** **~~bail bond~~** provisions of the Code of Criminal Procedure of 1963.

**10-41. Section 10-275**. **(Eff: 1-1-23)** The Quasi-criminal and Misdemeanor Bail Act is amended by changing the title of the Act and **Sections 0.01, 1, 2, 3, and 5** as follows:

(725 ILCS 195/Act title)

An Act to authorize designated officers to let persons charged with quasi-criminal offenses and misdemeanors to **pretrial release** **~~bail~~** and to accept and receipt for fines on pleas of guilty in minor offenses, in accordance with schedules established by rule of court.

(725 ILCS 195/0.01) (from Ch. 16, par. 80)

Sec. 0.01. Short title. This Act may be cited as the Quasi-criminal and Misdemeanor **Pretrial Release ~~Bail~~** Act.

(725 ILCS 195/1) (from Ch. 16, par. 81)

Sec. 1. Whenever in any circuit there shall be in force a rule or order of the Supreme Court establishing a uniform **form** **~~schedule~~** prescribing the **conditions of pretrial release** **~~amounts of bail~~** for specified conservation cases, traffic cases, quasi-criminal offenses and misdemeanors, any general superintendent, chief, captain, lieutenant, or sergeant of police, or other police officer, the sheriff, the circuit clerk, and any deputy sheriff or deputy circuit clerk designated by the Circuit Court for the purpose, are authorized to let to **pretrial release** **~~bail~~** any person charged with a quasi-criminal offense or misdemeanor **Deleted Prior Text.**

 (725 ILCS 195/2) (from Ch. 16, par. 82)

Sec. 2. The conditions of the **pretrial release** **~~bail bond or deposit of cash bail~~** shall be that the accused will appear to answer the charge in court at a time and place specified in the **pretrial release form** **~~bond~~** and thereafter as ordered by the court until discharged on final order of the court and to submit himself to the orders and process of the court. The accused shall be furnished with an official receipt on a form prescribed by rule of court **~~for any cash or other security deposited,~~** and shall receive a copy of the **pretrial release form** bond specifying the time and place of his court appearance.

Upon performance of the conditions of the **pretrial release** **~~bond~~**, the **pretrial release form** ~~bond~~ shall be null and void and **the accused shall be released from the conditions of pretrial release** **~~any cash bail or other security shall be returned to the accused~~**.

 (725 ILCS 195/3) (from Ch. 16, par. 83)

Sec. 3. In lieu of **complying with the conditions of pretrial release** **~~making bond or depositing cash bail as provided in this Act or the deposit of other security authorized by law~~**, any accused person has the right to be brought without unnecessary delay before the nearest or most accessible judge of the circuit to be dealt with according to law.

(725 ILCS 195/5) (from Ch. 16, par. 85)

Sec. 5. Any person authorized to accept **pretrial release** **~~bail~~** or pleas of guilty by this Act who violates any provision of this Act is guilty of a Class B misdemeanor.

**10-42. Section 10-280.** **(Eff: 1-1-23)** The Unified Code of Corrections is amended by changing **Sections 5-3-2, 5-5-3.2, 5-6-4, 5-6-4.1, 5-8A-7, and 8-2-1** as follows:

(730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

Sec. 5-3-2. Presentence report.

(e) Nothing in this Section shall cause the defendant to be held without **pretrial release** **~~bail~~** or to have his **pretrial release** **~~bail~~** revoked for the purpose of preparing the presentence report or making an examination.

(730 ILCS 5/5-5-3.2)

Sec. 5-5-3.2. Factors in aggravation and extended-term sentencing.

(a) The following factors shall be accorded weight in favor of imposing a term of imprisonment or may be considered by the court as reasons to impose a more severe sentence under Section 5-8-1 or Article 4.5 of Chapter V:

(12) the defendant was convicted of a felony committed while he was **on pretrial release** **~~released on bail~~** or his own recognizance pending trial for a prior felony and was convicted of such prior felony, or the defendant was convicted of a felony committed while he was serving a period of probation, conditional discharge, or mandatory supervised release under subsection (d) of Section 5-8-1 for a prior felony;

(730 ILCS 5/5-6-4) (from Ch. 38, par. 1005-6-4)

Sec. 5-6-4. Violation, Modification or Revocation of Probation, of Conditional Discharge or Supervision or of a sentence of county impact incarceration - Hearing.

(b) The court shall conduct a hearing of the alleged violation. The court shall admit the offender to **pretrial release** **~~bail~~** pending the hearing unless the alleged violation is itself a criminal offense in which case the offender shall be admitted to **pretrial release** **~~bail~~** on such terms as are provided in the Code of Criminal Procedure of 1963, as amended. In any case where an offender remains incarcerated only as a result of his alleged violation of the court's earlier order of probation, supervision, conditional discharge, or county impact incarceration such hearing shall be held within 14 days of the onset of said incarceration, unless the alleged violation is the commission of another offense by the offender during the period of probation, supervision or conditional discharge in which case such hearing shall be held within the time limits described in Section 103-5 of the Code of Criminal Procedure of 1963, as amended.

(730 ILCS 5/5-6-4.1) (from Ch. 38, par. 1005-6-4.1)

Sec. 5-6-4.1. Violation, Modification or Revocation of Conditional Discharge or Supervision - Hearing.

(b) The Court shall admit the offender to **pretrial release** **~~bail~~** pending the hearing.

 (730 ILCS 5/5-8A-7)

Sec. 5-8A-7. Domestic violence surveillance program. If the Prisoner Review Board, Department of Corrections, Department of Juvenile Justice, or court (the supervising authority) orders electronic surveillance as a condition of parole, aftercare release, mandatory supervised release, early release, probation, or conditional discharge for a violation of an order of protection or as a condition of **pretrial release** **~~bail~~** for a person charged with a violation of an order of protection, the supervising authority shall use the best available global positioning technology to track domestic violence offenders.

(730 ILCS 5/8-2-1) (from Ch. 38, par. 1008-2-1)

Sec. 8-2-1. Saving Clause.

The repeal of Acts or parts of Acts enumerated in Section 8-5-1 does not: (1) affect any offense committed, act done, prosecution pending, penalty, punishment or forfeiture incurred, or rights, powers or remedies accrued under any law in effect immediately prior to the effective date of this Code;

(2) impair, avoid, or affect any grant or conveyance made or right acquired or cause of action then existing under any such repealed Act or amendment thereto; (3) affect or impair the validity of any **pretrial release ~~bail or other bond~~** or other obligation issued or sold and constituting a valid obligation of the issuing authority immediately prior to the effective date of this Code; (4) the validity of any contract; or (5) the validity of any tax levied under any law in effect prior to the effective date of this Code.

**10-43. Section 10-281.** **(Eff: 7-1-21)** The Unified Code of Corrections is amended by changing **Sections 3-6-3, 5-4-1, 5-4.5-95, 5-4.5-100, 5-8-1, 5-8-6, 5-8A-2, 5-8A-4, and 5-8A-4.1 and by adding 5-6-3.8** as follows:

(730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

Sec. 3-6-3. Rules and regulations for sentence credit.

(3) In addition to the sentence credits earned under paragraphs (2.1), (4), (4.1), **(4.2),** and (4.7) of this subsection (a), the rules and regulations shall also provide that the Director may award up to 180 days of earned sentence credit **for prisoners serving a sentence of incarceration of less than 5 years, and up to 365 days of earned sentence credit for prisoners serving a sentence of 5 years or longer. The Director may grant this credit** for good conduct in specific instances as the Director deems proper.

Eligible inmates for an award of earned sentence credit under this paragraph (3) may be selected to receive the credit at the Director's or his or her designee's sole discretion. Eligibility for the additional earned sentence credit under this paragraph (3) **may** **~~shall~~** be based on, but is not limited to, **participation in programming offered by the department as appropriate for the prisoner based on**the results of any available risk/needs assessment or other relevant assessments or evaluations administered by the Department using a validated instrument, the circumstances of the crime, **demonstrated commitment to rehabilitation by a prisoner with a** **~~any~~** history of conviction for a forcible felony enumerated in Section 2-8 of the Criminal Code of 2012, the inmate's behavior and **improvements in** disciplinary history while incarcerated, and the inmate's commitment to rehabilitation, including participation in programming offered by the Department.

(4)(A) Except as provided in paragraph (4.7) of this subsection (a), the rules and regulations shall also provide that **any prisoner who** **~~the sentence credit accumulated and retained under paragraph (2.1) of subsection (a) of this Section by any inmate during specific periods of time in which such inmate~~** is engaged full-time in substance abuse programs, correctional industry assignments, educational programs, **work-release programs or activities in accordance with 730 ILCS 5/3-13-1 et seq.,** behavior modification programs, life skills courses, or re-entry planning provided by the Department under this paragraph (4) and satisfactorily completes the assigned program as determined by the standards of the Department, shall **receive [one day] of sentence credit for each day in which that prisoner is engaged in the activities described in this paragraph** **~~be multiplied by a factor of 1.25 for program participation before August 11, 1993 and 1.50 for program participation on or after that date~~**. The rules and regulations shall also provide that sentence credit**~~, subject to the same offense limits and multiplier provided in this paragraph,~~** may be provided to an inmate who was held in pre-trial detention prior to his or her current commitment to the Department of Corrections and successfully completed a full-time, 60-day or longer substance abuse program, educational program, behavior modification program, life skills course, or re-entry planning provided by the county department of corrections or county jail. Calculation of this county program credit shall be done at sentencing as provided in Section 5-4.5-100 of this Code and shall be included in the sentencing order. **The rules and regulations shall also provide that sentence credit may be provided to an inmate who is in compliance with programming requirements in an adult transition center.** **~~However, no inmate shall be eligible for the additional sentence credit under this paragraph (4) or (4.1) of this subsection (a) while assigned to a boot camp or electronic detention.~~**

(B) The Department shall award sentence credit under this paragraph (4) accumulated prior to **January 1, 2020 (**the effective date of **Public Act 101-440)** **~~this amendatory Act of the 101st General Assembly~~** in an amount specified in subparagraph (C) of this paragraph (4) to an inmate serving a sentence for an offense committed prior to June 19, 1998, if the Department determines that the inmate is entitled to this sentence credit, based upon:\*\*\*

Educational, vocational, substance abuse, behavior modification programs, life skills courses, re-entry planning, and correctional industry programs under which sentence credit may be **earned** **~~increased~~** under this paragraph (4) and paragraph (4.1) of this subsection (a) shall be evaluated by the Department on the basis of documented standards. The Department shall report the results of these evaluations to the Governor and the General Assembly by September 30th of each year. The reports shall include data relating to the recidivism rate among program participants.

Availability of these programs shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. Eligible inmates who are denied immediate admission shall be placed on a waiting list under criteria established by the Department. **The rules and regulations shall provide that a prisoner who has been placed on a waiting list but is transferred for non-disciplinary reasons before beginning a program shall receive priority placement on the waitlist for appropriate programs at the new facility.** The inability of any inmate to become engaged in any such programs by reason of insufficient program resources or for any other reason established under the rules and regulations of the Department shall not be deemed a cause of action under which the Department or any employee or agent of the Department shall be liable for damages to the inmate. **The rules and regulations shall provide that a prisoner who begins an educational, vocational, substance abuse, work-release programs or activities in accordance with 730 ILCS 5/3-13-1 et seq., behavior modification program, life skills course, re-entry planning, or correctional industry programs but is unable to complete the program due to illness, disability, transfer, lockdown, or another reason outside of the prisoner's control shall receive prorated sentence credits for the days in which the prisoner did participate.**

(4.1) **Except as provided in paragraph (4.7) of this subsection (a), the rules and regulations shall provide that an additional 120 days of sentence credit shall be awarded to any prisoner who obtains a associate degree while the prisoner is committed to the Department of Corrections, regardless of the date that the associate degree was obtained, including if prior to the effective date of this amendatory Act of the 101st General Assembly. The sentence credit awarded under this paragraph (4.1) shall be in addition to, and shall not affect, the award of sentence credit under any other paragraph of this Section, but shall also be under the guidelines and restrictions set forth in paragraph (4) of subsection (a) of this Section. The sentence credit provided for in this paragraph (4.1) shall be available only to those prisoners who have not previously earned an associate degree prior to the current commitment to the Department of Corrections. If, after an award of the associate degree sentence credit has been made and the Department determines that the prisoner was not eligible, then the award shall be revoked. The Department may also award 120 days of sentence credit to any committed person who earned an associate degree while he or she was held in pre-trial detention prior to the current commitment to the Department of Corrections.**

**(4.2) The rules and regulations shall also provide that any prisoner engaged in self-improvement programs, volunteer work, or work assignments that are not otherwise eligible activities under section (4), shall receive up to 0.5 days of sentence credit for each day in which the prisoner is engaged in activities described in this paragraph.**

(4.7) On or after **January 1, 2018 (**the effective date of **Public Act 100-3)** **~~this amendatory Act of the 100th General Assembly~~**, sentence credit under paragraph (3), (4), or (4.1) of this subsection (a) may be awarded to a prisoner who is serving a sentence for an offense described in paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned on or after **January 1, 2018 (**the effective date of **Public Act 100-3)** **~~this amendatory Act of the 100th General Assembly~~**; provided, the award of the credits under this paragraph (4.7) shall not reduce the sentence of the prisoner to less than the following amounts:

(i) 85% of his or her sentence if the prisoner is required to serve 85% of his or her sentence; or

(ii) 60% of his or her sentence if the prisoner is required to serve 75% of his or her sentence, except if the prisoner is serving a sentence for gunrunning his or her sentence shall not be reduced to less than 75%.

(iii) 100% of his or her sentence if the prisoner is required to serve 100% of his or her sentence.

(c) **(1)** The Department shall prescribe rules and regulations for revoking sentence credit, including revoking sentence credit awarded under paragraph (3) of subsection (a) of this Section. **The Department shall prescribe rules and regulations establishing and requiring the use of a sanctions matrix for revoking sentence credit.**

**(2)** When the Department seeks to revoke, suspend**,** or reduce the rate of accumulation of any sentence credits for an alleged infraction of its rules, it shall bring charges therefor against the prisoner sought to be so deprived of sentence credits before the Prisoner Review Board as provided in subparagraph (a)(4) of Section 3-3-2 of this Code, if the amount of credit at issue exceeds 30 days**, whether from one infraction or cumulatively from multiple infractions arising out of a single event,** or when**,** during any **12-month** **~~12 month~~** period, the cumulative amount of credit revoked exceeds 30 days except where the infraction is committed or discovered within 60 days of scheduled release.

**(3)** The Director of the Department of Corrections, in appropriate cases, may restore **~~up to 30 days of~~** sentence credits which have been revoked, suspended**,** or reduced. **The Department shall prescribe rules and regulations governing the restoration of sentence credits. These rules and regulations shall provide for the automatic restoration of sentence credits following a period in which the prisoner maintains a record without a disciplinary violation.** **Any restoration of sentence credits in excess of 30 days shall be subject to review by the Prisoner Review Board. However, the Board may not restore sentence credit in excess of the amount requested by the Director.**

(c-6) In imposing a sentence, the trial judge shall specify, on the record, the particular evidence and other reasons which led to his or her determination that a motor vehicle was used in the commission of the offense.

**(c-7) In imposing a sentence for a Class 3 or 4 felony, other than a violent crime as defined in Section 3 of the Rights of Crime Victims and Witnesses Act, the court shall determine and indicate in the sentencing order whether the defendant has 4 or more or fewer than 4 months remaining on his or her sentence accounting for time served.**

(730 ILCS 5/5-4.5-95)

Sec. 5-4.5-95. GENERAL RECIDIVISM PROVISIONS.

(a) HABITUAL CRIMINALS.

(4) This Section does not apply unless each of the following requirements are satisfied:

**(E) The first offense was committed when the person was 21 years of age or older.**

(5) Anyone who**~~, having attained the age of 18 at the time of the third offense,~~** is adjudged an habitual criminal shall be sentenced to a term of natural life imprisonment.

(b) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 **forcible** felony**~~, except for an offense listed in subsection (c) of this Section,~~** after having twice been convicted in any state or federal court of an offense that contains the same elements as an offense now (the date the Class 1 or Class 2 **forcible** felony was committed) classified in Illinois as a Class 2 or greater Class **forcible**felony**~~, except for an offense listed in subsection (c) of this Section,~~** and those charges are separately brought and tried and arise out of different series of acts, that defendant shall be sentenced as a Class X offender. This subsection does not apply unless:

(1) the first **forcible** felony was committed after February 1, 1978 (the effective date of Public Act 80-1099);

(2) the second **forcible** felony was committed after conviction on the first; **~~and~~**

(3) the third **forcible** felony was committed after conviction on the second**; and**

**(4) the first offense was committed when the person was 21 years of age or older**.

(c) **(Blank).** **~~Subsection (b) of this Section does not apply to Class 1 or Class 2 felony convictions for a violation of Section 16-1 of the Criminal Code of 2012.~~**

(730 ILCS 5/5-4.5-100)

Sec. 5-4.5-100. CALCULATION OF TERM OF IMPRISONMENT.

(b) CREDIT; TIME IN CUSTODY; SAME CHARGE. Except as set forth in subsection (e), the offender shall be given credit on the determinate sentence or maximum term and the minimum period of imprisonment for the number of days spent in custody as a result of the offense for which the sentence was imposed. The Department shall calculate the credit at the rate specified in Section 3-6-3 (730 ILCS 5/3-6-3). **The** **~~Except when prohibited by subsection (d), the~~** trial court shall give credit to the defendant for time spent in home detention on the same sentencing terms as incarceration as provided in Section 5-8A-3 (730 ILCS 5/5-8A-3). **Home detention for purposes of credit includes restrictions on liberty such as curfews restricting movement for 12 hours or more per day and electronic monitoring that restricts travel or movement. Electronic monitoring is not required for home detention to be considered custodial for purposes of sentencing credit.**

(d) **(Blank).** **~~NO CREDIT; SOME HOME DETENTION. An offender sentenced to a term of imprisonment for an offense listed in paragraph (2) of subsection (c) of Section 5-5-3 (730 ILCS 5/5-5-3) or in paragraph (3) of subsection (c-1) of Section 11-501 of the Illinois Vehicle Code (625 ILCS 5/11-501) shall not receive credit for time spent in home detention prior to judgment.~~**

(730 ILCS 5/5-6-3.8 new)

**Sec. 5-6-3.8. Eligibility for programs restricted by felony background. Any conviction entered prior to the effective date of this amendatory Act of the 101st General Assembly for:**

**(1) felony possession of a controlled substance, or possession with intent to manufacture or deliver a controlled substance, in a total amount equal to or less than the amounts listed in subsection (a-5) of Section 402 of the Illinois Controlled Substances Act; or**

**(2) felony possession of methamphetamine, or possession with intent to deliver methamphetamine, in an amount less than 3 grams; or any adjudication of delinquency under the Juvenile Court Act of 1987 for acts that would have constituted those felonies if committed by an adult, shall be treated as a Class A misdemeanor for the purposes of evaluating a defendant's eligibility for programs of qualified probation, impact incarceration, or any other diversion, deflection, probation, or other program for which felony background or delinquency background is a factor in determining eligibility.**".

(730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

Sec. 5-8-1. Natural life imprisonment; enhancements for use of a firearm; mandatory supervised release terms.

(d) Subject to earlier termination under Section 3-3-8, the parole or mandatory supervised release term shall be written as part of the sentencing order and shall be as follows:

(1) for first degree murder **or for the offenses of predatory criminal sexual assault of a child, aggravated criminal sexual assault, and criminal sexual assault if committed on or before December 12, 2005** **~~Deleted Prior Text,~~** 3 years;

**(1.5) except as provided in paragraph (7) of this subsection (d), for a Class X felony except for the offenses of predatory criminal sexual assault of a child, aggravated criminal sexual assault, and criminal sexual assault if committed on or after December 13, 2005 (the effective date of Public Act 94-715) and except for the offense of aggravated child pornography under Section 11-20.1B.,11-20.3, or 11-20.1 with sentencing under subsection (c-5) of Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012, if committed on or after January 1, 2009, 18 months;**

(2) **except as provided in paragraph (7) of this subsection (d),** for a Class 1 felony or a Class 2 felony except for the offense of criminal sexual assault if committed on or after **December 13, 2005 (**the effective date of **Public Act 94-715)** **~~this amendatory Act of the 94th General Assembly~~** and except for the offenses of manufacture and dissemination of child pornography under clauses (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012, if committed on or after January 1, 2009, **12 months** **~~2 years~~**;

(3) **except as provided in paragraph (4), (6), or (7) of this subsection (d), a mandatory supervised release term shall not be imposed for a Class 3 felony or a Class 4 felony; unless:**

**(A) the Prisoner Review Board, based on a validated risk and needs assessment, determines it is necessary for an offender to serve a mandatory supervised release term;**

**(B) if the Prisoner Review Board determines a mandatory supervised release term is necessary pursuant to subparagraph (A) of this paragraph (3), the Prisoner Review Board shall specify the maximum number of months of mandatory supervised release the offender may serve, limited to a term of: (i) 12 months for a Class 3 felony; and (ii) 12 months for a Class 4 felony** **~~for a Class 3 felony or a Class 4 felony, 1 year~~**;

**(7) for any felony described in paragraph (a)(2)(ii), (a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3), (a)(2.4), (a)(2.5), or (a)(2.6) of Article 5, Section 3-6-3 of the Unified Code of Corrections requiring an inmate to serve a minimum of 85% of their court-imposed sentence, except for the offenses of predatory criminal sexual assault of a child, aggravated criminal sexual assault, and criminal sexual assault if committed on or after December 13, 2005 (the effective date of Public Act 94-715) and except for the offense of aggravated child pornography under Section 11-20.1B.,11-20.3, or 11-20.1 with sentencing under subsection (c-5) of Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012, if committed on or after January 1, 2009 and except as provided in paragraph (4) or paragraph (6) of this subsection (d), the term of mandatory supervised release shall beas follows:**

**(A) Class X felony, 3 years;**

**(B) Class 1 or Class 2 felonies, 2 years;**

**(C) Class 3 or Class 4 felonies, 1 year.**

(730 ILCS 5/5-8-6) (from Ch. 38, par. 1005-8-6)

Sec. 5-8-6. Place of confinement.

(a) **Except as otherwise provided in this subsection (a), offenders** **~~Offenders~~** sentenced to a term of imprisonment for a felony shall be committed to the penitentiary system of the Department of Corrections. However, such sentence shall not limit the powers of the Department of Children and Family Services in relation to any child under the age of one year in the sole custody of a person so sentenced, nor in relation to any child delivered by a female so sentenced while she is so confined as a consequence of such sentence. **Except as otherwise provided in this subsection (a), a** **~~A~~** person sentenced for a felony may be assigned by the Department of Corrections to any of its institutions, facilities or programs. **An offender sentenced to a term of imprisonment for a Class 3 or 4 felony, other than a violent crime as defined in Section 3 of the Rights of Crime Victims and Witnesses Act, in which the sentencing order indicates that the offender has less than 4 months remaining on his or her sentence accounting for time served may not be confined in the penitentiary system of the Department of Corrections but may be assigned to electronic home detention under Article 8A of this Chapter V, an adult transition center, or another facility or program within the Department of Corrections.**

(730 ILCS 5/5-8A-2) (from Ch. 38, par. 1005-8A-2)

Sec. 5-8A-2. Definitions.

(C) "Home detention" means the confinement of a person convicted or charged with an offense to his or her place of residence under the terms and conditions established by the supervising authority. **Confinement need not be 24 hours per day to qualify as home detention, and significant restrictions on liberty such as 7pm to 7am curfews shall qualify. Home confinement may or may not be accompanied by electronic monitoring, and electronic monitoring is not required for purposes of sentencing credit.**

(E) "Supervising authority" means the Department of Corrections, the Department of Juvenile Justice, probation department, **a Chief Judge's office, pretrial services division or department,** sheriff, superintendent of municipal house of corrections or any other officer or agency charged with authorizing and supervising electronic monitoring and home detention.

(730 ILCS 5/5-8A-4) (from Ch. 38, par. 1005-8A-4)

Sec. 5-8A-4. Program description. The supervising authority may promulgate rules that prescribe reasonable guidelines under which an electronic monitoring and home detention program shall operate. When using electronic monitoring for home detention these rules **may** **~~shall~~** include but not be limited to the following:

(A) The participant **may be instructed to** **~~shall~~** remain within the interior premises or within the property boundaries of his or her residence at all times during the hours designated by the supervising authority. Such instances of approved absences from the home **shall** **~~may~~** include but are not limited to the following:

**(8) purchasing groceries, food, or other basic necessities.**

**(A-1) At a minimum, any person ordered to pretrial home confinement with or without electronic monitoring must be provided with open movement spread out over no fewer than two days per week, to participate in basic activities such as those listed in paragraph (A).**

(E) The participant shall maintain the following:

(1) **access to** a working telephone **~~in the participant's home~~**;

(F) The participant shall obtain approval from the supervising authority before the participant changes residence or the schedule described in subsection (A) of this Section. **Such approval shall not be unreasonably withheld.**

(730 ILCS 5/5-8A-4.1)

Sec. 5-8A-4.1. Escape; failure to comply with a condition of the electronic monitoring or home detention program.

(a) A person charged with or convicted of a felony, or charged with or adjudicated delinquent for an act which, if committed by an adult, would constitute a felony, conditionally released from the supervising authority through an electronic monitoring or home detention program, who knowingly violates a condition of the electronic monitoring or home detention program **and remains in violation for at least 48 hours** is guilty of a Class 3 felony.

(b) A person charged with or convicted of a misdemeanor, or charged with or adjudicated delinquent for an act which, if committed by an adult, would constitute a misdemeanor, conditionally released from the supervising authority through an electronic monitoring or home detention program, who knowingly violates a condition of the electronic monitoring or home detention program **and remains in violation for at least 48 hours** is guilty of a Class B misdemeanor.

**10-44. Section 10-285.** **(Eff: 1-1-23)** The Probation and Probation Officers Act is amended by changing **Section 18** as follows:

(730 ILCS 110/18)

Sec. 18. Probation and court services departments considered pretrial services agencies. For the purposes of administering the provisions of Public Act 95-773, known as the Cindy Bischof Law, all probation and court services departments are to be considered pretrial services agencies under the Pretrial Services Act and under the **pretrial release** **~~bail bond~~** provisions of the Code of Criminal Procedure of 1963.

**10-45. Section 10-290.** **(Eff: 1-1-23)** The County Jail Act is amended by changing **Section 5** as follows:

(730 ILCS 125/5) (from Ch. 75, par. 105)

Sec. 5. Costs of maintaining prisoners.

(b) If a person who is serving a term of mandatory supervised release for a felony is incarcerated in a county jail, the Illinois Department of Corrections shall pay the county in which that jail is located one-half of the cost of incarceration, as calculated by the Governor's Office of Management and Budget and the county's chief financial officer, for each day that the person remains in the county jail after notice of the incarceration is given to the Illinois Department of Corrections by the county, provided that (i) the Illinois Department of Corrections has issued a warrant for an alleged violation of mandatory supervised release by the person; (ii) if the person is incarcerated on a new charge, unrelated to the offense for which he or she is on mandatory supervised release, there has been a court hearing at which **the conditions of pretrial release have** **~~bail has~~** been set on the new charge; (iii) the county has notified the Illinois Department of Corrections that the person is incarcerated in the county jail, which notice shall not be given until the **~~bail~~** hearing has concluded, if the person is incarcerated on a new charge; and \*\*\*

**10-46. Section 10-295**. **(Eff: 1-1-23)** The County Jail Good Behavior Allowance Act is amended by changing **Section 3** as follows:

(730 ILCS 130/3) (from Ch. 75, par. 32)

Sec. 3. The good behavior allowance rate shall be cumulative and awarded on the following basis:

The prisoner shall receive one day of good behavior allowance for each day of service of sentence in the county jail, and one day of good behavior allowance for each day of incarceration in the county jail before sentencing for the offense that he or she is currently serving sentence but was unable to **comply with the conditions of pretrial release** **~~post bail~~** before sentencing, except that a prisoner serving a sentence of periodic imprisonment under Section 5-7-1 of the Unified Code of Corrections shall only be eligible to receive good behavior allowance if authorized by the sentencing judge.

**10-47. Section 10-296**. **(Eff: 7-1-21)** The Veterans and Servicemembers Court Treatment Act is amended by changing Section **20** as follows:

(730 ILCS 167/20)

Sec. 20. Eligibility. Veterans and Servicemembers are eligible for Veterans and Servicemembers Courts, provided the following:

(b) A defendant shall be excluded from Veterans and Servicemembers Court program if any of one of the following applies:

(5) **(Blank).** **~~The crime for which the defendant has been convicted is non-probationable.~~**

**10-48. Section 10-297**. **(Eff: 7-1-21)**The Mental Health Court Treatment Act is amended by changing **Section 20** as follows:

(730 ILCS 168/20)

Sec. 20. Eligibility.

(b) A defendant shall be excluded from a mental health court program if any one of the following applies:

(5) **(Blank).** **~~The crime for which the defendant has been convicted is non-probationable.~~**

**10-49. Section 10-300**. **(Eff: 1-1-23)** The Code of Civil Procedure is amended by changing **Sections 10-106, 10-125, 10-127, 10-135, 10-136, and 21-103** as follows:

(735 ILCS 5/10-106) (from Ch. 110, par. 10-106)

Sec. 10-106. Grant of relief - Penalty. Unless it shall appear from the complaint itself, or from the documents thereto annexed, that the party can neither be discharged, admitted to **pretrial release** **~~bail~~** nor otherwise relieved, the court shall forthwith award relief by habeas corpus.

Sec. 10-125. New commitment. In all cases where the imprisonment is for a criminal, or supposed criminal matter, if it appears to the court that there is sufficient legal cause for the commitment of the prisoner, although such commitment may have been informally made, or without due authority, or the process may have been executed by a person not duly authorized, the court shall make a new commitment in proper form, and direct it to the proper officer, or admit the party to **pretrial release** **~~bail~~** if the case is **eligible for pretrial release** **~~bailable~~**.

(735 ILCS 5/10-127) (from Ch. 110, par. 10-127)

Sec. 10-127. Grant of habeas corpus. It is not lawful for any court, on a second order of habeas corpus obtained by such prisoner, to discharge the prisoner, if he or she is clearly and specifically charged in the warrant of commitment with a criminal offense; but the court shall, on the return of such second order, have power only to admit such prisoner to **pretrial release** **~~bail~~** where the offense is **eligible for pretrial release** **~~bailable~~** by law, or remand him or her to prison where the offense is not **eligible for pretrial release** **~~bailable~~**, or being **eligible for pretrial release** **~~bailable~~**, where such prisoner fails to **comply with the terms of pretrial release** **~~give the bail required~~**.

(735 ILCS 5/10-135) (from Ch. 110, par. 10-135)

Sec. 10-135. Habeas corpus to testify. The several courts having authority to grant relief by habeas corpus, may enter orders, when necessary, to bring before them any prisoner to testify, or to be surrendered in discharge of **pretrial release** **~~bail~~**, or for trial upon any criminal charge lawfully pending in the same court or to testify in a criminal proceeding in another state as provided for by Section 2 of the "Uniform Act to secure the attendance of witnesses from within or without a state in criminal proceedings", approved July 23, 1959, as heretofore or hereafter amended; and the order may be directed to any county in the State, and there be served and returned by any officer to whom it is directed.

(735 ILCS 5/10-136) (from Ch. 110, par. 10-136)

Sec. 10-136. Prisoner remanded or punished. After a prisoner has given his or her testimony, or been surrendered, or his or her **pretrial release** **~~bail~~** discharged, or he or she has been tried for the crime with which he or she is charged, he or she shall be returned to the jail or other place of confinement from which he or she was taken for that purpose.

(735 ILCS 5/21-103) (from Ch. 110, par. 21-103)

Sec. 21-103. Notice by publication.

(c-1) The court may enter a written order waiving the publication requirement of subsection (a) if:

(i) the petitioner is 18 years of age or older; and

(ii) concurrent with the petition, the petitioner files with the court a statement, verified under oath as provided under Section 1-109 of this Code, attesting that the petitioner is or has been a person protected under the Illinois Domestic Violence Act of 1986, the Stalking No Contact Order Act, the Civil No Contact Order Act, Article 112A of the Code of Criminal Procedure of 1963, a condition of **pretrial release** **~~bail~~** under subsections (b) through (d) of Section 110-10 of the Code of Criminal Procedure of 1963, or a similar provision of a law in another state or jurisdiction.

**10-50. Section 10-305**. **(Eff: 1-1-23)** The Civil No Contact Order Act is amended by changing **Section 220** as follows:

(740 ILCS 22/220)

Sec. 220. Enforcement of a civil no contact order.

(a) Nothing in this Act shall preclude any Illinois court from enforcing a valid protective order issued in another state.

**Conditions of release** **~~Bond~~** shall be set unless specifically denied in writing.

(h) Penalties.

(4) In addition to any other penalties imposed for a violation of a civil no contact order, a criminal court may consider evidence of any previous violations of a civil no contact order:

(i) to **~~increase, revoke or~~** modify the **conditions of pretrial release** **~~bail bond~~** on an underlying criminal charge pursuant to Section 110-6 of the Code of Criminal Procedure of 1963;

**10-51. Section 10-307**. **(Eff: 7-1-21)** The Crime Victims Compensation Act is amended by changing **Sections 2, 2.5, 4.1, 6.1, and 7.1** as follows:

(740 ILCS 45/2) (from Ch. 70, par. 72)

Sec. 2. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Applicant" means any person who applies for compensation under this Act or any person the Court of Claims **or the Attorney General** finds is entitled to compensation, including the guardian of a minor or of a person under legal disability. It includes any person who was a dependent of a deceased victim of a crime of violence for his or her support at the time of the death of that victim.

**The changes made to this subsection by this amendatory Act of the 101st General Assembly apply to actions commenced or pending on or after January 1, 2021.**

(d) "Victim" means (1) a person killed or injured in this State as a result of a crime of violence perpetrated or attempted against him or her, (2) the spouse**,** **~~or~~** parent**, or child** of a person killed or injured in this State as a result of a crime of violence perpetrated or attempted against the person, **or anyone living in the household of a person killed or injured in a relationship that is substantially similar to that of a parent, spouse, or child,**  \*\*\*, (5.1) solely for the purpose of compensating for pecuniary loss incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime, any other person under the age of 18 who is the brother, sister, half brother, **or** half sister**~~, child, or stepchild~~** of a person killed or injured in this State as a result of a crime of violence, \*\*\*.

(f) "Relative" means a spouse, parent, grandparent, stepfather, stepmother, child, grandchild, brother, brother-in-law, sister, sister-in-law, half brother, half sister, spouse's parent, nephew, niece, uncle**,** **~~or~~** aunt**, or anyone living in the household of a person killed or injured in a relationship that is substantially similar to that of a parent, spouse, or child**.

(g) "Child" means **a** **~~an unmarried~~** son or daughter **~~who is under 18 years of age~~** and includes a stepchild, an adopted child or a child born out of wedlock.

(h) "Pecuniary loss" means, \*\*\* expenses for funeral, burial, and travel and transport for survivors of homicide victims to secure bodies of deceased victims and to transport bodies for burial all of which may **be awarded up to** **~~not exceed~~** a maximum of **$10,000** **~~$7,500~~** and loss of support of the dependents of the victim; in the case of dismemberment or desecration of a body, expenses for funeral and burial, all of which may **be awarded up to** **~~not exceed~~** a maximum of **$10,000** **~~$7,500~~**. Loss of future earnings shall be reduced by any income from substitute work actually performed by the victim or by income he or she would have earned in available appropriate substitute work he or she was capable of performing but unreasonably failed to undertake. Loss of earnings, loss of future earnings and loss of support shall be determined on the basis of the victim's average net monthly earnings for the 6 months immediately preceding the date of the injury or on **$2,400** **~~$1,250~~** per month, whichever is less or, in cases where the absences commenced more than 3 years from the date of the crime, on the basis of the net monthly earnings for the 6 months immediately preceding the date of the first absence, not to exceed **$2,400 ~~$1,250~~** per month.

**The changes made to this subsection by this amendatory Act of the 101st General Assembly apply to actions commenced or pending on or after January 1, 2021.**

(740 ILCS 45/2.5)

Sec. 2.5. Felon as victim. **A victim's criminal history or felony status shall not automatically prevent compensation to that victim or the victim's family. However, no compensation may be granted to a victim or applicant under this Act while the applicant or victim is held in a correctional institution.~~Notwithstanding paragraph (d) of Section 2, "victim" does not include a person who is convicted of a felony until that person is discharged from probation or is released from a correctional institution and has been discharged from parole or mandatory supervised release, if any.~~** For purposes of this Section, the death of a felon who is serving a term of parole, probation, or mandatory supervised release shall be considered a discharge from that sentence. **~~No compensation may be granted to an applicant under this Act during a period of time that the applicant is held in a correctional institution.~~**

(740 ILCS 45/4.1) (from Ch. 70, par. 74.1)

Sec. 4.1. In addition to other powers and duties set forth in this Act and other powers exercised by the Attorney General, the Attorney General shall**:**

**(1)** investigate all claims and prepare and present **an investigatory report and a draft award determination** **~~a report of each applicant's claim~~** to the Court of Claims **for a review period of 28 business days;** **~~prior to the issuance of an order by the Court of Claims,~~**

**(2) upon conclusion of the review by the Court of**

**Claims, provide the applicant with a compensation determination letter;**

**(3)** prescribe and furnish all applications and other forms required to be filed in the office of the Attorney

General by the terms of this Act**;** **~~,~~** and

**(4)** represent the interests of the State of Illinois in any hearing before the Court of Claims.

**The changes made to this Section by this amendatory Act of the 101st General Assembly apply to actions commenced or pending on or after January 1, 2021.** (Source: P.A. 97-817, eff. 1-1-13.)

(740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

Sec. 6.1. Right to compensation. A person is entitled to compensation under this Act if:

(a) Within **5** **~~2~~** years of the occurrence of the crime, or within one year after a criminal charge of a person for an offense, upon which the claim is based, **the applicant presents** **~~he files~~** an application, under oath, **to the Attorney General that is filed** with the Court of Claims and on a form prescribed in accordance with Section 7.1 furnished by the Attorney General. If the person entitled to compensation is under 18 years of age or under other legal disability at the time of the occurrence or is determined by a court to be under a legal disability as a result of the occurrence, he **or she** may **present** **~~file~~** the application required by this subsection within **3** ~~2~~ years after he **or she** attains the age of 18 years or the disability is removed, as the case may be. Legal disability includes a diagnosis of posttraumatic stress disorder.

**(a-1) The Attorney General and the Court of Claims may accept an application presented after the period provided in subsection (a) if the Attorney General determines that the applicant had good cause for a delay.**

(b-1) If the applicant or victim has obtained an order of protection, a civil no contact order, or a stalking no contact order, has presented himself or herself to a hospital for **medical care or** sexual assault evidence collection **~~and medical care~~**, or is engaged in a legal proceeding involving a claim that the applicant or victim is a victim of human trafficking, such action shall constitute appropriate notification under this subsection (b-1) or subsection (b) of this Section.

(c) The applicant has cooperated with law enforcement officials in the apprehension and prosecution of the assailant. If the applicant or victim has obtained an order of protection, a civil no contact order, or a stalking no contact order, has presented himself or herself to a hospital for **medical care or** sexual assault evidence collection **~~and medical care~~**, or is engaged in a legal proceeding involving a claim that the applicant or victim is a victim of human trafficking, such action shall constitute cooperation under this subsection (c).

(e) **(Blank).** **~~The injury to or death of the victim was not substantially attributable to his own wrongful act and was not substantially provoked by the victim.~~**

**(g) In determining whether cooperation has been reasonable, the Attorney General and Court of Claims may consider the victim's age, physical condition, psychological state, cultural or linguistic barriers, and compelling health and safety concerns, including, but not limited to, a reasonable fear of retaliation or harm that would jeopardize the well-being of the victim or the victim's family, and giving due consideration to the degree of cooperation that the victim or derivative victim is capable of in light of the presence of any of these factors, or any other factor the Attorney General considers relevant.**

**The changes made to this Section by this amendatory Act of the 101st General Assembly apply to actions commenced or pending on or after January 1, 2021.**

(740 ILCS 45/7.1) (from Ch. 70, par. 77.1)

Sec. 7.1. (c) An applicant, on his **or her** own motion, may file an amended application or additional substantiating materials to correct inadvertent errors or omissions at any time before the original application has been disposed of by the Court of Claims **or the Attorney General**. In either case, the filing of additional information or of an amended application shall be considered for the purpose of this Act to have been filed at the same time as the original application.

**For claims submitted on or after January 1, 2021, an amended application or additional substantiating materials to correct inadvertent errors or omissions may be filed at any time before the original application is disposed of by the Attorney General or the Court of Claims.**

**(d) Determinations submitted by the Attorney General to the Court of Claims shall be available to the Court of Claims for review. The Attorney General shall provide the sources and evidence relied upon as a basis for a compensation determination.**

**(e) The changes made to this Section by this amendatory Act of the 101st General Assembly apply to actions commenced or pending on or after January 1, 2021.**

**10-52. Section 10-310.** **(Eff: 1-1-23)** The Illinois Domestic Violence Act of 1986 is amended by changing **Sections 223 and 301** as follows:

(750 ILCS 60/223) (from Ch. 40, par. 2312-23)

Sec. 223. Enforcement of orders of protection.

(1) In a contempt proceeding where the petition for a rule to show cause sets forth facts evidencing an immediate danger that the respondent will flee the jurisdiction, conceal a child, or inflict physical abuse on the petitioner or minor children or on dependent adults in petitioner's care, the court may order the attachment of the respondent without prior service of the rule to show cause or the petition for a rule to show cause. **Conditions of release** **~~Bond~~** shall be set unless specifically denied in writing.

(g) Penalties.

(4) In addition to any other penalties imposed for a violation of an order of protection, a criminal court may consider evidence of any violations of an order of protection:

(i) to increase, revoke or modify the **conditions of pretrial release** **~~bail bond~~** on an underlying criminal charge pursuant to Section 110-6 of the Code of Criminal Procedure of 1963;

(750 ILCS 60/301) (from Ch. 40, par. 2313-1)

Sec. 301. Arrest without warrant.

(c) Any law enforcement officer may make an arrest without warrant if the officer has reasonable grounds to believe a defendant at liberty under the provisions of subdivision (d)(1) or (d)(2) of Section 110-10 of the Code of Criminal Procedure of 1963 has violated a condition of his or her **pretrial release** **~~bail bond~~** or recognizance.

**10-53. Section 10-315**. **(Eff: 1-1-23)** The Industrial and Linen Supplies Marking Law is amended by changing Section 11 as follows:

(765 ILCS 1045/11) (from Ch. 140, par. 111)

Sec. 11. Search warrant.

The court is empowered to impose **conditions of pretrial release** **~~bail~~** on any such person to compel his attendance at any continued hearing.

**10-54. Section 10-320**. **(Eff: 1-1-23)** The Illinois Torture Inquiry and Relief Commission Act is amended by changing **Section 50** as follows:

(775 ILCS 40/50)

Sec. 50. Post-commission judicial review.

(a) Notwithstanding the status of any other postconviction proceedings relating to the petitioner, if the court finds in favor of the petitioner, it shall enter an appropriate order with respect to the judgment or sentence in the former proceedings and such supplementary orders as to rearraignment, retrial, custody, **pretrial release** **~~bail~~** or discharge, or for such relief as may be granted under a petition for a certificate of innocence, as may be necessary and proper.

**10-55. Section 10-325.** **(Eff: 1-1-23)** The Unemployment Insurance Act is amended by changing **Section 602** as follows:

(820 ILCS 405/602) (from Ch. 48, par. 432)

Sec. 602. Discharge for misconduct - Felony.

B. Notwithstanding any other provision of this Act, no benefit rights shall accrue to any individual \*\*\* if by reason of such act, he is in legal custody, held on **pretrial release** **~~bail~~** or is a fugitive from justice, the determination of his benefit rights shall be held in abeyance pending the result of any legal proceedings arising therefrom.

**Article 15. Pregnant Prisoner Rights. (Eff: 7-1-21)**

**15-1. Section 15-5**. The Counties Code is amended by **changing 3-15003.6 and by adding Sections 3-15003.7, 3-15003.8, 3-15003.9, and 3-15003.10** as follows:

 (55 ILCS 5/3-15003.6)

Sec. 3-15003.6. Pregnant female prisoners.

(a) Definitions. For the purpose of this Section **and Sections 3-15003.7, 3-15003.8, 3-15003.9, and 3-15003.10**:

(55 ILCS 5/3-15003.7 new)

**Sec. 3-15003.7. Corrections official training related to pregnant prisoners.**

**(a) A county department of corrections shall provide training relating to medical and mental health care issues applicable to pregnant prisoners to:**

**(1) each corrections official employed by a county department at a correctional institution in which female prisoners are confined; and**

**(2) any other county department of corrections employee whose duties involve contact with pregnant prisoners.**

**(b) The training must include information regarding:**

**(1) appropriate care for pregnant prisoners; and**

**(2) the impact on a pregnant prisoner and the prisoner's unborn child of:**

**(A) the use of restraints;**

**(B) placement in administrative segregation; and**

**(C) invasive searches.**

(55 ILCS 5/3-15003.8 new)

**Sec. 3-15003.8. Educational programing for pregnant prisoners. A county department of corrections shall develop and provide to each pregnant prisoner educational programming relating to pregnancy and parenting. The programming must include instruction regarding:**

**(1) appropriate prenatal care and hygiene;**

**(2) the effects of prenatal exposure to alcohol and drugs on a developing fetus;**

**(3) parenting skills; and**

**(4) medical and mental health issues applicable to children.**

(55 ILCS 5/3-15003.9 new)

**Sec. 3-15003.9. Prisoner post-partum recovery requirements. A county department of corrections shall ensure that, for a period of 72 hours after the birth of an infant by a prisoner:**

**(1) the infant is allowed to remain with the prisoner, unless a medical professional determines doing so would pose a health or safety risk to the prisoner or infant; and**

**(2) the prisoner has access to any nutritional or hygiene-related products necessary to care for the infant, including diapers.**

(55 ILCS 5/3-15003.10 new)

**Sec. 3-15003.10. Housing requirements applicable to pregnant prisoners.**

**(a) A county department of corrections may not place in administrative segregation a prisoner who is pregnant or who gave birth during the preceding 30 days unless the director of the county department of corrections or the director's designee determines that the placement is necessary based on a reasonable belief that the prisoner will harm herself, the prisoner's infant, or any other person or will attempt escape.**

**(b) A county department of corrections may not assign a pregnant prisoner to any bed that is elevated more than 3 feet above the floor.**

**15-2. Section 15-10.** The Unified Code of Corrections is amended by adding **Sections 3-6-7.1, 3-6-7.2, 3-6-7.3, and 3-6-7.4** as follows:

(730 ILCS 5/3-6-7.1 new)

**Sec. 3-6-7.1. Correctional officer training related to pregnant committed persons.**

**(a) The Department shall provide training relating to medical and mental health care issues applicable to pregnant committed persons to:**

**(1) each correctional officer employed by the**

**Department at a correctional institution or facility in which female committed persons are confined; and**

**(2) any other Department employee whose duties involve contact with pregnant committed persons.**

**(b) The training must include information regarding:**

**(1) appropriate care for pregnant committed persons;**

**and**

**(2) the impact on a pregnant committed person and the committed person's unborn child of:**

**(A) the use of restraints;**

**(B) placement in administrative segregation; and**

**(C) invasive searches.**

(730 ILCS 5/3-6-7.2 new)

**Sec. 3-6-7.2. Educational programing for pregnant committed persons. The Department shall develop and provide to each pregnant committed person educational programming relating to pregnancy and parenting. The programming must include instruction regarding:**

**(1) appropriate prenatal care and hygiene;**

**(2) the effects of prenatal exposure to alcohol and drugs on a developing fetus;**

**(3) parenting skills; and**

**(4) medical and mental health issues applicable to children.**

(730 ILCS 5/3-6-7.3 new)

**Sec. 3-6-7.3. Committed person post-partum recovery requirements. The Department shall ensure that, for a period of 72 hours after the birth of an infant by an committed person:**

**(1) the infant is allowed to remain with the committed person, unless a medical professional determines doing so would pose a health or safety risk to the committed person or infant; and**

**(2) the committed person has access to any nutritional or hygiene-related products necessary to care for the infant, including diapers.**

(730 ILCS 5/3-6-7.4 new)

**Sec. 3-6-7.4. Housing requirements applicable to pregnant committed persons.**

**(a) The Department may not place in administrative segregation a committed person who is pregnant or who gave birth during the preceding 30 days unless the Director or the Director's designee determines that the placement is necessary based on a reasonable belief that the committed person will harm herself, the committed person's infant, or any other person or will attempt escape.**

**(b) The Department may not assign a pregnant committed person to any bed that is elevated more than 3 feet above the floor.**

**15-3. Section 15-15.** The County Jail Act is amended by adding **Sections 17.6, 17.7, 17.8, and 17.9** as follows:

(730 ILCS 125/17.6 new)

**Sec. 17.6. Sheriff training related to pregnant prisoners.**

**(a) The sheriff shall provide training relating to medical and mental health care issues applicable to pregnant prisoners confined in the county jail to:**

**(1) each correctional officer employed by the sheriff at the county jail in which female committed persons are confined; and**

**(2) any other sheriff employee whose duties involve contact with pregnant prisoners.**

**(b) The training must include information regarding:**

**(1) appropriate care for pregnant prisoners; and**

**(2) the impact on a pregnant prisoner and the prisoner's unborn child of:**

**(A) the use of restraints;**

**(B) placement in administrative segregation; and**

**(C) invasive searches.**

(730 ILCS 125/17.7 new)

**Sec. 17.7. Educational programing for pregnant prisoners. The sheriff shall develop and provide to each pregnant prisoner educational programming relating to pregnancy and parenting. The programming must include instruction regarding:**

**(1) appropriate prenatal care and hygiene;**

**(2) the effects of prenatal exposure to alcohol and drugs on a developing fetus;**

**(3) parenting skills; and**

**(4) medical and mental health issues applicable to children.**

(730 ILCS 125/17.8 new)

**Sec. 17.8. Prisoner post-partum recovery requirements. The sheriff shall ensure that, for a period of 72 hours after the birth of an infant by a prisoner:**

**(1) the infant is allowed to remain with the prisoner, unless a medical professional determines doing so would pose a health or safety risk to the prisoner or infant; and**

**(2) the prisoner has access to any nutritional or hygiene-related products necessary to care for the infant, including diapers.**

(730 ILCS 125/17.9 new)

**Sec. 17.9. Housing requirements applicable to pregnant prisoners.**

**(a) The sheriff may not place in administrative segregation a prisoner who is pregnant or who gave birth during the preceding 30 days unless the sheriff or the sheriff's designee determines that the placement is necessary based on a reasonable belief that the prisoner will harm herself, the prisoner's infant, or any other person or will attempt escape.**

**(b) The sheriff may not assign a pregnant committed person to any bed that is elevated more than 3 feet above the floor.**

**Article 20. Mandatory Minimums (Eff: 7-1-21)**

**20-1. Section 20-5.** The Unified Code of Corrections is amended by changing Section [5-4-1](https://1.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000008&cite=IL730S5%2f5-4-1&originatingDoc=IEBA5FA315D6711EBB371F2B57461BED6&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Keycite)) as follows: (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

Sec. 5-4-1. Sentencing hearing.

(a) Except when the death penalty is sought under hearing procedures otherwise specified, after a determination of guilt, a

**(c-1.5) Notwithstanding any other provision of law to the contrary, in imposing a sentence for an offense that requires a mandatory minimum sentence of imprisonment, the court may instead sentence the offender to probation, conditional discharge, or a lesser term of imprisonment it deems appropriate if: (1) the offense involves the use or possession of drugs, retail theft, or driving on a revoked license due to unpaid financial obligations; (2) the court finds that the defendant does not pose a risk to public safety; and (3) the interest of justice requires imposing a term of probation, conditional discharge, or a lesser term of imprisonment. The court must state on the record its reasons for imposing probation, conditional discharge, or a lesser term of imprisonment.**

**Article 25. Law Enforcement (Eff: 1-1-22)**

**25-1. Section 25-5**. The Open Meetings Act is amended by changing **Section 2** as follows:

(5 ILCS 120/2) (from Ch. 102, par. 42)

Sec. 2. Open meetings.

(c) Exceptions. A public body may hold closed meetings to consider the following subjects:

**(37) Deliberations for decisions of the Illinois Law Enforcement Training Standards Board, the Certification Review Panel, and the Illinois State Police Merit Board regarding certification and decertification.**

**25-2. Section 25-10**. The Freedom of Information Act is amended by changing **Sections 7 and 7.5** as follows:

(5 ILCS 140/7) (from Ch. 116, par. 207)

Sec. 7. Exemptions.

**(d-6) Records contained in the Officer Professional Conduct Database under Section 9.4 of the Illinois Police Training Act, except to the extent authorized under that Section. This includes the documents supplied to Illinois Law Enforcement Training Standards Board from the Illinois State Police and Illinois State Police Merit Board.**

**(ll)** **~~(kk)~~** Records concerning the work of the threat assessment team of a school district.

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

**(bbb) Information that is prohibited from disclosure by the Illinois Police Training Act and the State Police**

**Act.**

**25-3. Section 25-15.** The Freedom of Information Act is amended by ***repealing*** **Section 7.1.**

**25-4. Section 25-20**. The State Employee Indemnification Act is amended by changing **Section 1** as follows:

(5 ILCS 350/1) (from Ch. 127, par. 1301)

Sec. 1. Definitions. For the purpose of this Act:

(b) The term "employee" means: \*\*\* **the members of the Certification Review Panel under the Illinois Police Training Act;**

**25-5. Section 25-25**. The Personnel Code is amended by changing **Section 4c** as follows:

(20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

Sec. 4c. General exemptions. The following positions in State service shall be exempt from jurisdictions A, B, and C, unless the jurisdictions shall be extended as provided in this Act:

(10) **Employees of the Illinois State Police Merit Board are subject to the provisions of this Code.**

**25-6. Section 25-30**. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by changing Section [2605-50](https://1.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000008&cite=ILSTC20S2605%2f2605-50&originatingDoc=IEBA5FA315D6711EBB371F2B57461BED6&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Keycite)) as follows: (20 ILCS 2605/2605-50) (was 20 ILCS 2605/55a-6)

Sec. 2605-50. Division of Internal Investigation. The Division of Internal Investigation shall initiate internal departmental investigations and, at the direction of the Governor, investigate complaints and initiate investigations of official misconduct by State officers and State employees under the jurisdiction of the Governor. **Notwithstanding any other provisions of law, the Division shall serve as the investigative body for the Illinois State Police for purposes of compliance with the provisions of Sections 12.6 and 12.7 of this Act.**

**25-7. Section 25-35**. The State Police Act is amended by changing **Sections 3, 6, 8, and 9 and by adding Sections 6.5, 11.5, 11.6, 12.6, 12.7, 40.1, and 46** as follows:

(20 ILCS 2610/3) (from Ch. 121, par. 307.3)

Sec. 3. The Governor shall appoint, by and with the advice and consent of the Senate, a Department of State Police Merit Board, hereinafter called the Board, consisting of **7** **~~5~~** members to hold office**. The Governor shall appoint new board members within 30 days for the vacancies created under this amendatory Act. Board members shall be appointed to four-year terms. No member shall be appointed to more than 2 terms. In making the appointments, the Governor shall make a good faith effort to appoint members reflecting the geographic, ethic, and cultural diversity of this State. In making the appointments, the Governor should also consider appointing: persons with professional backgrounds, possessing legal, management, personnel, or labor experience; at least one member with at least 10 years of experience as a licensed physician or clinical psychologist with expertise in mental health; and at least one member affiliated with an organization commitment to social and economic rights and to eliminating discrimination.** **Deleted Prior Text**. No more than **4** 3 members of the Board shall be affiliated with the same political party. If the Senate is not in session at the time initial appointments are made pursuant to this section, the Governor shall make temporary appointments as in the case of a vacancy. **In order to avoid actual conflicts of interest, or the appearance of conflicts of interest, no board member shall be a retired or former employee of the Illinois State Police. When a Board member may have an actual, perceived, or potential conflict of interest that could prevent the Board member from making a fair and impartial decision on a complaint or formal complaint against an Illinois State Police officer, the Board member shall recuse himself or herself; or If the Board member fails to recuse himself or herself, then the Board may, by a simple majority, vote to recuse the Board member.**

(20 ILCS 2610/6) (from Ch. 121, par. 307.6)

Sec. 6. **In order to avoid actual conflicts of interest, or the appearance of conflicts of interest, no employee, contractor, clerical or technical staff shall be a retired or former employee of the Illinois State Police. All employees shall be subject to the Personnel Code.**

(20 ILCS 2610/6.5 new)

**Sec. 6.5. Badges. No badge, star, or shield shall be issued to Board members, employees, contractors, clerical or technical staff.**

(20 ILCS 2610/8) (from Ch. 121, par. 307.8)

Sec. 8. **Board jurisdiction.**

**(a)**  **The Board and the Illinois State Police should also ensure Illinois State Police cadets and officers represent the utmost integrity and professionalism and represent the geographic, ethnic, and cultural diversity of this State. The Board shall also exercise jurisdiction to certify and terminate Illinois State Police Officers in compliance with certification standards consistent with Sections 9, 11.5, and 12.6 of this Act.**

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**(b) The Board shall publish all standards and qualifications for each rank, including Cadet, on its website. This shall include, but not be limited to, all physical fitness, medical, visual, and hearing standards. The Illinois State Police shall cooperate with the Board by providing any necessary information to complete this requirement.**

(20 ILCS 2610/9) (from Ch. 121, par. 307.9)

Sec. 9. Appointment; qualifications.

**(d) During the 180 days following the effective date of this amendatory Act of the 101st General Assembly, the Director of the Illinois State Police may appoint current Illinois State Police Employees serving in law enforcement officer positions previously within Central Management Services as State Police Officers. These appointments shall be made in accordance with the requirements of this subsection (d) and any institutional criteria that may be established by the Director, but are not subject to any other requirements of this Act. All appointments under this subsection (d) shall be made from personnel certified by the Board. A person certified by the Board and appointed by the Director under this subsection must have been employed by the a state agency, board, or commission on January 1, 2021, in a job title subject to the Personnel Code and in a position for which the person was eligible to earn "eligible creditable service" as a "noncovered employee", as those terms are defined in Article 14 of the Illinois Pension Code. Persons appointed under this subsection (d) shall thereafter be subject to the same requirements, and subject to the same contractual benefits and obligations, as other State police officers. This subsection (d) does not affect or limit the Director's authority to appoint other State Police officers under subsection (a) of this Section.**

**(e) The Merit Board shall review Illinois State Police Cadet applicants. The Illinois State Police may provide background check and investigation material to the Board for their review 10 pursuant to this section. The Board shall approve and ensure that no cadet applicant is certified unless the applicant is a person of good character and has not been convicted of, or entered a plea of guilty to, a felony offense, any of the misdemeanors in Section or if committed in any other state would be an offense similar to 11-1.50, 11-6, 11-6.5, 11-6.6, 11-9.1, 11-14, 11-14.1, 11-30, 12-2, 12- 3.2, 12-3.5, 16-1, 17-1, 17-2, 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any misdemeanor in violation of any section of Part E of Title III of the Criminal Code of 1961 or the Criminal Code of 2012, 32-4a, or 32-7 of the Criminal Code of 1961 or the Criminal Code of 2012, or subsection (a) of Section 17-32 of the Criminal Code of 1961 or the Criminal Code of 2012, to Section 5 or 5.2 of the Cannabis Control Act, or any felony or misdemeanor in violation of federal law or the law of any state that is the equivalent of any of the offenses specified therein. The Officer Misconduct Database, provided in Section 9.2 of the Illinois Police Training Act, shall be searched as part of this process. For purposes of this Section "convicted of, or entered a plea of guilty" regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon. This includes sentences of supervision, conditional discharge, or first offender probation, or any similar disposition provided for by law.**

**(f) The Board shall by rule establish an application fee waiver program for any person who meets one or more of the following criteria:**

**(1) his or her available personal income is 200% or less of the current poverty level; or**

**(2) he or she is, in the discretion of the Board, unable to proceed in an action with payment of application fee and payment of that fee would result in substantial hardship to the person or the person's family.**

(20 ILCS 2610/11.5 new)

**Sec. 11.5. Merit Board annual report.**

**(a) The Illinois State Police Merit Board shall report annually to the Governor and General Assembly the following information:**

**(1) the number of state police officers terminated in the preceding calendar year;**

**(2) the number of cadet written tests administered and the pass and fail rate;**

**(3) cadet physical fitness testing and locations;**

**(4) the number of cadet applicants who administered a physical fitness test and the pass and fail rate;**

**(5) the number of cadet applicants who failed the background investigation and general categories for failure; and**

**(6) the number of cadet applicants certified for each cadet class.**

**(b) The Board shall also report the number of promotional tests and assessments administered and the number of persons who were certified for promotion. All reported categories and data shall contain a gender and ethnic breakdown for those individuals. The Illinois State Police shall cooperate with the Board by providing any necessary information to complete this annual report. The report shall also identify strategies for promoting diversity and inclusion in all testing, including promotional testing, and cadet recruitment, and barriers to advancement of these goals. The first report shall be filed no later than March 31, 2022.**

(20 ILCS 2610/11.6 new)

**Sec. 11.6. Illinois State Police annual disciplinary data report.**

**(a) The Illinois State Police shall report annually to the Governor and General Assembly the following statistical information, which may be part of its annual report, pursuant to Section 5-650 of the Civil Administrative Code of Illinois:**

**(1) the number of complaints received in the preceding calendar year against an Illinois State Police officer, including but not limited to the race, gender, and type of complaints received;**

**(2) the number of internal investigations initiated in the preceding calendar year since the date of the last report;**

**(3) the number of internal investigations concluded in the preceding calendar year;**

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

**(5) the number of Merit Board referrals;**

**(6) the number of officers decertified in the preceding calendar year; and**

**(7) the number of investigations that led to a determination of: administratively closed, exonerated, not sustained, sustained, and unfounded.**

**(b) This report shall not contain any personal identifiable information or case specific information.**

**(c) This report shall be filed beginning March 1, 2023, or whenever the agency files its annual report.**

(20 ILCS 2610/12.6 new)

**Sec. 12.6. Automatic termination of Illinois State Police officers. The Board shall terminate a state police officer convicted of a felony offense under the laws of this State or any other state which if committed in this State would be punishable as a felony. The Board must also terminate Illinois State Police officers who were convicted of, or entered a plea of guilty to, on or after the effective date of this amendatory Act of the 101st General Assembly, any misdemeanor specified in this Section or if committed in any other state would be an offense similar to Section 11-1.50, 11-6, 11-6.5, 11-6.6, 11-9.1, 11-14, 11-14.1, 11-30, 12-2, 12-3.2, 12-3.5, 16-1, 17-1, 17-2, 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any misdemeanor in violation of any section of Part E of Title III of the Criminal Code of 1961 or the Criminal Code of 2012, 32-4a, or 32-7 of the Criminal Code of 1961 or the Criminal Code of 2012, or subsection (a) of Section 17-32 of the Criminal Code of 1961 or the Criminal Code of 2012, to Section 5 or 5.2 of the Cannabis Control Act, or any felony or misdemeanor in violation of federal law or the law of any state that is the equivalent of any of the offenses specified therein. The Illinois State Police Merit Board shall report terminations under this Section to the Officer Misconduct Database, provided in Section 9.2 of the Illinois Police Training Act. For purposes of this section "convicted of, or entered a plea of guilty" regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon. This includes sentences of supervision, conditional discharge, or first offender probation, or any similar disposition provided for by law.**

(20 ILCS 2610/12.7 new)

**Sec. 12.7. Discretionary termination of Illinois State Police officers.**

**(a) Definitions. For purposes of this Section 6.3: "Duty to Intervene" means an obligation to intervene to prevent harm from occurring that arises when an officer is present and has reason to know:**

**(1) that excessive force is being used; or**

**(2) that any constitutional violation has been committed by a law enforcement official; and the officer has a realistic opportunity to intervene.**

**This duty applies equally to supervisory and nonsupervisory officers. If aid is required, the officer shall not, when reasonable to administer aid, knowingly and willingly refuse to render aid as defined by State or federal law. An officer does not violate this duty if the failure to render aid is due to circumstances such as lack of appropriate specialized training, lack of resources or equipment, or both, or if it is unsafe or impracticable to render aid.**

**"Excessive use of force" means using force in violation of State or federal law.**

**"False statement" means:**

**(1) any knowingly false statement provided on a form or report;**

**(2) that the writer does not believe to be true; and**

**(3) that the writer includes to mislead a public servant in performing that public servant's official functions.**

**"Perjury" has the meaning as defined under Sections 32-2 and 32-3 of the Criminal Code of 2012.**

**"Tampers with or fabricates evidence" means if a law enforcement officer:**

**(1) has reason to believe that an official proceeding is pending or may be instituted; and**

**(2) alters, destroys, conceals, or removes any record, document, data, video or thing to impair its validity or availability in the proceeding.**

**(b) Discretionary termination conduct. The Board may terminate an Illinois State Police officer upon a determination by the Board that the Illinois State Police officer has:**

**(1) committed an act that would constitute a felony or misdemeanor which could serve as basis for automatic decertification, whether or not the law enforcement officer was criminally prosecuted, and whether or not the law enforcement officer's employment was terminated;**

**(2) exercised excessive use of force;**

**(3) failed to comply with the officer's duty to intervene, including through acts or omission;**

**(4) tampered with a dash camera or body-worn camera or data recorded by a dash camera or body-worn camera or directed another to tamper with or turn off a dash camera or body-worn camera or data recorded by a dash camera or body-worn camera for the purpose of concealing, destroying or altering potential evidence;**

**(5) engaged in the following conduct relating to the reporting, investigation, or prosecution of a crime: committed perjury, made a false statement, or knowingly tampered with or fabricated evidence;**

**(6) engaged in any unprofessional, unethical, deceptive, or deleterious conduct or practice harmful to the public; such conduct or practice need not have resulted in actual injury to any person. As used in this paragraph, the term "unprofessional conduct" shall include any departure from, or failure to conform to, the minimal standards of acceptable and prevailing practice of an officer.**

**(b) If an officer enters a plea of guilty, nolo contendere, stipulates to the facts or is found guilty of a violation of any law, or if there is any other Board or judicial determination that will support any punitive measure taken against the officer, such action by the officer or judicial entity may be considered for the purposes of this Section. Termination under this Section shall be by clear and convincing evidence. If the Board votes to terminate, the Board shall put its decision in writing, setting forth the specific reasons for its decision. Final decisions under this Section are reviewable under the Administrative Review Law.**

**(c) The Illinois State Police Merit Board shall report all terminations under this Section to the Officer Misconduct Database, provided in Section 9.2 of the Illinois Police Training Act.**

**(d) Nothing in this Act shall require an Illinois State Police officer to waive any applicable constitutional rights.**

**(e) Nothing in this Section shall prohibit the Merit Board from administering discipline up to and including termination for violations of Illinois State Police policies and procedures pursuant to other sections of this Act.**

(20 ILCS 2610/40.1 new)

**Sec. 40.1. Mandated training compliance. The Director of the Illinois State Police and the Illinois State Police Academy shall ensure all Illinois State Police cadets and officers comply with all statutory, regulatory, and department mandated training.**

(20 ILCS 2610/46 new)

**Sec. 46. Officer Professional Conduct Database; reporting, transparency.**

**(a) The Illinois State Police Merit Board shall be responsible for reporting all required information contained in the Officer Misconduct Database, provided in Section 9.2 of the Illinois Police Training Act.**

**(b) Before the Illinois State Police Merit Board certifies any Illinois State Police Cadet the Board shall conduct a search of all Illinois State Police Cadet applicants in the Officer Professional Conduct Database.**

**(c) The database, documents, materials, or other information in the possession or control of the Board that are obtained by or disclosed to the Board pursuant to this subsection shall be confidential by law and privileged, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action. However, the Board is authorized to use such documents, materials, or other information in furtherance of any regulatory or legal action brought as part of the Board's official duties. Unless otherwise required by law, the Board shall not disclose the database or make such documents, materials, or other information public without the prior written consent of the governmental agency and the law enforcement officer. The Board nor any person who received documents, materials or other information shared pursuant to this subsection shall be required to testify in any private civil action concerning the database or any confidential documents, materials, or information subject to this subsection.**

**Nothing in this Section shall exempt a governmental agency from disclosing public records in accordance with the Freedom of Information Act.**

**25-8. Section 25-40**. The Illinois Police Training Act is amended by changing **Sections 2, 3, 6, 6.1, 7, 7.5, 8, 8.1, 8.2, 9, 10,** **10.1, 10.2, 10.3, 10.7, 10.11, 10.12, 10.13, 10.16, 10.18, 10.19, 10.20, and 10.22 and by adding Sections 3.1, 6.3, 6.6, 6.7, 8.3, 8.4, 9.2, and 13** as follows:

(50 ILCS 705/2) (from Ch. 85, par. 502)

Sec. 2. Definitions. As used in this Act, unless the context otherwise requires:

**"Full-time law enforcement officer" means a law enforcement officer who has completed the officer's probationary period and is employed on a full-time basis as a law enforcement officer by a local government agency, State government agency, or as a campus police officer by a participating State-controlled university, college, or public community college.**

**"Governmental agency" means any local governmental agency and any State governmental agency.**

**"State governmental agency" means any governmental unit of this State. This includes any office, officer, department, division, bureau, board, commission, or agency of the State. It does not include the Illinois State Police as defined in the State Police Act.**

**"Panel" means the Certification Review Panel.**

"Permanent **law enforcement** **~~police~~** officer" means a law enforcement officer who has completed **the officer's** **~~his or her~~** probationary period and is permanently employed on a full-time basis as a local law enforcement officer by a participating local governmental unit or as a security officer or campus **police officer** **~~policeman~~** permanently employed by a participating State-controlled university, college, or public community college.

"Part-time **law enforcement** **~~police~~** officer" means a law enforcement officer who has completed **the officer's** **~~his or her~~** probationary period and is employed on a part-time basis as a law enforcement officer by a participating unit of local government or as a campus **police officer** **~~policeman~~** by a participating State-controlled university, college, or public community college.

"Permanent county corrections officer" means a county corrections officer who has completed **the officer's** **~~his~~** probationary period and is permanently employed on a full-time basis as a county corrections officer by a participating local governmental unit.

"Permanent court security officer" means a court security officer who has completed **the officer's** **~~his or her~~** probationary period and is employed as a court security officer by a participating local governmental unit.

(50 ILCS 705/3) (from Ch. 85, par. 503)

Sec. 3. Board - composition - appointments - tenure - vacancies.

**(a)** The Board shall be composed of 18 members selected as follows: The Attorney General of the State of Illinois, the Director of State Police, the Director of Corrections, the Superintendent of the Chicago Police Department, the Sheriff of Cook County, the Clerk of the Circuit Court of Cook County, **who shall serve as ex officio members,** and the following \*\*\*

 **Any ex officio member may appoint a designee to the Board who shall have the same powers and immunities otherwise conferred to the member of the Board, including the power to vote and be counted toward quorum, so long as the member is not in attendance.**

**(b) When a Board member may have an actual, perceived, or potential conflict of interest or appearance of bias that could prevent the Board member from making a fair and impartial decision regarding decertification:**

**(1) The Board member shall recuse himself or herself.**

**(2) If the Board member fails to recuse himself or herself, then the Board may, by a simple majority of the remaining members, vote to recuse the Board member. Board members who are found to have voted on a matter in which they should have recused themselves may be removed from the**

**Board by the Governor.**

**A conflict of interest or appearance of bias may include, but is not limited to, matters where one of the following is a party to a decision on a decertification or formal complaint: someone with whom the member has an employment relationship; any of the following relatives: spouse, parents, children, adopted children, legal wards, stepchildren, step parents, step siblings, half siblings, siblings, parents-in-law, siblings-in-law, children-in-law, aunts, uncles, nieces, and nephews; a friend; or a member of a professional organization, association, or a union in which the member now actively serves.**

**(c) A vacancy in members does not prevent a quorum of the remaining sitting members from exercising all rights and performing all duties of the Board.**

**(d) An individual serving on the Board shall not also serve on the Panel.**

(50 ILCS 705/3.1 new)

**Sec. 3.1. Illinois Law Enforcement Certification Review Panel.**

**(a) There is hereby created the Illinois Law Enforcement Certification Review Panel. The Panel shall be composed of the following members, to be appointed in accordance with this Section no later than 30 days after the effective date of this amendatory Act of the 101st General Assembly. An individual serving on the Panel shall not also serve on the Board.**

**(1) The Governor shall appoint 3 members as prescribed in this paragraph (1): one person who shall be an active member from a statewide association representing State's Attorneys; and 2 persons who shall be Illinois residents who are from communities with disproportionately high instances of interaction with law enforcement, as indicated by a high need, underserved community with high rates of gun violence, unemployment, child poverty, and commitments to Illinois Department of Corrections, but who are not themselves law enforcement officers. The initial appointments of the Governor shall be for a period of 3 years. Their successors shall be appointed in like manner for terms to expire the first Monday of June each 3 years thereafter. All members shall serve until their respective successors are appointed and qualify. Vacancies shall be filled by the Governor for the unexpired terms. Terms shall run regardless of whether the position is vacant.**

**(2) The Attorney General shall appoint 8 members as prescribed in this paragraph (2): two persons who shall be active members of statewide organization representing more than 20,000 active and retired law enforcement officers; one person who shall be an active member of a statewide association representing a minimum of 75 sheriffs; one person who shall be an active member of a statewide association representing at least 200 municipal police chiefs; two persons who shall be active members of a minority law enforcement association; one person who shall be a representative of the victims' advocacy community but shall not be a member of law enforcement; and one person who shall be a resident of Illinois and shall not be an employee of the Office of the Illinois Attorney General.**

**The members shall serve for a 3-year term and until their respective successors are appointed and qualify. The members' successors shall be appointed in like manner for terms to expire the first Monday of June each 3 years thereafter. Any vacancy of these positions shall be filled by the Attorney General for the unexpired term. The term shall run regardless of whether the position is vacant.**

**(b) The Panel shall annually elect by a simple majority vote one of its members as chairperson and one of its members as vice-chairperson. The vice-chairperson shall serve in the place of the chairperson at any meeting of the Panel in which the chairperson is not present. If both the chairperson and the vice-chairperson are absent at any meeting, the members present shall elect by a simple majority vote another member to serve as a temporary chairperson for the limited purpose of that meeting. No member shall be elected more than twice in succession to the same office. Each member shall serve until that member's successor has been elected and qualified.**

**(c) The Board shall provide administrative assistance to the Panel.**

**(d) The members of the Panel shall serve without compensation but shall be entitled to reimbursement for their actual and necessary expenses in attending meetings and in the performance of their duties hereunder.**

**(e) Members of the Panel will receive initial and annual training that is adequate in quality, quantity, scope, and type, and will cover, at minimum the following topics:**

**(1) constitutional and other relevant law on police-community encounters, including the law on the use of force and stops, searches, and arrests;**

**(2) police tactics;**

**(3) investigations of police conduct;**

**(4) impartial policing;**

**(5) policing individuals in crisis;**

**(6) Illinois police policies, procedures, and disciplinary rules;**

**(7) procedural justice; and**

**(8) community outreach.**

**(f) The State shall indemnify and hold harmless members of the Panel for all of their acts, omissions, decisions, or other conduct arising out of the scope of their service on the Panel, except those involving willful or wanton misconduct. The method of providing indemnification shall be as provided in the State Employee Indemnification Act.**

**(g) When a Panel member may have an actual, perceived, or potential conflict of interest or appearance of bias that could prevent the Panel member from making a fair and impartial decision on a complaint or formal complaint:**

**(1) The Panel member shall recuse himself or herself.**

**(2) If the Panel member fails to recuse himself or herself, then the remaining members of the Panel may, by a simple majority, vote to recuse the Panel member. Any Panel member who is found to have voted on a matter in which they should have recused themselves may be removed from the Panel by the State official who initially appointed the Panel member. A conflict of interest or appearance of bias may include, but is not limited to, matters where one of the following is a party to a certification decision for formal complaint: someone with whom the member has an employment relationship; any of the following relatives: spouse, parents, children, adopted children, legal wards, stepchildren, stepparents, step siblings, half siblings, siblings, parents-in-law, siblings-in-law, children-in-law, aunts, uncles, nieces, and nephews; a friend; or a member of a professional organization, association, or a union in which the member now actively serves.**

**(h) A vacancy in membership does not impair the ability of a quorum to exercise all rights and perform all duties of the Panel.**

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

Sec. 6. Powers and duties of the Board; 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 **law enforcement** **~~police~~** officers.

e. To review and approve applicants to ensure that no applicant is admitted to a certified academy unless the applicant is a person of good character and has not been convicted of, **found guilty of,** or entered a plea of guilty to, **or entered a plea of nolo contendere to** a felony offense, any of the misdemeanors in Sections 11-1.50, 11-6, **11-6.5, 11-6.6,** 11-9.1, 11-14, **11-14.1,** **~~11-17, 11-19,~~ 11-30,** 12-2, **12-3.2, 12-3.5,** **~~12-15,~~** 16-1, 17-1, 17-2, **26.5-1, 26.5-2, 26.5-3,** 28-3, 29-1, **any misdemeanor in violation of any Section of Part E of Title III of the  Criminal Code of 1961 or the Criminal Code of 2012,** **~~31-1,  31-6, 31-7, 32-4a, or 32-7 of the Criminal Code of 1961 or the Criminal Code of 2012, subdivision (a)(1) or (a)(2)(C) of Section 11-14.3 of the Criminal Code of 1961 or the  Criminal Code of 2012,~~** or subsection (a) of Section 17-32 of the Criminal Code of 1961 or the Criminal Code of 2012, or Section 5 or 5.2 of the Cannabis Control Act, or a crime involving moral turpitude under the laws of this State or any other state which if committed in this State would be punishable as a felony or a crime of moral turpitude**, or any felony or misdemeanor in violation of federal law or the law of any state that is the equivalent of any of the offenses specified therein**. The Board may appoint investigators who shall enforce the duties conferred upon the Board by this Act.

**f. For purposes of this paragraph (e), a person is considered to have been "convicted of, found guilty of, or entered a plea of guilty to, plea of nolo contendere to" regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon. This includes sentences of supervision, conditional discharge, or first offender probation, or any similar disposition provided for by law.**

**g. To review and ensure all law enforcement officers remain in compliance with this Act, and any administrative rules adopted under this Act.**

**h. To suspend any certificate for a definite period, limit or restrict any certificate, or revoke any certificate.**

**i. The Board and the Panel shall have power to secure by its subpoena and bring before it any person or entity in this State and to take testimony either orally or by deposition or both with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts of this State.**

**The Board and the Panel shall also have the power to subpoena the production of documents, papers, files, books, documents, and records, whether in physical or electronic form, in support of the charges and for defense, and in connection with a hearing or investigation.**

**j. The Executive Director, the administrative law judge designated by the Executive Director, and each member of the Board and the Panel shall have the power to administer oaths to witnesses at any hearing that the Board is authorized to conduct under this Act and any other oaths required or authorized to be administered by the Board under this Act.**

**k. In case of the neglect or refusal of any person to obey a subpoena issued by the Board and the Panel, any circuit court, upon application of the Board and the Panel, through the Illinois Attorney General, may order such person to appear before the Board and the Panel give testimony or produce evidence, and any failure to obey such order is punishable by the court as a contempt thereof.**

**This order may be served by personal delivery, by email, or by mail to the address of record or email address of record.**

**l. The Board shall have the power to administer state certification examinations. Any and all records related to these examinations, including but not limited to test questions, test formats, digital files, answer responses, answer keys, and scoring information shall be exempt from disclosure.**

(50 ILCS 705/6.1)

Sec. 6.1. **Automatic** Decertification of full-time and part-time **law enforcement** **~~police~~** officers.

(a) The Board must review **law enforcement** **~~police~~** officer conduct and records to ensure that no **law enforcement** police officer is certified or provided a valid waiver if that **law enforcement** police officer has been convicted of, **found guilty of,** **~~or~~** entered a plea of guilty to, **or entered a plea of nolo contendere to,** a felony offense under the laws of this State or any other state which if committed in this State would be punishable as a felony. The Board must also ensure that no **law enforcement** **~~police~~**officer is certified or provided a valid waiver if that **law enforcement** **~~police~~** officer has been convicted of, **found guilty of,** or entered a plea of guilty to, on or after the effective date of this amendatory Act of **the 101st General Assembly** **~~1999~~** of any misdemeanor specified in this Section or if committed in any other state would be an offense similar to Section 11-1.50, 11-6, **11-6.5, 11-6.6,** 11-9.1, 11-14, **11-14.1,** **~~11-17, 11-19,~~** **11-30,** 12-2, **12-3.2, 12-3.5,** **~~12-15,~~** 16-1, 17-1, 17-2, **26.5-1, 26.5-2, 26.5-3,** 28-3, 29-1, **any misdemeanor in violation of any section of Part E of Title III of the Criminal Code of 1961 or the Criminal Code of 2012** **~~31-1, 31-6, 31-7, 32-4a, or 32-7 of the Criminal Code of 1961 or the Criminal Code of 2012~~**, **~~to subdivision (a)(1) or  (a)(2)(C) of Section 11-14.3 of the Criminal Code of 1961 or the Criminal Code of 2012,~~** or subsection (a) of Section 17-32 of the Criminal Code of 1961 or the Criminal Code of 2012, or to Section 5 or 5.2 of the Cannabis Control Act**, or any felony or misdemeanor in violation of federal law or the law of any state that is the equivalent of any of the offenses specified therein**. The Board must appoint investigators to enforce the duties conferred upon the Board by this Act.

**(a-1) For purposes of this Section, a person is "convicted of, or entered a plea of guilty to, plea of nolo contendere to, found guilty of" regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon. This includes sentences of supervision, conditional discharge, or first offender probation, or any similar disposition provided for by law.**

(b) It is the responsibility of the sheriff or the chief executive officer of every **governmental** **~~local law enforcement~~** agency or department within this State to report to the Board any arrest, conviction, **finding of guilt,** **~~or~~** plea of guilty**, or plea of nolo contendere to,** of any officer for an offense identified in this Section**, regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon, this includes sentences of supervision, conditional discharge, or first offender probation**.

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

(e) Any full-time or part-time **law enforcement** **~~police~~** officer with a certificate or waiver issued by the Board who is convicted of, **found guilty of,** or entered a plea of guilty to, **or entered a plea of nolo contendere to** any offense described in this Section immediately becomes decertified or no longer has a valid waiver. The decertification and invalidity of waivers occurs as a matter of law. Failure of a convicted person to report to the Board **the officer's** **~~his or her~~** conviction as described in this Section or any continued law enforcement practice after receiving a conviction is a Class 4 felony.

**For purposes of this Section, a person is considered to have been "convicted of, found guilty of, or entered a plea of guilty to, plea of nolo contendere to" regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon, including sentences of supervision, conditional discharge, first offender probation, or any similar disposition as provided for by law.**

(f) The Board's investigators **shall be law enforcement officers as defined in Section 2 of this Act** **Deleted Prior Text**.

**An investigator shall not have been terminated for good cause, decertified, had his or her law enforcement license or certificate revoked in this or any other jurisdiction, or been convicted of any of the conduct listed in subsection (a). Any complaint filed against the Board's investigators shall be investigated by the Illinois State Police.**

(h) **(Blank).** **Deleted Prior Text.**

(i) **(Blank).** **Deleted Prior Text.**

(j) **(Blank).** **Deleted Prior Text.**

(k) **(Blank).** **Deleted Prior Text.**

(l) **(Blank).** **Deleted Prior Text.**

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(p) **(Blank).** **Deleted Prior Text.**

(q) **(Blank).** **Deleted Prior Text.**

(r) **(Blank).** **Deleted Prior Text.**

(50 ILCS 705/6.3 new)

**Sec. 6.3. Discretionary decertification of full-time and part-time law enforcement officers.**

**(a) Definitions. For purposes of this Section 6.3: "Duty to Intervene" means an obligation to intervene to prevent harm from occurring that arises when: an officer is present, and has reason to know (1) that excessive force is being used or that any constitutional violation has been committed by a law enforcement official; and (2) the officer has a realistic opportunity to intervene. This duty applies equally to supervisory and nonsupervisory officers. If aid is required, the officer shall not, when reasonable to administer aid, knowingly and willingly refuse to render aid as defined by State or federal law. An officer does not violate this duty if the failure to render aid is due to circumstances such as lack of appropriate specialized training, lack of resources or equipment, or if it is unsafe or impracticable to render aid.**

**"Excessive use of force" means using force in violation of State or federal law.**

**"False statement" means (1) any knowingly false statement provided on a form or report, (2) that the writer does not believe to be true, and (3) that the writer includes to mislead a public servant in performing the public servant's official functions.**

**"Perjury" means that as defined under Sections 32-2 and 32-3 of the Criminal Code of 2012.**

**"Tampers with or fabricates evidence" means if a law enforcement officer (1) has reason to believe that an official proceeding is pending or may be instituted, and (2) alters, destroys, conceals, or removes any record, document, data, video or thing to impair its validity or availability in the proceeding.**

**(b) Decertification conduct. The Board has the authority to decertify a full-time or a part-time law enforcement officer upon a determination by the Board that the law enforcement officer has:**

**(1) committed an act that would constitute a felony or misdemeanor which could serve as basis for automatic decertification, whether or not the law enforcement officer was criminally prosecuted, and whether or not the law enforcement officer's employment was terminated;**

**(2) exercised excessive use of force;**

**(3) failed to comply with the officer's duty to intervene, including through acts or omissions;**

**(4) tampered with a dash camera or body-worn camera or data recorded by a dash camera or body-worn camera or directed another to tamper with or turn off a dash camera or body-worn camera or data recorded by a dash camera or body-worn camera for the purpose of concealing, destroying or altering potential evidence;**

**(5) engaged in the following conduct relating to the reporting, investigation, or prosecution of a crime: committed perjury, made a false statement, or knowingly tampered with or fabricated evidence; and**

**(6) engaged in any unprofessional, unethical, deceptive, or deleterious conduct or practice harmful to the public; such conduct or practice need not have resulted in actual injury to any person. As used in this paragraph, the term "unprofessional conduct" shall include any departure from, or failure to conform to, the minimal standards of acceptable and prevailing practice of an officer.**

**(c) Notice of Alleged Violation.**

**(1) The following individuals and agencies shall notify the Board within 7 days of becoming aware of any violation described in subsection (b):**

**(A) A governmental agency as defined in Section 2 or any law enforcement officer of this State. For this subsection (c), governmental agency includes, but is not limited to, a civilian review board, an inspector general, and legal counsel for a government agency.**

**(B) The Executive Director of the Board;**

**(C) A State's Attorney's Office of this State.**

**"Becoming aware" does not include confidential communications between agency lawyers and agencies regarding legal advice. For purposes of this subsection, "governmental agency" does not include the Illinois Attorney General when providing legal representation to a law enforcement officer under the State Employee Indemnification Act.**

**(2) Any person may also notify the Board of any conduct the person believes a law enforcement officer has committed as described in subsection (b). Such notifications may be made confidentially. Notwithstanding any other provision in state law or any collective bargaining agreement, the Board shall accept notice and investigate any allegations from individuals who remain confidential.**

**(3) Upon written request, the Board shall disclose to the individual or entity who filed a notice of violation the status of the Board's review.**

**(d) Form. The notice of violation reported under subsection (c) shall be on a form prescribed by the Board in its rules. The form shall be publicly available by paper and electronic means. The form shall include fields for the following information, at a minimum:**

**(1) the full name, address, and telephone number of the person submitting the notice;**

**(2) if submitted under subsection (c)(1), the agency name and title of the person submitting the notice;**

**(3) the full name, badge number, governmental agency, and physical description of the officer, if known;**

**(4) the full name or names, address or addresses, telephone number or numbers, and physical description or descriptions of any witnesses, if known;**

**(5) a concise statement of facts that describe the alleged violation and any copies of supporting evidence including but not limited to any photographic, video, or audio recordings of the incident;**

**(6) whether the person submitting the notice has notified any other agency; and**

**(7) an option for an individual, who submits directly to the Board, to consent to have the individual's identity disclosed.**

**(a) The identity of any individual providing information or reporting any possible or alleged violation to the Board shall be kept confidential and may not be disclosed without the consent of that individual, unless the individual consents to disclosure of the individual's name or disclosure of the individual's identity is otherwise required by law.**

**The confidentiality granted by this subsection does not preclude the disclosure of the identity of a person in any capacity other than as the source of an allegation.**

**Nothing in this subsection (d) shall preclude the Board from receiving, investigating, or acting upon allegations made confidentially or in a format different from the form provided for in this subsection.**

**(e) Preliminary review.**

**(1) The Board shall complete a preliminary review of the allegations to determine whether there is sufficient information to warrant a further investigation of any violations of the Act. Upon initiating a preliminary review of the allegations, the Board shall notify the head of the governmental agency that employs the law enforcement officer who is the subject of the allegations. At the request of the Board, the governmental agency must submit any copies of investigative findings, evidence, or documentation to the Board in accordance with rules adopted by the Board to facilitate the Board's preliminary review.**

**The Board may correspond with the governmental agency, official records clerks or any investigative agencies in conducting its preliminary review.**

**(2) During the preliminary review, the Board will take all reasonable steps to discover any and all objective verifiable evidence relevant to the alleged violation through the identification, retention, review, and analysis of all currently available evidence, including, but not limited to: all time-sensitive evidence, audio and video evidence, physical evidence, arrest reports, photographic evidence, GPS records, computer data, lab reports, medical documents, and witness interviews. All reasonable steps will be taken to preserve relevant evidence identified during the preliminary investigation.**

**(3) If after a preliminary review of the alleged violation or violations, the Board believes there is sufficient information to warrant further investigation of any violations of this Act, the alleged violation or violations shall be assigned for investigation in accordance with subsection (f).**

**(4) If after a review of the allegations, the Board believes there is insufficient information supporting the allegations to warrant further investigation, it may close a notice. Notification of the Board's decision to close a notice shall be sent to all relevant individuals, agencies, and any entities that received notice of the violation under subsection (c) within 30 days of the notice being closed, except in cases where the notice is submitted anonymously if the complainant is unknown.**

**(5) Except when the Board has received notice under subparagraph (A) of paragraph (1) of subsection (c), no later than 30 days after receiving notice, the Board shall report any notice of violation it receives to the relevant governmental agency, unless reporting the notice would jeopardize any subsequent investigation. The Board shall also record any notice of violation it receives to the Officer Professional Conduct Database in accordance with Section 9.2. The Board shall report to the appropriate State's Attorney any alleged violations that contain allegations, claims, or factual assertions that, if true, would constitute a violation of Illinois law. The Board shall inform the law enforcement officer via certified mail that it has received a notice of violation against the law enforcement officer.**

**If the Board determines that due to the circumstances and the nature of the allegation that it would not be prudent to notify the law enforcement officer and the officer's governmental agency unless and until the filing of a Formal Complaint, the Board shall document in the file the reason or reasons a notification was not made.**

**(6) If a criminal proceeding has been initiated against the law enforcement officer, the Board is responsible for maintaining a current status report including court dates, hearings, pleas, adjudication status and sentencing. A State's Attorney's Office is responsible for notifying the Board of any criminal charges filed against a law enforcement officer.**

**(f) Investigations; requirements. Investigations are to be assigned after a preliminary review, unless the investigations were closed under paragraph (4) of subsection (e), as follows in paragraphs (1), (2), and (3) of this subsection (f).**

**(1) A governmental agency that submits a notice of violation to the Board under subparagraph (A) of paragraph (1) of subsection (c) shall be responsible for conducting an investigation of the underlying allegations except when: (i) the governmental agency refers the notice to another governmental agency or the Board for investigation and such other agency or the Board agrees to conduct the investigation; (ii) an external, independent, or civilian oversight agency conducts the investigation in accordance with local ordinance or other applicable law; or (iii) the Board has determined that it will conduct the investigation based upon the facts and circumstances of the alleged violation, including but not limited to, investigations regarding the Chief or Sheriff of a governmental agency, familial conflict of interests, complaints involving a substantial portion of a governmental agency, or complaints involving a policy of a governmental agency. Any agency or entity conducting an investigation under this paragraph (1) shall, within 7 days of completing an investigation, deliver an Investigative Summary Report and copies of any administrative evidence to the Board. If the Board finds an investigation conducted under this paragraph (1) is incomplete, unsatisfactory, or deficient in any way, the Board may direct the investigating entity or agency to take any additional investigative steps deemed necessary to thoroughly and satisfactorily complete the investigation, or the Board may take any steps necessary to complete the investigation. The investigating entity or agency or, when necessary, the Board will then amend and re-submit the Investigative Summary Report to the Board for approval.**

**(2) The Board shall investigate and complete an Investigative Summary Report when a State's Attorney's Office submits a notice of violation to the Board under (c)(1)(C).**

**(3) When a person submits a notice to the Board under paragraph (2) of subsection (c), The Board shall assign the investigation to the governmental agency that employs the law enforcement officer, except when: (i) the governmental agency requests to refer the notice to another governmental agency or the Board for investigation and such other agency or the Board agrees to conduct the investigation; (ii) an external, independent, or civilian oversight agency conducts the investigation in accordance with local ordinance or other applicable law; or (iii) the Board has determined that it will conduct the investigation based upon the facts and circumstances of the alleged violation, including but not limited to, investigations regarding the  Chief or Sheriff of a governmental agency, familial conflict of interests, complaints involving a substantial portion of a governmental agency, or complaints involving a policy of a governmental agency. The investigating entity or agency shall, within 7 days of completing an investigation, deliver an Investigative Summary Report and copies of any evidence to the Board. If the Board finds an investigation conducted under this subsection (f)(3) is incomplete, unsatisfactory, or deficient in any way, the Board may direct the investigating entity to take any additional investigative steps deemed necessary to thoroughly and satisfactorily complete the investigation, or the Board may take any steps necessary to complete the investigation. The investigating entity or agency or, when necessary, the Board will then amend and re-submit The  Investigative Summary Report to the Board for approval. The investigating entity shall cooperate with and assist the  Board, as necessary, in any subsequent investigation.**

**(4) Concurrent Investigations. The Board may, at any point, initiate a concurrent investigation under this section. The original investigating entity shall timely communicate, coordinate, and cooperate with the Board to the fullest extent. The Board shall promulgate rules that shall address, at a minimum, the sharing of information and investigative means such as subpoenas and interviewing witnesses.**

**(5) Investigative Summary Report. An Investigative Summary Report shall contain, at a minimum, the allegations and elements within each allegation followed by the testimonial, documentary, or physical evidence that is relevant to each such allegation or element listed and discussed in association with it. All persons who have been interviewed and listed in the Investigative Summary Report will be identified as a complainant, witness, person with specialized knowledge, or law enforcement employee.**

**(6) Each governmental agency shall adopt a written policy regarding the investigation of conduct under subsection (a) that involves a law enforcement officer employed by that governmental agency. The written policy adopted must include the following, at a minimum:**

**(a) Each law enforcement officer shall immediately report any conduct under subsection (b) to the appropriate supervising officer.**

**(b) The written policy under this Section shall be available for inspection and copying under the Freedom of Information Act, and not subject to any exemption of that Act.**

**(7) Nothing in this Act shall prohibit a governmental agency from conducting an investigation for the purpose of internal discipline. However, any such investigation shall be conducted in a manner that avoids interference with, and preserves the integrity of, any separate investigation being conducted.**

**(g) Formal complaints. Upon receipt of an Investigative Summary Report, the Board shall review the Report and any relevant evidence obtained and determine whether there is reasonable basis to believe that the law enforcement officer committed any conduct that would be deemed a violation of this Act. If after reviewing the Report and any other relevant evidence obtained, the Board determines that a reasonable basis does exist, the Board shall file a formal complaint with the Certification Review Panel.**

**(h) Formal Complaint Hearing.**

**(1) Upon issuance of a formal complaint, the Panel shall set the matter for an initial hearing in front of an administrative law judge. At least 30 days before the date set for an initial hearing, the Panel must, in writing, notify the law enforcement officer subject to the complaint of the following:**

**(i) the allegations against the law enforcement officer, the time and place for the hearing, and whether the law enforcement officer's certification has been temporarily suspended under Section 8.3;**

**(ii) the right to file a written answer to the complaint with the Panel within 30 days after service of the notice;**

**(iii) if the law enforcement officer fails to comply with the notice of the default order in paragraph (2), the Panel shall enter a default order against the law enforcement officer along with a finding that the allegations in the complaint are deemed admitted, and that the law enforcement officer's certification may be revoked as a result; and**

**(iv) the law enforcement officer may request an informal conference to surrender the officer's certification.**

**(2) The Board shall send the law enforcement officer notice of the default order. The notice shall state that the officer has 30 days to notify the Board in writing of their desire to have the order vacated and to appear before the Board. If the law enforcement officer does not notify the Board within 30 days, the Board may set the matter for hearing. If the matter is set for hearing, the Board shall send the law enforcement officer the notice of the date, time and location of the hearing. If the law enforcement officer or counsel for the officer does appear, at the Board's discretion, the hearing may proceed or may be continued to a date and time agreed upon by all parties. If on the date of the hearing, neither the law enforcement officer nor counsel for the officer appears, the Board may proceed with the hearing for default in their absence.**

**(3) If the law enforcement officer fails to comply with paragraph (2), all of the allegations contained in the complaint shall be deemed admitted and the law enforcement officer shall be decertified if, by a majority vote of the panel, the conduct charged in the complaint is found to constitute sufficient grounds for decertification under this Act. Notice of the decertification decision may be served by personal delivery, by mail, or, at the discretion of the Board, by electronic means as adopted by rule to the address or email address specified by the law enforcement officer in the officer's last communication with the Board.**

**Notice shall also be provided to the law enforcement officer's governmental agency.**

**(4) The Board, at the request of the law enforcement officer subject to the Formal Complaint, may suspend a hearing on a Formal Complaint for no more than one year if a concurrent criminal matter is pending. If the law enforcement officer requests to have the hearing suspended, the law enforcement officer's certification shall be deemed inactive until the law enforcement officer's Formal Complaint hearing concludes.**

**(5) Surrender of certification or waiver. Upon the Board's issuance of a complaint, and prior to hearing on the matter, a law enforcement officer may choose to surrender the officer's certification or waiver by notifying the Board in writing of the officer's decision to do so. Upon receipt of such notification from the law enforcement officer, the Board shall immediately decertify the officer, or revoke any waiver previously granted. In the case of a surrender of certification or waiver, the Board's proceeding shall terminate.**

**(6) Appointment of administrative law judges. The Board shall retain any attorney licensed to practice law in the State of Illinois to serve as an administrative law judge in any action initiated against a law enforcement officer under this Act. The administrative law judge shall be retained to a term of no greater than 4 years. If more than one judge is retained, the terms shall be staggered.**

**The administrative law judge has full authority to conduct the hearings.**

**Administrative law judges will receive initial and annual training that is adequate in quality, quantity, scope, and type, and will cover, at minimum the following topics:**

**(i) constitutional and other relevant law on police- community encounters, including the law on the use of force and stops, searches, and arrests;**

**(ii) police tactics;**

**(iii) investigations of police conduct;**

**(iv) impartial policing;**

**(v) policing individuals in crisis;**

**(vi) Illinois police policies, procedures, and disciplinary rules;**

**(vii) procedural justice; and**

**(viii) community outreach.**

**(7) Hearing. At the hearing, the administrative law judge will hear the allegations alleged in the complaint.**

**The law enforcement officer, the counsel of the officer's choosing, and the Board, or the officer's counsel, shall be afforded the opportunity to present any pertinent statements, testimony, evidence, and arguments. The law enforcement officer shall be afforded the opportunity to request that the Board compel the attendance of witnesses and production of related documents. After the conclusion of the hearing, the administrative law judge shall report his or her findings of fact, conclusions of law, and recommended disposition to the Panel.**

**(8) Certification Review Meeting. Upon receipt of the administrative law judge's findings of fact, conclusions of law, and recommended disposition, the Panel shall call for a certification review meeting.**

**In such a meeting, the Panel may adjourn into a closed conference for the purposes of deliberating on the evidence presented during the hearing. In closed conference, the Panel shall consider the hearing officer's findings of fact, conclusions of law, and recommended disposition and may deliberate on all evidence and testimony received and may consider the weight and credibility to be given to the evidence received. No new or additional evidence may be presented to the Panel. After concluding its deliberations, the Panel shall convene in open session for its consideration of the matter. If a simple majority of the Panel finds that no allegations in the complaint supporting one or more charges of misconduct are proven by clear and convincing evidence, then the Panel shall recommend to the Board that the complaint be dismissed. If a simple majority of the Panel finds that the allegations in the complaint supporting one or more charges of misconduct are proven by clear and convincing evidence, then the Panel shall recommend to the Board to decertify the officer. In doing so, the Panel may adopt, in whole or in part, the hearing officer's findings of fact, conclusions of law, and recommended disposition.**

**(9) Final action by the Board. After receiving the Panel's recommendations, and after due consideration of the Panel's recommendations, the Board, by majority vote, shall issue a final decision to decertify the law enforcement officer or take no action in regard to the law enforcement officer. No new or additional evidence may be presented to the Board. If the Board makes a final decision contrary to the recommendations of the Panel, the Board shall set forth in its final written decision the specific written reasons for not following the Panel's recommendations. A copy of the Board's final decision shall be served upon the law enforcement officer by the Board, either personally or as provided in this Act for the service of a notice of hearing. A copy of the Board's final decision also shall be delivered to the employing governmental agency, the complainant, and the Panel.**

**(10) Reconsideration of the Board's Decision. Within 30 days after service of the Board's final decision, the Panel or the law enforcement officer may file a written motion for reconsideration with the Board. The motion for reconsideration shall specify the particular grounds for reconsideration. The non-moving party may respond to the motion for reconsideration. The Board may deny the motion for reconsideration, or it may grant the motion in whole or in part and issue a new final decision in the matter. The Board must notify the law enforcement officer within 14 days of a denial and state the reasons for denial.**

(50 ILCS 705/6.6 new)

**Sec. 6.6. Administrative Review Law; application.**

**(a) All final administrative decisions regarding discretionary decertification of the Board are subject to judicial review under the Administrative Review Law and its rules. The term "administrative decision" is defined in Section 3-101 of the Code of Civil Procedure.**

**(b) Proceedings for judicial review shall be commenced in Sangamon County or Cook County.**

(50 ILCS 705/6.7 new)

**Sec. 6.7. Certification and decertification procedures under Act exclusive. Notwithstanding any other law, the certification and decertification procedures, including the conduct of any investigation or hearing, under this Act are the sole and exclusive procedures for certification as law enforcement officers in Illinois and are not subject to collective bargaining under the Illinois Public Labor Relations Act or appealable except as set forth herein. The provisions of any collective bargaining agreement adopted by a governmental agency and covering the law enforcement officer or officers under investigation shall be inapplicable to any investigation or hearing conducted under this Act.**

**An individual has no property interest in employment or otherwise resulting from law enforcement officer certification at the time of initial certification or at any time thereafter, including, but not limited to, after decertification or the officer's certification has been deemed inactive. Nothing in this Act shall be construed to create a requirement that a governmental agency shall continue to employ a law enforcement officer who has been decertified.**

(50 ILCS 705/7) (from Ch. 85, par. 507)

Sec. 7. Rules and standards for schools. The Board shall adopt rules and minimum standards for such schools which shall include, but not be limited to, the following: a. The curriculum for probationary **law enforcement** **~~police~~** officers \*\*\*.

(50 ILCS 705/7.5)

Sec. 7.5. **Law enforcement** **~~Police~~** pursuit guidelines. The Board shall annually review police pursuit procedures and make available suggested **law enforcement** **~~police~~** pursuit guidelines for law enforcement agencies. This Section does not alter the effect of previously existing law, including the immunities established under the Local Governmental and Governmental Employees Tort Immunity Act.

(50 ILCS 705/8) (from Ch. 85, par. 508)

Sec. 8. Participation required. All home rule local governmental units shall comply with Sections **6.3,** 8.1**,**and 8.2 and any other mandatory provisions of this Act. This Act is a limitation on home rule powers under subsection (i) of Section 6 of Article VII of the Illinois Constitution

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

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

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

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

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

**(1) A law enforcement officer's certification becomes inactive upon termination, resignation, retirement, or separation from the officer's employing governmental agency for any reason. The Board shall re-activate a certification upon written application from the law enforcement officer's governmental agency that shows the law enforcement officer:**

**(i) has accepted a full-time law enforcement position with that governmental agency, (ii) is not the subject of a decertification proceeding, and**

**(iii) meets all other criteria for re-activation required by the Board. The Board may also establish special training requirements to be completed as a condition for re-activation.**

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

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

**(2) A law enforcement officer who is currently certified can place his or her certificate on inactive status by sending a written request to the Board. A law enforcement officer whose certificate has been placed on inactive status shall not function as a law enforcement officer until the officer has completed any requirements for reactivating the certificate as required by the Board.**

**A request for inactive status in this subsection shall be in writing, accompanied by verifying documentation, and shall be submitted to the Board with a copy to the chief administrator of the law enforcement officer's governmental agency.**

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

**(4) Notwithstanding paragraph (3) of this subsection (b), a law enforcement officer whose certification has become inactive under paragraph (2) may have the officer's governmental agency submit a request for a waiver of training requirements to the Board. A grant of a waiver is within the discretion of the Board. Within 7 days of receiving a request for a waiver under this section, the Board shall notify the law enforcement officer and the chief administrator of the law enforcement officer's governmental agency, whether the request has been granted, denied, or if the Board will take additional time for information. A law enforcement officer whose request for a waiver under this subsection is denied is entitled to appeal the denial to the Board within 20 days of the waiver being denied.**

**(c)** **~~(b) No provision of this Section shall be construed to mean that a law enforcement officer employed by a local governmental agency at the time of the effective date of this amendatory Act, either as a probationary police officer or as a permanent police officer, shall require certification under the provisions of this Section.~~** No provision of this Section shall be construed to mean that a county corrections officer employed by a **~~local~~** governmental agency at the time of the effective date of this amendatory Act **~~of 1984~~**, either as a probationary county corrections or as a permanent county corrections officer, shall require certification under the provisions of this Section. No provision of this Section shall be construed to apply to certification of elected county sheriffs.

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

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

**(e-1) Each employing governmental agency shall allow and provide an opportunity for a law enforcement officer to complete the mandated requirements in this Act.**

(50 ILCS 705/8.2)

Sec. 8.2. Part-time **law enforcement** **~~police~~** officers.

(a) A person hired to serve as a part-time **law enforcement** **~~police~~** officer must obtain from the Board a certificate (i) attesting to **the officer's** **~~his or her~~** successful completion of the part-time police training course; \*\*\*.

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

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

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

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

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

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

**(2) A law enforcement officer who is currently certified can place his or her certificate on inactive status by sending a written request to the Board. A law enforcement officer whose certificate has been placed on inactive status shall not function as a law enforcement officer until the officer has completed any requirements for reactivating the certificate as required by the Board.**

**A request for inactive status in this subsection shall be in writing, accompanied by verifying documentation, and shall be submitted to the Board by the law enforcement officer's governmental agency.**

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

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

**(4) Notwithstanding paragraph (3) of this Section, a law enforcement officer whose certification has become inactive under paragraph (2) may have the officer's governmental agency submit a request for a waiver of training requirements to the Board. A grant of a waiver is within the discretion of the Board. Within 7 days of receiving a request for a waiver under this section, the Board shall notify the law enforcement officer and the chief administrator of the law enforcement officer's governmental agency, whether the request has been granted, denied, or if the Board will take additional time for information. A law enforcement officer whose request for a waiver under this subsection is denied is entitled to appeal the denial to the Board within 20 days of the waiver being denied.**

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

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

**(e-1) Each employing agency shall allow and provide an opportunity for a law enforcement officer to complete the requirements in this Act.**

(50 ILCS 705/8.3 new)

**Sec. 8.3. Emergency order of suspension.**

**(a) The Board, upon being notified that a law enforcement officer has been arrested or indicted on any felony charge or charges, may immediately suspend the law enforcement officer's certification. The Board shall also notify the chief administrator of any governmental agency currently employing the officer. The Board shall have authority to dissolve an emergency order of suspension at any time for any reason.**

**(b) Notice of the immediate suspension shall be served on the law enforcement officer, the governmental agency, the chief executive of the municipality, and state the reason for suspension within seven days.**

**(c) Upon service of the notice, the law enforcement officer shall have 30 days to request to be heard by the Panel. The hearing, if requested by the licensee, shall follow the hearing procedures as outlined in subsection (h) of Section 6.3 of this Act.**

**(d) At the meeting, the law enforcement officer may present evidence, witnesses and argument as to why the officer's certification should not be suspended. The Panel shall review the suspension, and if the Panel finds that the proof is evident or the presumption great that the officer has committed the offense charged, the Panel can sustain or reduce the length of the suspension. If the Panel does not find that the proof is evident or the presumption great that the officer has committed the offense charged, the Panel can reverse the suspension.**

**If the law enforcement officer does not request to be heard or does not appear, the Panel may hold the hearing in the officer's absence. The law enforcement officer and the governmental agency shall be notified of the decision of the Panel within 7 days. The law enforcement officer may request to suspend the hearing until after the officer's criminal trial has occurred, however the suspension will remain intact until the hearing.**

**(e) Findings and conclusions made in hearing for an emergency suspension shall not be binding on any party in any subsequent proceeding under this Act.**

**(f) A Panel member acting in good faith, and not in a willful and wanton manner, in accordance with this Section, shall not, as a result of such actions, be subject to criminal prosecution or civil damages, including but not limited to lost wages.**

(50 ILCS 705/8.4 new)

**Sec. 8.4. Law Enforcement Compliance Verification.**

**(a)(1) Unless on inactive status under subsection (b) of Section 8.1 or subsection (b) of Section 8.2, every law enforcement officer subject to this Act shall submit a verification form that confirms compliance with this Act. The verification shall apply to the 3 calendar years preceding the date of verification. Law enforcement officers shall submit the officer's first report by January 30 during the initial three-year reporting period, as determined on the basis of the law enforcement officer's last name under paragraph (2) of this subsection then every third year of the officer's applicable three-year report period as determined by the Board. At the conclusion of each law enforcement officer's applicable reporting period, the chief administrative officer of the officer's governmental agency is to determine the compliance of each officer under this Section. An officer may verify their successful completion of training requirements with their governmental agency. Each law enforcement officer is responsible for reporting and demonstrating compliance to the officer's chief administrative officer.**

**(2) The applicable three-year reporting period shall begin on January 30, 2023 for law enforcement officers whose last names being with the letters A through G, on January 30, 2024 for law enforcement officers whose last names being with the letters H through O, and January 30, 2025 for law enforcement officers whose last names being with the letters P through Z.**

**(3) The compliance verification form shall be in a form and manner prescribed by the Board and, at a minimum, include the following: (i) verification that the law enforcement officer has completed the mandatory training programs in the preceding 3 years; (ii) the law enforcement officer's current employment information, including but not limited to, the termination of any previous law enforcement or security employment in the relevant time period; and (iii) a statement verifying that the officer has not committed misconduct under Section 6.1.**

**(b) (1) On October 1 of each year, the Board shall send notice to all certified law enforcement officers, unless exempted in (a), of the upcoming deadline to submit the compliance verification form. No later than March 1 of each year, the Board shall send notice to all certified law enforcement officers who have failed to submit the compliance verification form, as well as the officer's governmental agencies. The Board shall not send a notice of noncompliance to law enforcement officers whom the Board knows, based on the status of the law enforcement officer's certification status, are inactive or retired. The Board may accept compliance verification forms until April 1 of the year in which a law enforcement officer is required to submit the form.**

**(2) No earlier than April 1 of the year in which a law enforcement officer is required to submit a verification form, the Board may determine a law enforcement officer's certification to be inactive if the law enforcement officer failed to either: (1) submit a compliance verification in accordance with this Section; or (2) report an exemption from the requirements of this Section. The Board shall then send notice, by mail or email, to any such law enforcement officer and the officer's governmental agency that the officer's certificate will be deemed inactive on the date specified in the notice, which shall be no sooner than 21 days from the date of the notice, because of the officer's failure to comply or report compliance, or failure to report an exemption. The Board shall deem inactive the certificate of such law enforcement officers on the date specified in the notice unless the Board determines before that date that the law enforcement officer has complied. A determination that a certificate is inactive under this section is not a disciplinary sanction.**

**(3) A law enforcement officer who was on voluntary inactive status shall, upon return to active status, be required to complete the deferred training programs within 1 year.**

**(4) The Board may waive the reporting requirements, as required in this section, if the law enforcement officer or the officer's governmental agency demonstrates the existence of mitigating circumstances justifying the law enforcement officer's failure to obtain the training requirements due to failure of the officer's governmental agency or the Board to offer the training requirement during the officer's required compliance verification period. If the Board finds that the law enforcement officer can meet the training requirements with extended time, the Board may allow the law enforcement officer a maximum of six additional months to complete the requirements.**

**(5) A request for a training waiver under this subsection due to the mitigating circumstance shall be in writing, accompanied by verifying documentation, and shall be submitted to the Board not less than 30 days before the end of the law enforcement officer's required compliance verification period.**

**(6) A law enforcement officer whose request for waiver under this subsection is denied, is entitled to a request for a review by the Board. The law enforcement officer or the officer's governmental agency must request a review within 20 days of the waiver being denied. The burden of proof shall be on the law enforcement officer to show why the officer is entitled to a waiver.**

**(c) Recordkeeping and Audits.**

**(1) For four years after the end of each reporting period, each certified law enforcement officer shall maintain sufficient documentation necessary to corroborate compliance with the mandatory training requirements under this Act.**

**(2) Notwithstanding any other provision in state law, for four years after the end of each reporting period, each governmental agency shall maintain sufficient documentation necessary to corroborate compliance with the mandatory training requirements under this Act of each officer it employs or employed within the relevant time period.**

**(3) The Board may audit compliance verification forms submitted to determine the accuracy of the submissions. The audit may include but is not limited to, training verification and a law enforcement officer background check.**

**(d) Audits that Reveal an Inaccurate Verification.**

**(1) If an audit conducted under paragraph (3) of subsection (c) of this Section reveals inaccurate information, the Board shall provide the law enforcement officer and employing governmental agency with written notice containing: (i) the results of the audit, specifying each alleged inaccuracy; (ii) a summary of the basis of that determination; and (iii) a deadline, which shall be at least 30 days from the date of the notice, for the law enforcement officer to file a written response if the law enforcement officer objects to any of the contents of the notice.**

**(2) After considering any response from the law enforcement officer, if the Board determines that the law enforcement officer filed an inaccurate verification, the law enforcement officer shall be given 60 days in which to file an amended verification form, together with all documentation specified in paragraph (e)(1), demonstrating full compliance with the applicable requirements.**

**(3) If the results of the audit suggest that the law enforcement officer willfully filed a false verification form, the Board shall submit a formal complaint to the Panel for decertification. An officer who has been decertified for willfully filing a false verification form shall not be eligible for reactivation under subsection (e).**

**(e) Reactivation. A law enforcement officer who has been deemed inactive due to noncompliance with the reporting requirements under paragraph (a)(1) may request to have the Board re-activate his or her certification upon submitting a compliance verification form that shows full compliance for the period in which the law enforcement officer was deemed inactive due to noncompliance. The Board shall make a determination regarding a submission under this subsection active no later than 7 days after the Board determines full compliance or continued noncompliance.**

(50 ILCS 705/9) (from Ch. 85, par. 509)

Sec. 9. A special fund is hereby established in the State Treasury to be known as the Traffic and Criminal Conviction Surcharge Fund. Moneys in this Fund shall be expended as follows:

(2) a portion of the total amount deposited in the Fund shall be appropriated for **law enforcement** *~~police~~* officers \*\*\*.

(50 ILCS 705/9.2 new)

**Sec. 9.2. Officer professional conduct database; Transparency.**

**(a) All governmental agencies and the Illinois State Police shall notify the Board of any final determination of a willful violation of department, agency, or the Illinois State Police policy, official misconduct, or violation of law within 10 days when:**

**(1) the determination leads to a suspension of at least 10 days;**

**(2) any infraction that would trigger an official or formal investigation under a governmental agency or the**

**Illinois State Police policy;**

**(3) there is an allegation of misconduct or regarding truthfulness as to a material fact, bias, or integrity; or**

**(4) the officer resigns or retires during the course of an investigation and the officer has been served notice that the officer is under investigation.**

**Agencies and the Illinois State Police may report to the Board any conduct they deem appropriate to disseminate to another governmental agency regarding a law enforcement officer.**

**The agency or the Illinois State Police shall report to the Board within 10 days of a final determination and final exhaustion of any administrative appeal, or the law enforcement officer's resignation or retirement, and shall provide information regarding the nature of the violation. This notification shall not necessarily trigger certification review.**

**A governmental agency and the Illinois State Police shall be immune from liability for a disclosure made as described in this subsection, unless the disclosure would constitute intentional misrepresentation or gross negligence.**

**(b) Upon receiving notification from a governmental agency or the Illinois State Police, the Board must notify the law enforcement officer of the report and the officer's right to provide a statement regarding the reported violation.**

**(c) The Board shall maintain a database readily available to any chief administrative officer, or the officer's designee, of a governmental agency and the Illinois State Police that shall show for each law enforcement officer: (i) dates of certification, decertification, and inactive status; (ii) each sustained instance of departmental misconduct that lead to a suspension at least 10 days or any infraction that would trigger an official or formal investigation under the governmental agency policy, any allegation of misconduct regarding truthfulness as to a material fact, bias, or integrity, or any other reported violation, the nature of the violation, the reason for the final decision of discharge or dismissal, and any statement provided by the officer; (iii) date of separation from employment from any local or state governmental agency; (iv) the reason for separation from employment, including, but not limited to: whether the separation was based on misconduct or occurred while the local or State governmental agency was conducting an investigation of the certified individual for a violation of an employing agency's rules, policy or procedure or other misconduct or improper action.**

**(1) This database shall also be accessible to the State's Attorney of any county in this State and the Attorney General for the purpose of complying with obligations under Brady v. Maryland (373 U.S. 83) or Giglio v. United States (405 U.S. 150). This database shall also be accessible to the chief administrative officer of any governmental agency for the purposes of hiring law enforcement officers. This database shall not be accessible to anyone not listed in this subsection.**

**(2) Before a governmental agency may appoint a law enforcement officer or a person seeking a certification as a law enforcement officer in this State, the chief administrative officer or designee must check the Officer Professional Conduct Database, contact each person's previous law enforcement employers, and document the contact. This documentation must be available for review by the Board for a minimum of five years after the law enforcement officer's termination, retirement, resignation or separation with that agency.**

**(3) The database, documents, materials, or other information in the possession or control of the Board that are obtained by or disclosed to the Board under this subsection shall be confidential by law and privileged, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action. However, the Board is authorized to use such documents, materials, or other information in furtherance of any regulatory or legal action brought as part of the Board's official duties. Unless otherwise required by law, the Board shall not disclose the database or make such documents, materials, or other information public without the prior written consent of the governmental agency and the law enforcement officer. Neither the Board nor any person who received documents, materials or other information shared under this subsection shall be required to testify in any private civil action concerning the database or any confidential documents, materials, or information subject to this subsection.**

**Nothing in this Section shall exempt a governmental agency from disclosing public records in accordance with the Freedom of Information Act.**

**(d) The Board shall maintain a searchable database of law enforcement officers accessible to the public that shall include: (i) the law enforcement officer's local or state governmental agency; (ii) the date of the officer's initial certification and the officer's current certification status; and (iii) any sustained complaint of misconduct that resulted in decertification and the date thereof; provided, however, that information shall not be included in the database that would allow the public to ascertain the home address of an officer or another person; provided further, that information regarding an officer's or another person's family member shall not be included in the database. The Board shall make the database publicly available on its website.**

**(e) The Board shall maintain a searchable database of all completed investigations against law enforcement officers related to decertification. The database shall identify each law enforcement officer by a confidential and anonymous number and include:**

**(i) the law enforcement officer's local or state governmental agency;**

**(ii) the date of the incident referenced in the complaint;**

**(iii) the location of the incident;**

**(iv) the race and ethnicity of each officer involved in the incident;**

**(v) the age, gender, race and ethnicity of each person involved in the incident, if known;**

**(vi) whether a person in the complaint, including a law enforcement officer, was injured, received emergency medical care, was hospitalized or died as a result of the incident;**

**(vii) the governmental agency or other entity assigned to conduct an investigation of the incident;**

**(viii) when the investigation was completed;**

**(ix) whether the complaint was sustained; and**

**(x) the type of misconduct investigated; provided, however, that the Board shall redact or withhold such information as necessary to prevent the disclosure of the identity of an officer. The Board shall make the database publicly available on its website.**

**(e-1) An investigation is complete when the investigation has either been terminated or the decertification action, including the administrative review process, has been completed, whichever is later.**

**(f) Annual report. The Board shall submit an annual report to the Governor, Attorney General, President and Minority Leader of the Senate, and the Speaker and Minority Leader of the House of Representatives beginning on March 1, 2023, and every year thereafter indicating:**

**(1) the number of complaints received in the preceding calendar year, including but not limited to the race, gender, and type of complaints received;**

**(2) the number of investigations initiated in the preceding calendar year since the date of the last report;**

**(3) the number of investigations concluded in the preceding calendar year;**

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

**(5) the number of hearings held in the preceding calendar year; and**

**(6) the number of officers decertified in the preceding calendar year.**

(50 ILCS 705/10) (from Ch. 85, par. 510)

Sec. 10. Creation and Rescission of Rules.

**The Board shall adopt emergency rules to administer this Act in accordance with Section 5-45 of the Illinois Administrative Procedure Act. For the purposes of the Illinois Administrative Procedure Act, the General Assembly finds that the adoption of rules to implement this Act is deemed an emergency and necessary to the public interest, safety, and welfare.**

(50 ILCS 705/10.1) (from Ch. 85, par. 510.1)

Sec. 10.1. Additional training programs. The Board shall initiate, administer, and conduct training programs for permanent **law enforcement** **~~police~~** officers \*\*\*.

(50 ILCS 705/10.2)

Sec. 10.2. Criminal background investigations.

(a) On and after **March 14, 2002 (**the effective date of **Public Act 92-533)** **~~this amendatory Act of the 92nd General Assembly~~**, an applicant for employment as a peace officer, or for annual certification as a retired law enforcement officer qualified under federal law to carry a concealed weapon, shall authorize an investigation to determine if the applicant has been convicted of**~~, or entered a plea of guilty to,~~** any criminal offense that disqualifies the person as a peace officer.

(b) No **governmental** **~~law enforcement~~** agency may knowingly employ a person, or certify a retired law enforcement officer qualified under federal law to carry a concealed weapon, unless (i) a criminal background investigation of that person has been completed and (ii) that investigation reveals no convictions **of** or pleas of guilty **to** **~~of~~** offenses specified in subsection (a) of Section 6.1 of this Act.

(50 ILCS 705/10.3)

Sec. 10.3. Training of **law enforcement** **~~police~~** officers to conduct electronic interrogations.

(50 ILCS 705/10.7)

Sec. 10.7. Mandatory training;

Any police chief and any deputy police chief, upon presentation of a certificate of completion from the person or entity conducting the training, shall be reimbursed by the municipality in accordance with the municipal policy regulating the terms of reimbursement, for **the officer's** ~~his or her~~ reasonable expenses in obtaining the training required under this Section. No police chief or deputy police chief may attend any recognized training offering without the prior approval of **the officer's** ~~his or her~~ municipal mayor, manager, or immediate supervisor.

(50 ILCS 705/10.11)

Sec. 10.11. Training; death and homicide investigation. The Illinois Law Enforcement Training **~~and~~** Standards Board shall \*\*\*.

(50 ILCS 705/10.12)

Sec. 10.12. Police dog training standards. All police dogs used by State and local **governmental** **~~law enforcement~~** agencies for drug enforcement purposes pursuant to the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act shall be trained by programs that meet the minimum certification requirements set by the Board.

(50 ILCS 705/10.13)

Sec. 10.13. Training; Post-Traumatic Stress Disorder (PTSD). The Illinois Law Enforcement Training Standards Board shall conduct or approve a training program in Post-Traumatic Stress Disorder (PTSD) for law enforcement officers of local **governmental ~~government~~** agencies. The purpose of that training shall be to equip law enforcement officers of local **governmental** **~~government~~** agencies to identify the symptoms of PTSD and to respond appropriately to individuals exhibiting those symptoms.

50 ILCS 705/10.16)

Sec. 10.16. Veterans' awareness. The Illinois Law Enforcement Training Standards Board may conduct or approve a training program in veterans' awareness for law enforcement officers of local government agencies. The program shall train law enforcement officers to identify issues relating to veterans and provide guidelines dictating how law enforcement officers should respond to and address such issues. Each local **governmental** **~~government~~** agency is encouraged to designate an individual to respond to veterans' issues.

(50 ILCS 705/10.18)

Sec. 10.18. Training; administration of opioid antagonists. The Board shall conduct or approve an in-service training program for **law enforcement** **~~police~~** officers \*\*\*.

Sec. 10.19. Training; administration of epinephrine.

(c) The Board shall conduct or approve an optional advanced training program for **law enforcement ~~police~~** officers \*\*\*.

(50 ILCS 705/10.20)

Sec. 10.20. Disposal of medications. The Board shall develop rules and minimum standards for local governmental agencies that authorize **law enforcement** **~~police~~** officers to dispose of unused medications under Section 18 of the Safe Pharmaceutical Disposal Act.

(50 ILCS 705/10.22)

Sec. 10.22. School resource officers.

(c) The Board shall develop a process allowing law enforcement agencies to request a waiver of this training requirement for any specific individual assigned as a school resource officer. Applications for these waivers may be submitted by a local **governmental** **~~law enforcement~~** agency chief administrator \*\*\*.

(50 ILCS 705/13 new)

**Sec. 13. Admissibility. Notwithstanding any other law or rule of evidence, the fact that a certificate was issued, denied, or revoked by the Board, is admissible in a judicial or administrative proceeding as prima facie evidence of any facts stated.**

(50 ILCS 705/6.2 rep.) (50 ILCS 705/9.1 rep.) (50 ILCS 705/10.5 rep.)

**25-9. Section 25-45**. The Illinois Police Training Act is amended by ***repealin***g Sections 6.2, 9.1, and 10.5.

**25-10. Section 25-50**. The Counties Code is amended by changing Section 3-6001.5 as follows:

(55 ILCS 5/3-6001.5)

Sec. 3-6001.5. Sheriff qualifications. **A** **~~On or after the effective date of this amendatory Act of the 98th General Assembly, except as otherwise provided in this Section, a~~** person is not eligible to be elected or appointed to the office of sheriff, unless that person meets all of the following requirements:

**(4) Has a certificate attesting to his or her successful completion of the Minimum Standards Basic Law Enforcement Officers Training Course as prescribed by the Illinois Law Enforcement Training Standards Board or a substantially similar training program of another state or the federal government. This paragraph does not apply to a sheriff currently serving on the effective date of this amendatory Act of the 101st General Assembly.**

**Article 99. General Provisions**

**Section 99-995**. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

**Section 99-997**. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

**Section 99-999**. Effective date. This Act takes effect July 1, 2021, except that Article 25 takes effect January 1, 2022, Sections 10-105, 10-110, 10-115, 10-120, 10-140, 10-155, 10-160, 10-175, 10-180, 10-185, 10-190, 10-195, 10-200, 10-205, 10-210, 10-215, 10-255, 10-265, 10-270, 10-275, 10-280, 10-285, 10-290, 10-295, 10-300, 10-305, 10-310, 10-315, 10-320, and 10-325 take effect January 1, 2023, and Article 2 takes effect January 1, 2025.