**Illinois Prosecutor Services, LLC**

***Don Hays***

*PO Box 722*

*Carlinville, Illinois 62626*

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

*Webpage: www.ipsllconline.com*

*Email:* don.ipsllc@gmail.com

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

**Statutes Added; Amended; or Repealed – By Effective Date**

**EFFECTIVE 7-1-21 (84 Items)**

**New Acts:**

**Article 1. Statewide Use of Force Standardization Act. (Page 10) (Eff: 7-1-21)**

**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 3. Reporting of Deaths in Custody Act. (Page 12) (Eff: 7-1-21)**

**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. Task Force on Constitutional Rights and Remedies Act. (Page 14) (Eff: 7-1-21)**

**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**

**10-4. 5 ILCS 315/ Illinois Public Labor Relations Act. (Eff: 7-1-21)**

5 ILCS 315/14 Security employee, peace officer and fire fighter disputes. (Page 15)

(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. 5 ILCS 820/ Community-Law Enforcement Partnership for Deflection and Substance Use Disorder Treatment Act. (Eff: 7-1-21)**

5 ILCS 820/1. Short title. (Page 15)

5 ILCS 820/5 Purposes. (Page 15)

5 ILCS 820/10 Definitions. (Page 15)

5 ILCS 820/15 Authorization. (Page 15)

5 ILCS 820/20 Procedure. (Page 16)

5 ILCS 820/21 new. ***Training*.** (Page 16)

5 ILCS 820/30 Exemption from civil liability. (Page 16)

5 ILCS 820/35 Funding. (Page 17)

(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. 15 ILCS 205/ Attorney General Act. (Eff: 7-1-21)**

15 ILCS 205/10 new. Executive officers. (Page 17)

(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.**

**10-8. 20 ILCS 2610/ State Police Act.**

20 ILCS 2610/14. Removal, demotion or suspension of State Police Officers. (Page 18). (Eff: 7-1-21)

20 ILCS 2610/17c new. ***Military equipment surplus program*.**  (Page 18). (Eff: 7-1-21)

(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. 20 ILCS 3930/ Illinois Criminal Justice Information Act. (Eff: 7-1-21)**

20 ILCS 3930/7.7 new. ***Pretrial data collection*.** (Page 19)

20 ILCS 3930/7.8 new. ***Domestic Violence Pretrial Practices Working Group*.** (Page 20)

(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. 50 ILCS 105/ Public Officer Prohibited Activities Act. (Eff: 7-1-21)**

50 ILCS 105/4.1 new. ***Retaliation against a whistleblower*.** (Page 20)

(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.**

**10-12. 50 ILCS 205/ Local Records Act. (Eff: 7-1-21)**

50 ILCS 205/25 new. ***Police misconduct records*.** (Page 21)

 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. 50 ILCS 705/ Illinois Police Training Act**.

50 ILCS 705/6 Powers and duties of the Board; selection and certification of schools. (Pages 22 & 77) **(Eff: 7-1-21)**

50 ILCS 705/6.2. Officer professional conduct database. (Page 22). **(Eff: 7-1-21)**

50 ILCS 705/7 *Rules and standards for schools*. (Page 86). **(Eff: 7-1-21)**

50 ILCS 705/10.17. Crisis intervention team training; mental health awareness training.(Page 23). **(Eff: 7-1-21)**

(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. 50 ILCS 706/ Law Enforcement Officer-Worn Body Camera Act. (Eff: 7-1-21)**

50 ILCS 706/10-15. Applicability. (Page 23)

50 ILCS 706/10-20. Requirements. (Page 23)

50 ILCS 706/10-25. Reporting. (Page 24)

(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. 50 ILCS 709/ Uniform Crime Reporting Act. (Eff: 7-1-21)**

50 ILCS 709/5-10. Central repository of crime statistics. (Page 24)

50 ILCS 709/5-11 new. ***FBI National Use of Force Data*base.** (Page 24)

50 ILCS 709/5-12. Monthly reporting. (Page 24)

50 ILCS 709/5-20. Reporting compliance. (Page 24)

(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. 50 ILCS 725/ Uniform Peace Officers' Disciplinary Act. (Eff: 7-1-21)**

50 ILCS 725/3.2. Officer Interrogation. (Page 24)

50 ILCS 725/3.4. Officer Notice. (Page 24)

50 ILCS 725/3.8. Admissions; counsel; verified complaint. (Page 24)

50 ILCS 725/6 rep. ~~Collective Bargaining Agreement~~. **REPEALED.** (Page 24)

(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)).

**10-20. 55 ILCS 5/ Counties Code.**

55 ILCS 5/3-6041 new. **Military equipment surplus program.** **(Page 26) (Eff: 7-1-21)**

55 ILCS 5/3-15003.6 Pregnant female prisoners. (Page 67). (Eff: 7-1-21)

55 ILCS 5/3-15003.7 new ***Corrections official training related to pregnant prisoners***. **(Page 67) (Eff: 7-1-21)**

55 ILCS 5/3-15003.8 new ***Educational programing for pregnant prisoners*. (Page 67). (Eff: 7-1-21)**

55 ILCS 5/3-15003.9 new ***Prisoner post-partum recovery requirements*. (Page 67). (Eff: 7-1-21)**

55 ILCS 5/3-15003.10 new ***Housing requirements applicable to pregnant prisoners*. (Page 68). (Eff: 7-1-21)**

(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.**

**Article 15.** (Eff: 7-1-21). Pregnant Prisoner Rights

(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.**

**10-21. 65 ILCS 5/ Illinois Municipal Code. (Eff: 7-1-21)**

65 ILCS 5/11-5.1-2 new **Military equipment surplus program.** **(Page 26).**

65 ILCS 5/1-2-12.1 rep. ~~Municipal bond fees~~. **REPEALED.** (Page 27).

(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**.

**10-26. 410 ILCS 70/ Sexual Assault Survivors Emergency Treatment Act. (Eff: 7-1-21)**

410 ILCS 70/7.5 Prohibition on billing sexual assault survivors directly for certain services; written notice; billing protocols. (Page 28)

(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.

**10-28. 625 ILCS 5/ Illinois Vehicle Code.**

625 ILCS 5/4-214.1 rep. ~~Failure to pay fines, charges, and costs on an abandoned vehicle~~. (Page 33). **(Eff: 7-1-21)**

625 ILCS 5/6-306.5 rep. ~~Failure to pay fine or penalty for standing, parking, compliance~~. (Page 33) **(Eff: 7-1-21)**

625 ILCS 5/6-306.6 rep. ~~Failure to pay traffic fines, penalties, or court costs~~. (Page 33) **(Eff: 7-1-21)**

625 ILCS 5/6-209.1 Restoration of driving privileges; revocation; suspension; cancellation. (Page 30) **(Eff: 7-1-21)**

625 ILCS 5/11-208.3 Administrative adjudication of violations of traffic regulations. (Page 31) **(Eff: 7-1-21)**

625 ILCS 5/11-208.6 Automated traffic law enforcement system. (Page 31) **(Eff: 7-1-21)**

625 ILCS 5/11-208.8 Automated speed enforcement systems in safety zones. (Page 32) **(Eff: 7-1-21)**

625 ILCS 5/11-208.9 Automated traffic law enforcement system; (Page 32) **(Eff: 7-1-21)**

625 ILCS 5/11-1201.1. Automated Railroad Crossing Enforcement System. (Page 32) **(Eff: 7-1-21)**

(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**.

**10-35. 720 ILCS 5/ Criminal Code of 2012.**

720 ILCS 5/7-5 Peace officer's use of force in making arrest. (Page 35). (Eff: 7-1-21)

720 ILCS 5/7-5.5 Prohibited use of force by a peace officer. (Page 36). (Eff: 7-1-21)

720 ILCS 5/7-9 Use of force to prevent escape. (Page 37). (Eff: 7-1-21)

720 ILCS 5/7-15 new. **Duty to render aid.** (Page 37). (Eff: 7-1-21)

720 ILCS 5/7-16 new. **Duty to intervene.** (Page 37). (Eff: 7-1-21)

720 ILCS 5/9-1 First-Degree Murder. (Page 37). (Eff: 7-1-21)

720 ILCS 5/33-3 Sec. 33-3. Official misconduct. (Page 37). (Eff: 7-1-21)

720 ILCS 5/33-9 new **Sec. 33-9. Law enforcement misconduct.** **(Page 38) (Eff: 7-1-21)**

(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.**

**10-37. Section 10-260.** 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. Page #54. **(Eff: 7-1-21)**

**10-43. 730 ILCS 5/ Unified Code of Corrections.**

730 ILCS 5/3-6-3 Rules and regulations for sentence credit. (Page 57). (Eff: 7-1-21)

730 ILCS 5/3-6-7.1 new . ***Correctional officer training related to pregnant committed persons***.**(Page 68) (Eff: 7-1-21)**

730 ILCS 5/3-6-7.2 new. ***Educational programing for pregnant committed persons***. **(Page 68). (Eff: 7-1-21)**

730 ILCS 5/3-6-7.3 new. ***Committed person post-partum recovery requirements***. **(Page 68)**. (Eff: 7-1-21)

730 ILCS 5/3-6-7.4 new. ***Housing requirements applicable to pregnant committed persons***. **(Page 68). (Eff: 7-1-21)**

730 ILCS 5/5-4-1 Sentencing hearing. (Page 69). (Eff: 7-1-21)

730 ILCS 5/5-4.5-95 GENERAL RECIDIVISM PROVISIONS. (Page 59) (Eff: 7-1-21)

730 ILCS 5/5-4.5-100 CALCULATION OF TERM OF IMPRISONMENT. (Page 59). (Eff: 7-1-21)

730 ILCS 5/5-6-3.8 new ***Eligibility for programs restricted by felony background*. (Page 59) (Eff: 7-1-21)**

730 ILCS 5/5-8-1 Natural life imprisonment; enhancements for use of a firearm; mandatory supervised release terms. (Page 60) **(Eff: 7-1-21)**

730 ILCS 5/5-8-6 Place of confinement. (Page 60) **(Eff: 7-1-21)**

730 ILCS 5/5-8A-2 Definitions. (Page 61) **(Eff: 7-1-21)**

730 ILCS 5/5-8A-4 Program description. (Page 61) **(Eff: 7-1-21)**

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

**(Eff: 7-1-21)**

(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.

**15-3. Section 15-15**. The County Jail Act is amended by adding Sections 17.6, 17.7, 17.8, and 17.9. Page #69. **(Eff: 7-1-21.)**

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

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 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.**

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

730 ILCS 167/20 Eligibility. (Page 62)

(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.~~**

**10-47. 730 ILCS 168/ Mental Health Court Treatment Act. (Eff: 7-1-21)**

730 ILCS 168/20 Eligibility. (Page 62)

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.~~**

**10-51. 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)

(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.**

**EFFECTIVE 1-1-22 (47 Items)**

**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.**

.

**(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.**

(m) **(Blank).** **Deleted Prior Text.**

(n) **(Blank).** **Deleted Prior Text.**

(o) **(Blank).** **Deleted Prior Text.**

(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.

**(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.**

**EFFECTIVE 1-1-23 (114 Items)**

**Article 10. Amendatory Provisions**

**10-1. 5 ILCS 70/ Statute on Statutes. (Eff: 1-1-23)**

5 ILCS 70/1.43 new Reference to bail, bail bond, or conditions of bail. (Page 15)

**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. 5 ILCS 140/ Freedom of Information Act. (Eff: 1-1-23)**

5 ILCS 140/2.15 Arrest reports and criminal history records. (Page 14)

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. 5 ILCS 160/ State Records Act. (Eff: 1-1-23)**

5 ILCS 160/4a Arrest records and reports. (Page 14)

(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~~**.

**10-7. 20 ILCS 2605/ Civil Administrative Code of Illinois. (Department of State Police Law)**

 20 ILCS 2605/2605-302. Arrest reports. (Page 18). (Eff: 1-1-23)

(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~~**.

**10-18. 50 ILCS 727/ Police and Community Relations Improvement Act.** **(Eff: 1-1-23)**

50 ILCS 727/1-35 new. ***Anonymous complaint poli*cy.** (Page 25)

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. 55 ILCS 5/ Counties Code.**

 55 ILCS 5/4-5001. Sheriffs; counties of first and second class. (Page 25) (Eff: 1-1-23)

55 ILCS 5/4-12001. Fees of sheriff in third class counties. (Page 25) (Eff: 1-1-23)

55 ILCS 5/4-12001.1. Fees of sheriff in third class counties; (Page 25) (Eff: 1-1-23)

(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.~~**

**10-23. 110 ILCS 12/ Campus Security Enhancement Act of 2008. (Eff: 1-1-23)**

110 ILCS 12/15. Arrest reports. (Page 27)

(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. 215 ILCS 5/ Illinois Insurance Code. (Eff: 1-1-23)**

215 ILCS 5/143.19. Cancellation of automobile insurance policy; grounds. (Page 27)

215 ILCS 5/143.19.1. Limits on exercise of right of nonrenewal. (Page 27)

215 ILCS 5/205. Priority of distribution of general assets. (Page 27)

(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. 230 ILCS 10/ Illinois Gambling Act. (Eff: 1-1-23)**

230 ILCS 10/5.1 Disclosure of records. (Page 28)

(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.

**10-27. 625 ILCS 5/ Illinois Vehicle Code.**

625 ILCS 5/6-206. Discretionary authority to suspend or revoke license or permit; right to a hearing.(Page 29). **(Eff: 1-1-23)**

625 ILCS 5/6-308 Procedures for traffic violations. (Page 29). **(Eff: 1-1-23)**

625 ILCS 5/6-500 Definitions of words and phrases. (Page 29). **(Eff: 1-1-23)**

625 ILCS 5/6-601 Penalties. (Page 30). **(Eff: 1-1-23)**

 625 ILCS 5/16-103 Arrest outside county where violation committed. (Page 30). **(Eff: 1-1-23)**

(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.

**625 ILCS 40/ Snowmobile Registration and Safety Act. (Eff: 1-1-23)**

625 ILCS 40/5-7. Operating a snowmobile while under the influence of alcohol. (Page 33)

**705 ILCS 105/ Clerks of Courts Act. (Eff: 1-1-23)**

705 ILCS 105/27.3b Sec. 27.3b. Payment of Fines, Penalties, or Costs by Credit Card or Debit Card. (Page 33)

**705 ILCS 205/ Attorney Act. (Eff: 1-1-23)**

705 ILCS 205/9. Sec. 9. Arrest of Attorneys, Judges, Sheriffs, ect. (Page 33)

**705 ILCS 405/ Juvenile Court Act of 1987. (Eff: 1-1-23)**

705 ILCS 405/1-7. Confidentiality of juvenile law enforcement and municipal ordinance violation records. (Page 33)

705 ILCS 405/1-8. Confidentiality and accessibility of juvenile court records. (Page 34)

705 ILCS 405/5-150 Admissibility of evidence and adjudications in other proceedings. (Page 34)

**720 ILCS 5/ Criminal Code of 2012.**

720 ILCS 5/26.5-5. Sentence. (Page 34). (Eff: 1-1-23)

720 ILCS 5/31-1. Resisting or obstructing a peace officer etc.. (Page 34). (Eff: 1-1-23)

720 ILCS 5/31A-0.1 Definitions. (Page 34). (Eff: 1-1-23)

720 ILCS 5/32-10 Violation of conditions of pretrial release ~~bail bond~~. (Page 34) (Eff: 1-1-23)

720 ILCS 5/32-15 Pretrial release ~~Bail bond~~ false statement. (Page 35). (Eff: 1-1-23)

**725 ILCS 5/ Code of Criminal Procedure of 1963. (Eff: 1-1-23)**

725 ILCS 5/102-6 **Pretrial release** ~~"Bail"~~. (Page 38)

725 ILCS 5/102-7 **Conditions of pretrial release** ~~"Bail bond"~~. (Page 38)

725 ILCS 5/103-2 Treatment while in custody. (Page 52)

725 ILCS 5/103-3 Right to communicate with attorney and family; transfers. (Page 52)

725 ILCS 5/103-5 Speedy trial. (Page 38)

725 ILCS 5/103-7 Posting notice of rights. (Page 38)

725 ILCS 5/103-9 Bail bondsmen. (Page 39)

725 ILCS 5/104-13 Fitness Examination. (Page 39)

725 ILCS 5/104-17 Commitment for treatment; treatment plan. (Page 39)

725 ILCS 5/106D-1 Defendant's appearance by closed circuit television and video conference. (Page 39)

725 ILCS 5/107-4 Arrest by peace officer from other jurisdiction. (Page 39)

725 ILCS 5/107-9 Issuance of arrest warrant upon complaint. (Page 39)

725 ILCS 5/108-8 Use of force in execution of search warrant. (Page 53)

725 ILCS 5/109-1 Person arrested**; release from law enforcement custody and court appearance; geographical constraints prevent in-person appearances**. (Page 39)

725 ILCS 5/109-2 Person arrested in another county. (Page 40)

725 ILCS 5/109-3 Preliminary examination. (Page 40)

725 ILCS 5/109-3.1 Persons Charged with Felonies. (Page 40)

725 ILCS 5/Art. 110 heading. **PRETRIAL RELEASE ~~BAIL.~~** (Page 41)

725 ILCS 5/110-1 Definitions. (Page 41)

725 ILCS 5/110-1.5 new. **Abolition of monetary bail**. (Page 41)

725 ILCS 5/110-2 Release on own recognizance. (Page 41)

725 ILCS 5/110-3 **Options for warrant alternatives** ~~Issuance of warrant~~. (Page 42)

725 ILCS 5/110-4 **Pretrial release** ~~Bailable Offenses~~. (Page 42)

725 ILCS 5/110-5 Determining the amount of bail and conditions of release. (Page 43)

725 ILCS 5/110-5.1 rep. ~~Bail; certain persons charged with violent crimes against family or household~~ ~~members~~.(Page 54)

725 ILCS 5/110-5.2 **Pretrial release** ~~Bail~~; pregnant pre-trial detainee. (Page 45)

725 ILCS 5/110-6 **Revocation of pretrial release, modification of conditions of pretrial release, and sanctions for violations of conditions of pretrial release** ~~Modification of bail or conditions~~. (Page 45)

725 ILCS 5/110-6.1 Denial of **pretrial release** ~~bail in non-probationable felony offenses~~. (Page 46)

725 ILCS 5/110-6.2 Post-conviction Detention. (Page 50)

725 ILCS 5/110-6.3 rep. ~~Denial of bail in stalking and aggravated stalking offenses~~. ***REPEALED.*** (Page 54)

725 ILCS 5/110-6.4 Statewide risk-assessment tool. (Page 50)

725 ILCS 5/110-6.5 rep. ~~Drug testing program~~. ***REPEALED.*** (Page 54)

725 ILCS 5/110-7 rep. ~~Deposit of Bail Security~~. ***REPEALED.*** (Page 54)

725 ILCS 5/110-8 rep. ~~Cash, stocks, bonds and real estate as security for bail~~. ***REPEALED.*** (Page 54)

725 ILCS 5/110-9 rep. ~~Taking of bail by peace officer~~. ***REPEALED.*** (Page 54)

725 ILCS 5/110-10 Conditions of **pretrial release** ~~bail bond~~. (Page 50)

725 ILCS 5/110-11 **Pretrial release** ~~Bail~~ on a new trial. (Page 51)

725 ILCS 5/110-12 Notice of change of address. (Page 51)

725 ILCS 5/110-13 rep. ~~Persons Prohibited from Furnishing Bail Security~~. ***REPEALED.*** (Page 54)

725 ILCS 5/110-14 rep. ~~Credit for incarceration on bailable offense; credit against monetary bail for certain offenses~~

725 ILCS 5/110-15 rep. ~~Applicability of provisions for giving and taking bail~~. ***REPEALED.*** (Page 54)

725 ILCS 5/110-16 rep. ~~Bail Bond--Forfeiture in Same Case or Absents Self During Trial--Not Bailable~~. ***REPEALED.***

725 ILCS 5/110-17 rep. ~~Bail Bond--Forfeiture in Same Case or Absents Self During Trial--Not Bailable~~. ***REPEALED.***

725 ILCS 5/110-18 rep. ~~Reimbursement~~. ***REPEALED.*** (Page 54)

725 ILCS 5/111-2 Commencement of prosecutions. (Page 52)

725 ILCS 5/112A-23 Enforcement of protective orders. (Page 52)

725 ILCS 5/114-1 Motion to dismiss charge. (Page 52)

725 ILCS 5/115-4.1 Absence of defendant. (Page 52)

725 ILCS 5/122-6 Disposition in trial court. (Page 52)

**725 ILCS 120/ Rights of Crime Victims and Witnesses Act. (Eff: 1-1-23)**

725 ILCS 120/4 Rights of crime victims. (Page 54)

725 ILCS 120/4.5 Procedures to implement the rights of crime victims. (Page 54)

**725 ILCS 185/ Pretrial Services Act. (Eff: 1-1-23)**

725 ILCS 185/1 Statements made by the defendant during the interview. (Page 54)

725 ILCS 185/20 Pretrial Services Recommendations. (Page 54)

725 ILCS 185/22 Copy of Conditions of **Pretrial Release.** (Page 55)

725 ILCS 185/34 Probation and court services departments considered pretrial services agencies. (Page 55)

**725 ILCS 195/ Quasi-criminal and Misdemeanor Bail Act. (Eff: 1-1-23)**

725 ILCS 195/Act title Quasi-criminal and Misdemeanor Bail Act. (Page 55)

725 ILCS 195/0.01 Short title.

725 ILCS 195/1 Uniform **Pretrial Release** Conditions Form. (Page 55)

725 ILCS 195/2 Conditions of **Pretrial Release.** (Page 55)

725 ILCS 195/3 Appearance before Judge in Lieu of **Pretrial Release.** (Page 55)

725 ILCS 195/5 Violation by Person Authorized to Accept Pretrial Release. (Page 55)

**730 ILCS 5/ Unified Code of Corrections.**

730 ILCS 5/5-3-2 Presentence report. (Page 55). (Eff: 1-1-23)

730 ILCS 5/5-5-3.2 Factors in aggravation and extended-term sentencing. (Page 56). **(Eff: 1-1-23)**

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). **(Eff: 1-1-23)**

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

**(Eff: 1-1-23)**

730 ILCS 5/5-8A-7 Domestic violence surveillance program. (Page 56) **(Eff: 1-1-23)**

730 ILCS 5/8-2-1 Saving Clause. (Page 56). **(Eff: 1-1-23)**

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

730 ILCS 130/3 Good behavior allowance rate.

**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)

**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)

**EFFECTIVE 1-1-25**

**Table of Contents - Statutes Added or Amended**

New Acts:

 **Article 2. No Representation Without Population Act. (Page 10) (Eff: 1-1-25)**