

DATE: January 7, 2021

TO: Brad Cole, Executive Director

FROM: Mitchell Remmert, Director of Legislative Affairs

RE: HB 163 (SFA #2) – Policing Omnibus Bill

The purpose of this memo is to serve as an analysis of Senate Floor Amendment (SFA) #2 to HB 163, with an emphasis on issues that will affect the Illinois Municipal League's (IML) membership. The amendment, filed by Senator Elgie Sims Jr. on January 5, 2021, creates several new Acts and, in some instances, extensively amends current statute. For the sake of simplicity, this memo will be divided by articles, as listed in the bill, with greater explanation dedicated to provisions with a more direct impact on our members.

Article 1 “Deaths in Custody” – pg. 1

Article 1 creates the Reporting of Deaths in Custody Act and applies to law enforcement entities within the 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.

The language requires a law enforcement agency to investigate and report the death of an individual who dies while in custody of the agency. The report must be in writing to the Attorney General no later than 30 days after the date on which the person died. SFA #2 stipulates the content of the report, requires the Attorney General to create a standardized form and further states that the reports are public records pursuant to the Freedom of Information Act.

IML Position: No Position

Article 3 “Statewide Use of Force Standardization” – pg. 6

Article 3 creates the Statewide Use of Force Standardization Act and states that it is the intent of the General Assembly to establish statewide use of force standards for law enforcement effective January 1, 2022.

IML Position: Possible Support – This provision assists with the development of uniform training and consistent interpretation of the standards of force by law enforcement agencies and personnel, as well as citizens and the courts. More information is still needed.



Article 4 “Prison Gerrymandering” – pg. 6

Article 4 creates the Prison Gerrymandering Act. This Act places mandates on the Illinois Department of Corrections (IDOC) and each agency that operates a federal correctional facility to provide information detailing the last known place of residence prior to incarceration of each inmate.

For the purposes of reapportionment and redistricting, the Act requires the General Assembly to count each incarcerated person as residing at his or her last known place of residence, rather than at the institution of their incarceration.

IML Position: Oppose – This proposal will negatively impact Local Government Distributive Fund (LGDF) distributions to communities who may have correctional facilities and additional costs due to the residents of those facilities. Additionally, the proposed changes will negatively impact census counts for these communities and have resulting impacts on local programs and services.

Article 5 “Police Integrity and Accountability” - pg. 8

Removal of Immunities – pg. 8

Article 5 creates the Police Integrity and Accountability Act. This Act provides that a peace officer who subjects any other person to the deprivation of any individual rights under the Illinois Constitution is liable to the injured party for legal or equitable relief or any other appropriate relief.

- The Act provides that sovereign immunities, statutory immunities, statutory limitations on liability, damages or attorney’s fees do not apply to claims brought under the Act.
- Further provides that the Local Governmental and Governmental Employees Tort Immunity Act does not apply to claims brought under the Act.
- Provides that qualified immunity is not a defense to liability under the Act.
- Allows the court to award reasonable attorney’s fees and costs to plaintiff.
- Requires a civil action under the Act to be commenced within five years after the cause of action accrues.

IML Position: Oppose – The diminishment of immunities exposes municipalities to potentially frivolous and costly litigation. This will divert already scarce municipal revenues away from the critical services they fund.

Reporting Judgments and Settlements – pg. 9

Requires any unit of local government that employs a peace officer who incurs liability under the Act to publicly disclose the following information:

- The name of any peace officer or officers whose actions or conduct led to a judgment or settlement;
- The amount of a judgment or settlement, and the portion of that judgment or settlement, if any, indemnified by the unit of local government;
- Any internal disciplinary action taken against the peace officer or officers whose actions or conduct led to the judgment or settlement; and,
- Any criminal charges pursued against the peace officer or officers for the action or conduct that led to the judgment or settlement.

This section exempts the disclosure of the address, social security number or other unique, non-public personal identifying information of any individual who brings a claim under the Act.

IML Position: Oppose in part – This provision may mandate the reporting of judgements and settlements subject to non-disclosure agreements. Additional concerns regarding whether or not this language will require the disclosure of settlements paid by insurance companies, who provide coverage to municipalities, must also be addressed.

Article 10 “Amendatory Provisions” – pg. 10

Statute on Statutes – References to Bail – pg. 10

Article 10 amends the Statute on Statutes to remove any reference to bail, bail bond or conditions of bail. These terms are replaced or are to be construed as “pretrial release” or “conditions of pretrial release.”

IML Position: No Position

Illinois Public Labor Relations Act – pg. 15

Article 10 amends the Illinois Public Labor Relations Act in a section concerning management rights to provide that employers shall not be required to bargain over matters relating to the discipline or discharge of peace officers. The Article further states that provisions in existing collective bargaining agreements that address the discipline or discharge of peace officers shall lapse by operation of law on the renewal or extension of existing agreements by whatever means, or the approval of a bargaining agreement by the corporate authorities of the employer after the Act’s effective date.

The language also amends the grievance procedure of the Illinois Public Labor Relations Act to remove disputes regarding the discipline or discharge of peace officers from the grievance resolution procedure.

IML Position: Support – This provision supports the elimination of arbitration of discipline in collective bargaining agreements and the grievance of discipline by law enforcement officers. This restores local authority on these important issues.

Residency Requirements – pg. 26

As it pertains to arbitration decisions, the language states that conditions of employment for peace officers may continue to include residency requirements in municipalities with a population less than 100,000 as opposed to 1,000,000. The language removes residency from arbitration for municipalities with a population of more than 100,000.

IML Position: Support – It is important for public safety officers to live in the communities they serve.

Prohibitions – pg. 31

The language provides that on or after the effective date of the Act, no collective bargaining agreement applicable to peace officers, including, but not limited to, the Illinois State Police (ISP), shall be entered into containing any provision that does not pertain directly to wages or benefits, or both, including any provision pertaining to discipline.

IML Position: Support – Municipalities should have the authority to adjust personnel policies and terms of employment, other than wages and benefits, without resorting to the collective bargaining process.

Community-Law Enforcement Partnership for Deflection and Substance Use Disorder Treatment Act – pg. 33

The language renames the Act the Community Law Enforcement and Other First Responder Partnership for Deflection and Substance Use Disorder Treatment Act and makes conforming changes throughout. Further defines “other first responder” to include emergency medical service providers that are public units of government, fire departments, fire protection districts and officials and responders representing and employed by these entities.

In a section concerning training requirements for deflection program partners, the language requires the following training:

- Neuroscience of Addiction for Law Enforcement;
- Medication-Assisted Treatment;
- Criminogenic Risk-Need for Health and Safety;
- Why Drug Treatment Works?;
- Eliminating Stigma for People with Substance-Use Disorders and Mental Health;
- Avoiding Racial Bias in Deflection Program;
- Promotion of Racial and Gender Equity in Deflection;
- Working With Community Partnerships; and
- Deflection in Rural Communities

In a section concerning funding for law enforcement agencies or other first responder entities for services provided by deflection program partners, the Article allows up to 10% of appropriated funds to be expended on activities related to knowledge dissemination, training, technical assistance, or other similar activities intended to increase practitioner and public awareness of deflection.

IML Position: Support – Many municipalities are adopting or considering adopting this model of response. This provision ensures that municipal police officers are adequately trained to address the various issues they face on a daily basis.

The Attorney General Act – pg. 43

The language amends the Attorney General Act to add definitions for “governmental authority” and “officer.” Specifically, “governmental authority” means any unit of local government in the state, any municipal corporation in the 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.

“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 and recruit, among others.

The language provides that no 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.

- If such a violation occurs, the language allows the Attorney General to commence a civil action to eliminate the pattern or practice in either Sangamon County or Cook County no later than five years after the occurrence.
- The language further provides the process for the Attorney General to conduct an investigation and stipulates civil penalties that the Attorney General may prescribe.

IML Position: Possible Support – This provision is an alternative to the elimination of civil immunities for law enforcement personnel and local governments.

Illinois Identification Card Act – pg. 47

The language amends the Act to require the Secretary of State to track and issue an annual report to the General Assembly detailing the number of permanent Illinois Identification Cards issued by the Secretary of State to persons presenting verification forms issued by the Illinois Department of Juvenile Justice (IDJJ) or IDOC.

IML Position: No Position

The State Police Act – pg. 59

The language amends the State Police Act to remove the affidavit requirement for persons filing a complaint against a state police officer.

The language also prohibits ISP from requesting or receiving any military equipment surplus or purchasing or utilizing specified equipment.

IML Position: No Position

The Illinois Criminal Justice Information Act – pg. 64

The Act is amended to require the Director of the Illinois Criminal Justice Information Authority (ICJIA) to convene an oversight board known as the Pretrial Practices Data Oversight Board to oversee the collection and analysis of data regarding pretrial practices in circuit court systems.

IML Position: No Position

Public Officer Prohibited Activities Act – pg. 69

The Act is amended to prohibit any unit of local government or any agent or representative of a unit of local government to retaliate against an employee or contractor who:

- Reports an improper governmental action under this section;
- Cooperates with an investigation by an auditing official related to a report of improper governmental action; or,
- Testifies in a proceeding or prosecution arising out of an improper governmental action.

IML Position: Support – This is a protection of good faith reporting of improper governmental action.

The Local Records Act – pg. 74

The Act is amended to require all public records and nonpublic records related to complaints, investigations and adjudications of police misconduct to be permanently retained and may not be destroyed.

IML Position: Oppose in part – This mandate will significantly increase the costs of maintaining and cataloging these records.

The Illinois Police Training Act – pg. 77

The Act is amended to give the Illinois Law Enforcement Training and Standards Board (ILETSB) the authority to establish statewide minimum standards regarding regular mental health screening for probationary and permanent police officers, ensuring that counseling sessions and screenings remain confidential.

The Act is amended to require notice to ILETSB upon the resignation of an officer during an investigation based on the commission of any felony or sex offense, rather than a Class 2 felony or greater.

The language mandates that the curriculum for probationary police officers to include:

- At least six hours of hands-on, scenario-based role-playing;
- At least six 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;
- Specific training on officer safety techniques, including cover, concealment, and time; and,
- At least six hours of training focused on high-risk traffic stops.

The language amends minimum in-service training requirements that a police officer must complete every two (instead of three) years to add implicit bias and ethnic sensitivity training. Mental health awareness and response and officer wellness training is now included in annual training requirements.

As it pertains to minimum in-service training requirements required of police officers annually, the language adds “advanced first-aid training and certification, crisis intervention training and officer wellness and mental health.”

The language adds a new section requiring 30 hours of mandatory training to be completed every two years based upon ILETSB-adopted rules and minimum standards. Specifically, the training must include:

1. At least 12 hours of hands-on, scenario-based role-playing;
2. At least six 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; and,
4. At least six hours of training focused on high-risk traffic stops.

The Act is further amended to require ILETSB to develop and approve a standard curriculum for certified training programs in crisis intervention of at least 40 hours for law enforcement recruits. The language also requires Crisis Intervention Team (CIT) training programs to be a collaboration between law enforcement professionals, mental health providers, families and consumer advocates and must include specified components.

IML Position: Support in part – Standardized training is important but the costs and operational burdens are unknown without additional information and funding support.

Law Enforcement Officer-Worn Body Camera Act – pg. 89

The Act is amended to require all law enforcement agencies to employ the use of officer-worn body cameras in accordance with the Act. The amendment specifies a schedule for all law enforcement agencies to implement the use of body cameras as follows:

- Municipalities with a population of 500,000 or more – January 1, 2022;
- Municipalities with populations of 100,000 or more but less than 500,000 – January 1, 2023;
- Municipalities with populations of 50,000 or more but less than 100,000 – January 1, 2024; and,
- Municipalities with populations of less than 50,000 – January 1, 2025.

The amendment provides that any municipality or county which oversees a law enforcement agency which fails to comply with this change shall be subject to a reduction of Local Government Distributive Fund (LGDF) revenues at a rate of 20% per year until the requirements are met.

The amendment provides that a body-worn camera may be turned off when the officer is inside a correctional facility that is equipped with a functioning camera.

The Act is further amended to provide that each law enforcement agency must provide an annual report on the use of officer-worn body cameras to ILETSB on or before May 1 of the year.

IML Position: Support in part, Oppose in part – The utilization of officer-worn body cameras is positive for transparency and accountability. However, LGDF revenues cannot be conditioned upon body worn camera deployment. The state should provide funding to support local efforts in the deployment and maintenance of this technology. Additional time should be allowed for the implementation of any new mandate, due to necessary funding, acquisition, and training time constraints.

Uniform Crime Reporting Act – pg. 100

The Act is amended to require ISP to participate in and regularly submit use of force information to the Federal Bureau of Investigation National Use of Force Database.

Beginning July 1, 2021, each police department is required to submit to ISP, on a monthly basis, 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.

Also beginning July 1, 2021, each police department is required to submit to ISP, on a monthly basis, a report on the 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 language adds the Illinois Department of Revenue (IDOR) as an agency, in addition to ILETSB, that ISP must annually report any law enforcement agency not in compliance with this section.

Any municipality or county which oversees a law enforcement agency which fails to comply with this Act shall be subject to a reduction in LGDF revenues at a rate of 20% per year until the requirements of the Section are met.

IML Position: Support in part, Oppose in part – Standardized reporting of use of force actions provides the possibility for greater transparency but creates a new unfunded mandate. Any imposition of conditions on the distribution of LGDF revenues is unacceptable.

Uniform Peace Officers' Disciplinary Act – pg. 104

The Act is amended to remove a requirement for a police officer subjected to interrogation or investigation to be informed of complainants, or the name, rank and unit or command of the officer in charge of the investigation.

The Act is amended to stipulate that it is not a requirement for a person to have a complaint supported by a sworn affidavit or any other legal documentation.

IML Position: Possible Support – This provision authorizes municipalities to conduct complete and thorough investigations of anonymous complaints alleging police misconduct. The officer's due process rights would be protected during any formal hearing process on the complaint. More information is needed.

The Police and Community Relations Improvement Act – pg. 106

The Act is amended to require each law enforcement agency to adopt a written policy outlining the process for the handling of anonymous complaints, and further provides information that must be included in the written policy.

IML Position: Support – Standardized processes for handling anonymous complaints of alleged police misconduct is likely necessary.

Counties Code – pg. 107

The Counties Code is amended to prohibit a sheriff's department from requesting or receiving any military equipment surplus program or purchasing or utilizing specified equipment. Further provides that a home rule county may not regulate the acquisition of equipment in a manner inconsistent with the amended section.

For Cook County only, the Act is amended to provide that if the court determines that the appointment of a special prosecutor is required, the court shall request the Office of the State's Attorneys Appellate Prosecutor to serve as the special prosecutor if the cause or proceeding is an officer-involved death.

IML Position: No Position

Municipal Code – pg. 127

The Municipal Code is amended to prohibit a police department from requesting or receiving from any military equipment surplus program or purchasing or otherwise utilizing specified equipment. Further provides that a home rule municipality may not regulate the acquisition of equipment in a manner inconsistent with the amended section.

IML Position: Oppose – This provision is a preemption of municipal authority. More information is needed regarding the type of equipment that municipalities would no longer be able to acquire, which usually is obtained at no cost.

Restoration of Driving Privileges – pg. 203

The language provides that as soon as practicable and no later than July 1, 2021, the Secretary of State 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 the Act due to the person having failed to pay any fine or penalty for traffic violations, automated traffic law enforcement system violations or abandoned vehicle fees.

Removes provisions allowing for the suspension of an individual's license for failure to pay the fine for traffic violations as a result of an automated traffic law enforcement system.

IML Position: Oppose – The elimination of license suspension as a result of unpaid traffic violations or automated traffic law enforcement systems violations removes the incentive to pay the appropriate fines and fees associated with the violations. This is a preemption of local authority.

Criminal Code of 2012 – pg. 304

The Criminal Code of 2012 is amended to alter conditions when a peace officer may use any force, including deadly force. Specifically:

- A peace officer 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 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.

- This language is also inserted into provisions allowing the use of deadly force along with the requirement that 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 may cause great bodily harm to another.
- 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 peace officer shall not use deadly force against a person based on the danger that the person poses to himself or herself if a 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 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.

The amended language also encourages law enforcement agencies 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.

IML Position: Support in part – Clear statutory guidance on the use of force is necessary. Any use of force policies mandated by the state must clarify, rather than complicate, the legal standards that will apply.

Prohibited Use of Force by a Peace Officer – pg. 308

The language prohibits a peace officer or any person acting on behalf of a peace officer to use a restraint above the shoulders with risk of asphyxiation in addition to the use of chokeholds, as currently provided in law.

The language also prohibits the following activities:

- Use of force as punishment or retaliation;
- Discharge of kinetic impact projectiles and all other non- or less-lethal projectiles in a manner that targets the head, pelvis or back;
- Discharge of kinetic impact projectiles indiscriminately into a crowd; or,
- Use of 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.

IML Position: Support in part – The prohibition of use of force as punishment or retaliation is appropriate but public safety officers must be able to properly protect themselves, fellow officers and the community as a whole when dealing with life threatening situations. The prohibited activities may be an unnecessary restriction on law enforcement and may impair public safety.

Use of Force to Prevent Escape – pg. 309

The language prohibits the use of deadly force to prevent escape unless deadly force is necessary to prevent death or great bodily harm to himself or such other person.

IML Position: No Position

Duty to Render Aid (new) – pg. 310

The language inserts a new section that requires all law enforcement officers to render medical aid and assistance consistent with training and request emergency medical assistance if necessary.

IML Position: Support – This is a principle recommended by the U.S. Conference of Mayors Report on Police Reform and Racial Justice. This provision appropriately protects communities, while protecting the constitutional right of individuals suspected of committing a criminal act.

Duty to Intervene (new) – pg. 311

The language mandates an affirmative duty to intervene to stop or prevent another peace officer in his or her presence from using any unauthorized force or force that exceeds the degree of force permitted. The language further requires such an officer to report the intervention.

IML Position: Support – Law enforcement officers have a duty to intervene and take appropriate action in all scenarios. This provision may also assist municipalities with internal disciplinary actions.

Official Misconduct – pg. 337

The language adds a new section on law enforcement misconduct and provides situations by which a law enforcement officer commits misconduct. Specifically, the language provides that an officer commits misconduct in the course of their duties when they knowingly and intentionally:

1. Misrepresent facts describing an incident in any report or during any investigations regarding the law enforcement officer'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;
3. Fails to comply with the provisions of Section 10-20 of the Law Enforcement Officer-Worn Body Camera Act; or,
4. Commits any other act with the intent to avoid culpability or liability for himself or another.

The language provides that law enforcement misconduct is a Class 3 felony.

IML Position: Support – It is critical for law enforcement personnel to appropriately conduct themselves to ensure and maintain the trust of the community.

Right to Communicate with Attorney and Family – pg. 341

The language provides that persons who are in police custody have the right to communicate free of charge with an attorney of their choice and members of their family as soon as possible upon being taken into police custody, but no later than one hour after arrival at the first place of custody. The language provides accommodations that persons in police custody must be given to include:

1. Access to use a telephone or cellular phone to make three phone calls; and,
2. The ability to retrieve phone numbers contained in his or her contact list on his or her cellular phone prior to the phone being placed into inventory.

The language further provides that at every facility where a person is in custody, there must be a sign containing information pertaining to an individual's rights while in custody.

IML Position: Oppose – This provision does not take into consideration the capabilities of municipal police departments to comply with related logistical requirements. Further, this provision increases the chance that criminal suspects may impede an investigation by destroying potential evidence on their cellular phone, if allowed access to their phone for other reasons.

Use of Force in Execution of Search Warrant – pg. 361

The language places additional requirements for police officers prior to executing a search warrant. The language requires an officer to, prior to issuing a warrant, to attest the following:

- Prior to entering the location described in the search warrant, a supervising officer will ensure that each participating member is assigned a body worn camera and is following policies and procedures in accordance with the Law Enforcement Officer-Worn Body Camera Act; and,
- Steps are taken in planning the search to ensure accuracy and plan for children or other vulnerable people on-site.
- If an officer becomes aware that the search warrant was executed at an address, unit, or apartment different from the location listed on the search warrant, that member will immediately notify a supervisor who will ensure an internal investigation ensues.

IML Position: No Position

Article 110 “Pretrial Release”

Abolition of Monetary Bail (new) – pg. 371

The language removes the requirement of posting monetary bail on and after the effective date of the Act. Exceptions are provided in the Uniform Criminal Extradition Act, the Driver License Compact and the Nonresident Violator Compact.

IML Position: Oppose in part – Efforts to abolish monetary bail do not take into consideration risks to the community or the lack of adequate criminal justice infrastructure to implement alternative pretrial practices at the local level. Expanded state funding that would allow local jurisdictions to implement proven pretrial practices that ensure public safety and criminal defendant court appearances is necessary. Funding expanded conditions of release may serve as an alternative to incarceration and monetary bail, and could include risk-based assessments, required check-ins and ankle monitoring.

Release on Own Recognizance – pg. 372

The language provides that it is presumed that a defendant is entitled to release on personal recognizance on the condition that the defendant attend all required court proceedings and the defendant does not commit a criminal offense. Additional conditions of release shall only be set when it is determined they are necessary to assure the defendant's appearance in court.

The language requires the court to make a written finding as to why less restrictive conditions would not ensure the safety to the community and ensure the defendant's appearance in court if the court decides to detain the defendant.

IML Position: Oppose in part – The presumption of compliance by a defendant does not take into consideration potential risks to the community or the lack of adequate criminal justice infrastructure.

Options for Warrant Alternatives – pg. 374

If a defendant fails to comply with any condition of pretrial release, the language allows the court to issue an order to show cause why a person is subject to revocation of pretrial release. A certified copy of the order shall be served to the person at least 48 hours in advance of a scheduled hearing. If the person does not appear at the hearing, the court may issue a warrant for the arrest of the person.

IML Position: No Position

Pretrial Release – pg. 376

The language states that all persons charged with an offense shall be eligible for pretrial release before conviction. Pretrial release may only be denied when a person is charged with specific offenses listed in Section 110-6.1 of the Criminal Code of 2012, or who has a high likelihood of willful flight, and after the court has held a hearing.

IML Position: Oppose in part – The offenses listed in this section of the Criminal Code of 2012, for which someone may be denied pretrial release, do not adequately encompass all criminal activities that have a significant and negative impact on the safety of a community.

Determining the Amount of Bail and Conditions of Release – pg. 378

The language adds to the list of factors a court shall take into consideration in determining the conditions of pretrial release that will ensure the appearance of a defendant as required or the safety of any other person or the community. Specifically, the language adds the following:

- The weight of the evidence against the eligible defendant, except that the court may consider the admissibility of any evidence sought to be excluded;
- The history and characteristics of the eligible defendant, including:
 - The eligible defendant's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past relating to drug or alcohol abuse, conduct, criminal history and record concerning appearance at court proceedings; and,
 - Whether, at the time of the current offense or arrest, the eligible defendant was on probation, parole or other release pending trial, sentencing, appeal or completion of sentence for an offense under federal law or the law of Illinois or any other state.

- The nature and seriousness of the danger to any specific, identifiable person or persons that would be posed by the eligible defendant's release, if applicable; and,
- The nature and seriousness of the risk of obstructing or attempting to obstruct the criminal justice process that would be posed by the eligible defendant's release, if applicable.

The language adds additional factors the court may consider in cases of stalking or aggravated stalking.

The language further allows the court to use a regularly validated risk assessment tool to aid in its determination of appropriate conditions of release but states that such tools may not be used as the sole basis to deny pretrial release.

IML Position: No Position

Revocation of Pretrial Release – pg. 394

The language provides conditions through which pretrial release may be revoked, including the following:

- If the defendant is charged with a detainable felony, the defendant may be detained after the State files a verified petition for such a hearing and gives the defendant notice;
- If an individual, while on pretrial release for a felony or Class A misdemeanor, is charged with a new felony or Class A misdemeanor under the Criminal Code of 2012, the court may begin proceedings to revoke the individual's pretrial release.

The language further provides conditions of re-arrest, jurisdiction for newly committed offenses and prescribes the hearing process for pretrial release revocation.

IML Position: No Position

Denial of Pretrial Release – pg. 406

Upon verified petition by the State, the court shall hold a hearing and may deny pretrial release only if certain conditions and offenses are met or occur. These include but are not limited to:

- The defendant is charged with a forcible felony offense and pretrial release poses a real and present threat to a specific, identifiable person or persons;
- The defendant is charged with stalking or aggravated stalking and it is alleged that the defendant's pretrial release poses a real and present threat to the physical safety of a victim;
- The victim of abuse was a family or household member; and
- The defendant is charged with domestic battery and it is alleged that the defendant's pretrial release poses a real and present threat to the physical safety of any person.

The language also creates stipulations for the timing of a petition to deny pretrial release and mandates procedures and processes.

IML Position: No Position

Unified Code of Corrections – pg. 482

The language makes several changes to sentence credits certain classes of prisoner may receive.

IML Position: No Position