

1 AN ACT concerning criminal law.

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

4 Section 3. The Illinois Public Labor Relations Act is  
5 amended by changing Section 14 as follows:

6 (5 ILCS 315/14) (from Ch. 48, par. 1614)

7 (Text of Section before amendment by P.A. 101-652)

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

10 (a) In the case of collective bargaining agreements  
11 involving units of security employees of a public employer,  
12 Peace Officer Units, or units of fire fighters or paramedics,  
13 and in the case of disputes under Section 18, unless the  
14 parties mutually agree to some other time limit, mediation  
15 shall commence 30 days prior to the expiration date of such  
16 agreement or at such later time as the mediation services  
17 chosen under subsection (b) of Section 12 can be provided to  
18 the parties. In the case of negotiations for an initial  
19 collective bargaining agreement, mediation shall commence upon  
20 15 days notice from either party or at such later time as the  
21 mediation services chosen pursuant to subsection (b) of  
22 Section 12 can be provided to the parties. In mediation under  
23 this Section, if either party requests the use of mediation

1 services from the Federal Mediation and Conciliation Service,  
2 the other party shall either join in such request or bear the  
3 additional cost of mediation services from another source. The  
4 mediator shall have a duty to keep the Board informed on the  
5 progress of the mediation. If any dispute has not been  
6 resolved within 15 days after the first meeting of the parties  
7 and the mediator, or within such other time limit as may be  
8 mutually agreed upon by the parties, either the exclusive  
9 representative or employer may request of the other, in  
10 writing, arbitration, and shall submit a copy of the request  
11 to the Board.

12 (b) Within 10 days after such a request for arbitration  
13 has been made, the employer shall choose a delegate and the  
14 employees' exclusive representative shall choose a delegate to  
15 a panel of arbitration as provided in this Section. The  
16 employer and employees shall forthwith advise the other and  
17 the Board of their selections.

18 (c) Within 7 days after the request of either party, the  
19 parties shall request a panel of impartial arbitrators from  
20 which they shall select the neutral chairman according to the  
21 procedures provided in this Section. If the parties have  
22 agreed to a contract that contains a grievance resolution  
23 procedure as provided in Section 8, the chairman shall be  
24 selected using their agreed contract procedure unless they  
25 mutually agree to another procedure. If the parties fail to  
26 notify the Board of their selection of neutral chairman within

1 7 days after receipt of the list of impartial arbitrators, the  
2 Board shall appoint, at random, a neutral chairman from the  
3 list. In the absence of an agreed contract procedure for  
4 selecting an impartial arbitrator, either party may request a  
5 panel from the Board. Within 7 days of the request of either  
6 party, the Board shall select from the Public Employees Labor  
7 Mediation Roster 7 persons who are on the labor arbitration  
8 panels of either the American Arbitration Association or the  
9 Federal Mediation and Conciliation Service, or who are members  
10 of the National Academy of Arbitrators, as nominees for  
11 impartial arbitrator of the arbitration panel. The parties may  
12 select an individual on the list provided by the Board or any  
13 other individual mutually agreed upon by the parties. Within 7  
14 days following the receipt of the list, the parties shall  
15 notify the Board of the person they have selected. Unless the  
16 parties agree on an alternate selection procedure, they shall  
17 alternatively strike one name from the list provided by the  
18 Board until only one name remains. A coin toss shall determine  
19 which party shall strike the first name. If the parties fail to  
20 notify the Board in a timely manner of their selection for  
21 neutral chairman, the Board shall appoint a neutral chairman  
22 from the Illinois Public Employees Mediation/Arbitration  
23 Roster.

24 (d) The chairman shall call a hearing to begin within 15  
25 days and give reasonable notice of the time and place of the  
26 hearing. The hearing shall be held at the offices of the Board

1 or at such other location as the Board deems appropriate. The  
2 chairman shall preside over the hearing and shall take  
3 testimony. Any oral or documentary evidence and other data  
4 deemed relevant by the arbitration panel may be received in  
5 evidence. The proceedings shall be informal. Technical rules  
6 of evidence shall not apply and the competency of the evidence  
7 shall not thereby be deemed impaired. A verbatim record of the  
8 proceedings shall be made and the arbitrator shall arrange for  
9 the necessary recording service. Transcripts may be ordered at  
10 the expense of the party ordering them, but the transcripts  
11 shall not be necessary for a decision by the arbitration  
12 panel. The expense of the proceedings, including a fee for the  
13 chairman, shall be borne equally by each of the parties to the  
14 dispute. The delegates, if public officers or employees, shall  
15 continue on the payroll of the public employer without loss of  
16 pay. The hearing conducted by the arbitration panel may be  
17 adjourned from time to time, but unless otherwise agreed by  
18 the parties, shall be concluded within 30 days of the time of  
19 its commencement. Majority actions and rulings shall  
20 constitute the actions and rulings of the arbitration panel.  
21 Arbitration proceedings under this Section shall not be  
22 interrupted or terminated by reason of any unfair labor  
23 practice charge filed by either party at any time.

24 (e) The arbitration panel may administer oaths, require  
25 the attendance of witnesses, and the production of such books,  
26 papers, contracts, agreements and documents as may be deemed

1 by it material to a just determination of the issues in  
2 dispute, and for such purpose may issue subpoenas. If any  
3 person refuses to obey a subpoena, or refuses to be sworn or to  
4 testify, or if any witness, party or attorney is guilty of any  
5 contempt while in attendance at any hearing, the arbitration  
6 panel may, or the attorney general if requested shall, invoke  
7 the aid of any circuit court within the jurisdiction in which  
8 the hearing is being held, which court shall issue an  
9 appropriate order. Any failure to obey the order may be  
10 punished by the court as contempt.

11 (f) At any time before the rendering of an award, the  
12 chairman of the arbitration panel, if he is of the opinion that  
13 it would be useful or beneficial to do so, may remand the  
14 dispute to the parties for further collective bargaining for a  
15 period not to exceed 2 weeks. If the dispute is remanded for  
16 further collective bargaining the time provisions of this Act  
17 shall be extended for a time period equal to that of the  
18 remand. The chairman of the panel of arbitration shall notify  
19 the Board of the remand.

20 (g) At or before the conclusion of the hearing held  
21 pursuant to subsection (d), the arbitration panel shall  
22 identify the economic issues in dispute, and direct each of  
23 the parties to submit, within such time limit as the panel  
24 shall prescribe, to the arbitration panel and to each other  
25 its last offer of settlement on each economic issue. The  
26 determination of the arbitration panel as to the issues in

1 dispute and as to which of these issues are economic shall be  
2 conclusive. The arbitration panel, within 30 days after the  
3 conclusion of the hearing, or such further additional periods  
4 to which the parties may agree, shall make written findings of  
5 fact and promulgate a written opinion and shall mail or  
6 otherwise deliver a true copy thereof to the parties and their  
7 representatives and to the Board. As to each economic issue,  
8 the arbitration panel shall adopt the last offer of settlement  
9 which, in the opinion of the arbitration panel, more nearly  
10 complies with the applicable factors prescribed in subsection  
11 (h). The findings, opinions and order as to all other issues  
12 shall be based upon the applicable factors prescribed in  
13 subsection (h).

14 (h) Where there is no agreement between the parties, or  
15 where there is an agreement but the parties have begun  
16 negotiations or discussions looking to a new agreement or  
17 amendment of the existing agreement, and wage rates or other  
18 conditions of employment under the proposed new or amended  
19 agreement are in dispute, the arbitration panel shall base its  
20 findings, opinions and order upon the following factors, as  
21 applicable:

22 (1) The lawful authority of the employer.

23 (2) Stipulations of the parties.

24 (3) The interests and welfare of the public and the  
25 financial ability of the unit of government to meet those  
26 costs.

1           (4) Comparison of the wages, hours and conditions of  
2 employment of the employees involved in the arbitration  
3 proceeding with the wages, hours and conditions of  
4 employment of other employees performing similar services  
5 and with other employees generally:

6           (A) In public employment in comparable  
7 communities.

8           (B) In private employment in comparable  
9 communities.

10          (5) The average consumer prices for goods and  
11 services, commonly known as the cost of living.

12          (6) The overall compensation presently received by the  
13 employees, including direct wage compensation, vacations,  
14 holidays and other excused time, insurance and pensions,  
15 medical and hospitalization benefits, the continuity and  
16 stability of employment and all other benefits received.

17          (7) Changes in any of the foregoing circumstances  
18 during the pendency of the arbitration proceedings.

19          (8) Such other factors, not confined to the foregoing,  
20 which are normally or traditionally taken into  
21 consideration in the determination of wages, hours and  
22 conditions of employment through voluntary collective  
23 bargaining, mediation, fact-finding, arbitration or  
24 otherwise between the parties, in the public service or in  
25 private employment.

26          (i) In the case of peace officers, the arbitration

1 decision shall be limited to wages, hours, and conditions of  
2 employment (which may include residency requirements in  
3 municipalities with a population under 1,000,000, but those  
4 residency requirements shall not allow residency outside of  
5 Illinois) and shall not include the following: i) residency  
6 requirements in municipalities with a population of at least  
7 1,000,000; ii) the type of equipment, other than uniforms,  
8 issued or used; iii) manning; iv) the total number of  
9 employees employed by the department; v) mutual aid and  
10 assistance agreements to other units of government; and vi)  
11 the criterion pursuant to which force, including deadly force,  
12 can be used; provided, nothing herein shall preclude an  
13 arbitration decision regarding equipment or manning levels if  
14 such decision is based on a finding that the equipment or  
15 manning considerations in a specific work assignment involve a  
16 serious risk to the safety of a peace officer beyond that which  
17 is inherent in the normal performance of police duties.  
18 Limitation of the terms of the arbitration decision pursuant  
19 to this subsection shall not be construed to limit the factors  
20 upon which the decision may be based, as set forth in  
21 subsection (h).

22 In the case of fire fighter, and fire department or fire  
23 district paramedic matters, the arbitration decision shall be  
24 limited to wages, hours, and conditions of employment  
25 (including manning and also including residency requirements  
26 in municipalities with a population under 1,000,000, but those

1 residency requirements shall not allow residency outside of  
2 Illinois) and shall not include the following matters: i)  
3 residency requirements in municipalities with a population of  
4 at least 1,000,000; ii) the type of equipment (other than  
5 uniforms and fire fighter turnout gear) issued or used; iii)  
6 the total number of employees employed by the department; iv)  
7 mutual aid and assistance agreements to other units of  
8 government; and v) the criterion pursuant to which force,  
9 including deadly force, can be used; provided, however,  
10 nothing herein shall preclude an arbitration decision  
11 regarding equipment levels if such decision is based on a  
12 finding that the equipment considerations in a specific work  
13 assignment involve a serious risk to the safety of a fire  
14 fighter beyond that which is inherent in the normal  
15 performance of fire fighter duties. Limitation of the terms of  
16 the arbitration decision pursuant to this subsection shall not  
17 be construed to limit the facts upon which the decision may be  
18 based, as set forth in subsection (h).

19 The changes to this subsection (i) made by Public Act  
20 90-385 (relating to residency requirements) do not apply to  
21 persons who are employed by a combined department that  
22 performs both police and firefighting services; these persons  
23 shall be governed by the provisions of this subsection (i)  
24 relating to peace officers, as they existed before the  
25 amendment by Public Act 90-385.

26 To preserve historical bargaining rights, this subsection

1 shall not apply to any provision of a fire fighter collective  
2 bargaining agreement in effect and applicable on the effective  
3 date of this Act; provided, however, nothing herein shall  
4 preclude arbitration with respect to any such provision.

5 (j) Arbitration procedures shall be deemed to be initiated  
6 by the filing of a letter requesting mediation as required  
7 under subsection (a) of this Section. The commencement of a  
8 new municipal fiscal year after the initiation of arbitration  
9 procedures under this Act, but before the arbitration  
10 decision, or its enforcement, shall not be deemed to render a  
11 dispute moot, or to otherwise impair the jurisdiction or  
12 authority of the arbitration panel or its decision. Increases  
13 in rates of compensation awarded by the arbitration panel may  
14 be effective only at the start of the fiscal year next  
15 commencing after the date of the arbitration award. If a new  
16 fiscal year has commenced either since the initiation of  
17 arbitration procedures under this Act or since any mutually  
18 agreed extension of the statutorily required period of  
19 mediation under this Act by the parties to the labor dispute  
20 causing a delay in the initiation of arbitration, the  
21 foregoing limitations shall be inapplicable, and such awarded  
22 increases may be retroactive to the commencement of the fiscal  
23 year, any other statute or charter provisions to the contrary,  
24 notwithstanding. At any time the parties, by stipulation, may  
25 amend or modify an award of arbitration.

26 (k) Orders of the arbitration panel shall be reviewable,

1 upon appropriate petition by either the public employer or the  
2 exclusive bargaining representative, by the circuit court for  
3 the county in which the dispute arose or in which a majority of  
4 the affected employees reside, but only for reasons that the  
5 arbitration panel was without or exceeded its statutory  
6 authority; the order is arbitrary, or capricious; or the order  
7 was procured by fraud, collusion or other similar and unlawful  
8 means. Such petitions for review must be filed with the  
9 appropriate circuit court within 90 days following the  
10 issuance of the arbitration order. The pendency of such  
11 proceeding for review shall not automatically stay the order  
12 of the arbitration panel. The party against whom the final  
13 decision of any such court shall be adverse, if such court  
14 finds such appeal or petition to be frivolous, shall pay  
15 reasonable attorneys' fees and costs to the successful party  
16 as determined by said court in its discretion. If said court's  
17 decision affirms the award of money, such award, if  
18 retroactive, shall bear interest at the rate of 12 percent per  
19 annum from the effective retroactive date.

20 (1) During the pendency of proceedings before the  
21 arbitration panel, existing wages, hours, and other conditions  
22 of employment shall not be changed by action of either party  
23 without the consent of the other but a party may so consent  
24 without prejudice to his rights or position under this Act.  
25 The proceedings are deemed to be pending before the  
26 arbitration panel upon the initiation of arbitration

1 procedures under this Act.

2 (m) Security officers of public employers, and Peace  
3 Officers, Fire Fighters and fire department and fire  
4 protection district paramedics, covered by this Section may  
5 not withhold services, nor may public employers lock out or  
6 prevent such employees from performing services at any time.

7 (n) All of the terms decided upon by the arbitration panel  
8 shall be included in an agreement to be submitted to the public  
9 employer's governing body for ratification and adoption by  
10 law, ordinance or the equivalent appropriate means.

11 The governing body shall review each term decided by the  
12 arbitration panel. If the governing body fails to reject one  
13 or more terms of the arbitration panel's decision by a 3/5 vote  
14 of those duly elected and qualified members of the governing  
15 body, within 20 days of issuance, or in the case of  
16 firefighters employed by a state university, at the next  
17 regularly scheduled meeting of the governing body after  
18 issuance, such term or terms shall become a part of the  
19 collective bargaining agreement of the parties. If the  
20 governing body affirmatively rejects one or more terms of the  
21 arbitration panel's decision, it must provide reasons for such  
22 rejection with respect to each term so rejected, within 20  
23 days of such rejection and the parties shall return to the  
24 arbitration panel for further proceedings and issuance of a  
25 supplemental decision with respect to the rejected terms. Any  
26 supplemental decision by an arbitration panel or other

1 decision maker agreed to by the parties shall be submitted to  
2 the governing body for ratification and adoption in accordance  
3 with the procedures and voting requirements set forth in this  
4 Section. The voting requirements of this subsection shall  
5 apply to all disputes submitted to arbitration pursuant to  
6 this Section notwithstanding any contrary voting requirements  
7 contained in any existing collective bargaining agreement  
8 between the parties.

9 (o) If the governing body of the employer votes to reject  
10 the panel's decision, the parties shall return to the panel  
11 within 30 days from the issuance of the reasons for rejection  
12 for further proceedings and issuance of a supplemental  
13 decision. All reasonable costs of such supplemental proceeding  
14 including the exclusive representative's reasonable attorney's  
15 fees, as established by the Board, shall be paid by the  
16 employer.

17 (p) Notwithstanding the provisions of this Section the  
18 employer and exclusive representative may agree to submit  
19 unresolved disputes concerning wages, hours, terms and  
20 conditions of employment to an alternative form of impasse  
21 resolution.

22 (Source: P.A. 98-535, eff. 1-1-14; 98-1151, eff. 1-7-15.)

23 (Text of Section after amendment by P.A. 101-652)

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

1           (a) In the case of collective bargaining agreements  
2 involving units of security employees of a public employer,  
3 Peace Officer Units, or units of fire fighters or paramedics,  
4 and in the case of disputes under Section 18, unless the  
5 parties mutually agree to some other time limit, mediation  
6 shall commence 30 days prior to the expiration date of such  
7 agreement or at such later time as the mediation services  
8 chosen under subsection (b) of Section 12 can be provided to  
9 the parties. In the case of negotiations for an initial  
10 collective bargaining agreement, mediation shall commence upon  
11 15 days notice from either party or at such later time as the  
12 mediation services chosen pursuant to subsection (b) of  
13 Section 12 can be provided to the parties. In mediation under  
14 this Section, if either party requests the use of mediation  
15 services from the Federal Mediation and Conciliation Service,  
16 the other party shall either join in such request or bear the  
17 additional cost of mediation services from another source. The  
18 mediator shall have a duty to keep the Board informed on the  
19 progress of the mediation. If any dispute has not been  
20 resolved within 15 days after the first meeting of the parties  
21 and the mediator, or within such other time limit as may be  
22 mutually agreed upon by the parties, either the exclusive  
23 representative or employer may request of the other, in  
24 writing, arbitration, and shall submit a copy of the request  
25 to the Board.

26           (b) Within 10 days after such a request for arbitration

1 has been made, the employer shall choose a delegate and the  
2 employees' exclusive representative shall choose a delegate to  
3 a panel of arbitration as provided in this Section. The  
4 employer and employees shall forthwith advise the other and  
5 the Board of their selections.

6 (c) Within 7 days after the request of either party, the  
7 parties shall request a panel of impartial arbitrators from  
8 which they shall select the neutral chairman according to the  
9 procedures provided in this Section. If the parties have  
10 agreed to a contract that contains a grievance resolution  
11 procedure as provided in Section 8, the chairman shall be  
12 selected using their agreed contract procedure unless they  
13 mutually agree to another procedure. If the parties fail to  
14 notify the Board of their selection of neutral chairman within  
15 7 days after receipt of the list of impartial arbitrators, the  
16 Board shall appoint, at random, a neutral chairman from the  
17 list. In the absence of an agreed contract procedure for  
18 selecting an impartial arbitrator, either party may request a  
19 panel from the Board. Within 7 days of the request of either  
20 party, the Board shall select from the Public Employees Labor  
21 Mediation Roster 7 persons who are on the labor arbitration  
22 panels of either the American Arbitration Association or the  
23 Federal Mediation and Conciliation Service, or who are members  
24 of the National Academy of Arbitrators, as nominees for  
25 impartial arbitrator of the arbitration panel. The parties may  
26 select an individual on the list provided by the Board or any

1 other individual mutually agreed upon by the parties. Within 7  
2 days following the receipt of the list, the parties shall  
3 notify the Board of the person they have selected. Unless the  
4 parties agree on an alternate selection procedure, they shall  
5 alternatively strike one name from the list provided by the  
6 Board until only one name remains. A coin toss shall determine  
7 which party shall strike the first name. If the parties fail to  
8 notify the Board in a timely manner of their selection for  
9 neutral chairman, the Board shall appoint a neutral chairman  
10 from the Illinois Public Employees Mediation/Arbitration  
11 Roster.

12 (d) The chairman shall call a hearing to begin within 15  
13 days and give reasonable notice of the time and place of the  
14 hearing. The hearing shall be held at the offices of the Board  
15 or at such other location as the Board deems appropriate. The  
16 chairman shall preside over the hearing and shall take  
17 testimony. Any oral or documentary evidence and other data  
18 deemed relevant by the arbitration panel may be received in  
19 evidence. The proceedings shall be informal. Technical rules  
20 of evidence shall not apply and the competency of the evidence  
21 shall not thereby be deemed impaired. A verbatim record of the  
22 proceedings shall be made and the arbitrator shall arrange for  
23 the necessary recording service. Transcripts may be ordered at  
24 the expense of the party ordering them, but the transcripts  
25 shall not be necessary for a decision by the arbitration  
26 panel. The expense of the proceedings, including a fee for the

1 chairman, shall be borne equally by each of the parties to the  
2 dispute. The delegates, if public officers or employees, shall  
3 continue on the payroll of the public employer without loss of  
4 pay. The hearing conducted by the arbitration panel may be  
5 adjourned from time to time, but unless otherwise agreed by  
6 the parties, shall be concluded within 30 days of the time of  
7 its commencement. Majority actions and rulings shall  
8 constitute the actions and rulings of the arbitration panel.  
9 Arbitration proceedings under this Section shall not be  
10 interrupted or terminated by reason of any unfair labor  
11 practice charge filed by either party at any time.

12 (e) The arbitration panel may administer oaths, require  
13 the attendance of witnesses, and the production of such books,  
14 papers, contracts, agreements and documents as may be deemed  
15 by it material to a just determination of the issues in  
16 dispute, and for such purpose may issue subpoenas. If any  
17 person refuses to obey a subpoena, or refuses to be sworn or to  
18 testify, or if any witness, party or attorney is guilty of any  
19 contempt while in attendance at any hearing, the arbitration  
20 panel may, or the attorney general if requested shall, invoke  
21 the aid of any circuit court within the jurisdiction in which  
22 the hearing is being held, which court shall issue an  
23 appropriate order. Any failure to obey the order may be  
24 punished by the court as contempt.

25 (f) At any time before the rendering of an award, the  
26 chairman of the arbitration panel, if he is of the opinion that

1 it would be useful or beneficial to do so, may remand the  
2 dispute to the parties for further collective bargaining for a  
3 period not to exceed 2 weeks. If the dispute is remanded for  
4 further collective bargaining the time provisions of this Act  
5 shall be extended for a time period equal to that of the  
6 remand. The chairman of the panel of arbitration shall notify  
7 the Board of the remand.

8 (g) At or before the conclusion of the hearing held  
9 pursuant to subsection (d), the arbitration panel shall  
10 identify the economic issues in dispute, and direct each of  
11 the parties to submit, within such time limit as the panel  
12 shall prescribe, to the arbitration panel and to each other  
13 its last offer of settlement on each economic issue. The  
14 determination of the arbitration panel as to the issues in  
15 dispute and as to which of these issues are economic shall be  
16 conclusive. The arbitration panel, within 30 days after the  
17 conclusion of the hearing, or such further additional periods  
18 to which the parties may agree, shall make written findings of  
19 fact and promulgate a written opinion and shall mail or  
20 otherwise deliver a true copy thereof to the parties and their  
21 representatives and to the Board. As to each economic issue,  
22 the arbitration panel shall adopt the last offer of settlement  
23 which, in the opinion of the arbitration panel, more nearly  
24 complies with the applicable factors prescribed in subsection  
25 (h). The findings, opinions and order as to all other issues  
26 shall be based upon the applicable factors prescribed in

1 subsection (h).

2 (h) Where there is no agreement between the parties, or  
3 where there is an agreement but the parties have begun  
4 negotiations or discussions looking to a new agreement or  
5 amendment of the existing agreement, and wage rates or other  
6 conditions of employment under the proposed new or amended  
7 agreement are in dispute, the arbitration panel shall base its  
8 findings, opinions and order upon the following factors, as  
9 applicable:

10 (1) The lawful authority of the employer.

11 (2) Stipulations of the parties.

12 (3) The interests and welfare of the public and the  
13 financial ability of the unit of government to meet those  
14 costs.

15 (4) Comparison of the wages, hours and conditions of  
16 employment of the employees involved in the arbitration  
17 proceeding with the wages, hours and conditions of  
18 employment of other employees performing similar services  
19 and with other employees generally:

20 (A) In public employment in comparable  
21 communities.

22 (B) In private employment in comparable  
23 communities.

24 (5) The average consumer prices for goods and  
25 services, commonly known as the cost of living.

26 (6) The overall compensation presently received by the

1 employees, including direct wage compensation, vacations,  
2 holidays and other excused time, insurance and pensions,  
3 medical and hospitalization benefits, the continuity and  
4 stability of employment and all other benefits received.

5 (7) Changes in any of the foregoing circumstances  
6 during the pendency of the arbitration proceedings.

7 (8) Such other factors, not confined to the foregoing,  
8 which are normally or traditionally taken into  
9 consideration in the determination of wages, hours and  
10 conditions of employment through voluntary collective  
11 bargaining, mediation, fact-finding, arbitration or  
12 otherwise between the parties, in the public service or in  
13 private employment.

14 (i) In the case of peace officers, the arbitration  
15 decision shall be limited to wages, hours, and conditions of  
16 employment (which may include residency requirements in  
17 municipalities with a population under 100,000, but those  
18 residency requirements shall not allow residency outside of  
19 Illinois) and shall not include the following: i) residency  
20 requirements in municipalities with a population of at least  
21 100,000; ii) the type of equipment, other than uniforms,  
22 issued or used; iii) manning; iv) the total number of  
23 employees employed by the department; v) mutual aid and  
24 assistance agreements to other units of government; and vi)  
25 the criterion pursuant to which force, including deadly force,  
26 can be used; provided, nothing herein shall preclude an

1 arbitration decision regarding equipment or manning levels if  
2 such decision is based on a finding that the equipment or  
3 manning considerations in a specific work assignment involve a  
4 serious risk to the safety of a peace officer beyond that which  
5 is inherent in the normal performance of police duties.  
6 Limitation of the terms of the arbitration decision pursuant  
7 to this subsection shall not be construed to limit the factors  
8 upon which the decision may be based, as set forth in  
9 subsection (h).

10 In the case of fire fighter, and fire department or fire  
11 district paramedic matters, the arbitration decision shall be  
12 limited to wages, hours, and conditions of employment  
13 (including manning and also including residency requirements  
14 in municipalities with a population under 1,000,000, but those  
15 residency requirements shall not allow residency outside of  
16 Illinois) and shall not include the following matters: i)  
17 residency requirements in municipalities with a population of  
18 at least 1,000,000; ii) the type of equipment (other than  
19 uniforms and fire fighter turnout gear) issued or used; iii)  
20 the total number of employees employed by the department; iv)  
21 mutual aid and assistance agreements to other units of  
22 government; and v) the criterion pursuant to which force,  
23 including deadly force, can be used; provided, however,  
24 nothing herein shall preclude an arbitration decision  
25 regarding equipment levels if such decision is based on a  
26 finding that the equipment considerations in a specific work

1 assignment involve a serious risk to the safety of a fire  
2 fighter beyond that which is inherent in the normal  
3 performance of fire fighter duties. Limitation of the terms of  
4 the arbitration decision pursuant to this subsection shall not  
5 be construed to limit the facts upon which the decision may be  
6 based, as set forth in subsection (h).

7 The changes to this subsection (i) made by Public Act  
8 90-385 (relating to residency requirements) do not apply to  
9 persons who are employed by a combined department that  
10 performs both police and firefighting services; these persons  
11 shall be governed by the provisions of this subsection (i)  
12 relating to peace officers, as they existed before the  
13 amendment by Public Act 90-385.

14 To preserve historical bargaining rights, this subsection  
15 shall not apply to any provision of a fire fighter collective  
16 bargaining agreement in effect and applicable on the effective  
17 date of this Act; provided, however, nothing herein shall  
18 preclude arbitration with respect to any such provision.

19 (j) Arbitration procedures shall be deemed to be initiated  
20 by the filing of a letter requesting mediation as required  
21 under subsection (a) of this Section. The commencement of a  
22 new municipal fiscal year after the initiation of arbitration  
23 procedures under this Act, but before the arbitration  
24 decision, or its enforcement, shall not be deemed to render a  
25 dispute moot, or to otherwise impair the jurisdiction or  
26 authority of the arbitration panel or its decision. Increases

1 in rates of compensation awarded by the arbitration panel may  
2 be effective only at the start of the fiscal year next  
3 commencing after the date of the arbitration award. If a new  
4 fiscal year has commenced either since the initiation of  
5 arbitration procedures under this Act or since any mutually  
6 agreed extension of the statutorily required period of  
7 mediation under this Act by the parties to the labor dispute  
8 causing a delay in the initiation of arbitration, the  
9 foregoing limitations shall be inapplicable, and such awarded  
10 increases may be retroactive to the commencement of the fiscal  
11 year, any other statute or charter provisions to the contrary,  
12 notwithstanding. At any time the parties, by stipulation, may  
13 amend or modify an award of arbitration.

14 (k) Orders of the arbitration panel shall be reviewable,  
15 upon appropriate petition by either the public employer or the  
16 exclusive bargaining representative, by the circuit court for  
17 the county in which the dispute arose or in which a majority of  
18 the affected employees reside, but only for reasons that the  
19 arbitration panel was without or exceeded its statutory  
20 authority; the order is arbitrary, or capricious; or the order  
21 was procured by fraud, collusion or other similar and unlawful  
22 means. Such petitions for review must be filed with the  
23 appropriate circuit court within 90 days following the  
24 issuance of the arbitration order. The pendency of such  
25 proceeding for review shall not automatically stay the order  
26 of the arbitration panel. The party against whom the final

1 decision of any such court shall be adverse, if such court  
2 finds such appeal or petition to be frivolous, shall pay  
3 reasonable attorneys' fees and costs to the successful party  
4 as determined by said court in its discretion. If said court's  
5 decision affirms the award of money, such award, if  
6 retroactive, shall bear interest at the rate of 12 percent per  
7 annum from the effective retroactive date.

8 (l) During the pendency of proceedings before the  
9 arbitration panel, existing wages, hours, and other conditions  
10 of employment shall not be changed by action of either party  
11 without the consent of the other but a party may so consent  
12 without prejudice to his rights or position under this Act.  
13 The proceedings are deemed to be pending before the  
14 arbitration panel upon the initiation of arbitration  
15 procedures under this Act.

16 (m) Security officers of public employers, and Peace  
17 Officers, Fire Fighters and fire department and fire  
18 protection district paramedics, covered by this Section may  
19 not withhold services, nor may public employers lock out or  
20 prevent such employees from performing services at any time.

21 (n) All of the terms decided upon by the arbitration panel  
22 shall be included in an agreement to be submitted to the public  
23 employer's governing body for ratification and adoption by  
24 law, ordinance or the equivalent appropriate means.

25 The governing body shall review each term decided by the  
26 arbitration panel. If the governing body fails to reject one

1 or more terms of the arbitration panel's decision by a 3/5 vote  
2 of those duly elected and qualified members of the governing  
3 body, within 20 days of issuance, or in the case of  
4 firefighters employed by a state university, at the next  
5 regularly scheduled meeting of the governing body after  
6 issuance, such term or terms shall become a part of the  
7 collective bargaining agreement of the parties. If the  
8 governing body affirmatively rejects one or more terms of the  
9 arbitration panel's decision, it must provide reasons for such  
10 rejection with respect to each term so rejected, within 20  
11 days of such rejection and the parties shall return to the  
12 arbitration panel for further proceedings and issuance of a  
13 supplemental decision with respect to the rejected terms. Any  
14 supplemental decision by an arbitration panel or other  
15 decision maker agreed to by the parties shall be submitted to  
16 the governing body for ratification and adoption in accordance  
17 with the procedures and voting requirements set forth in this  
18 Section. The voting requirements of this subsection shall  
19 apply to all disputes submitted to arbitration pursuant to  
20 this Section notwithstanding any contrary voting requirements  
21 contained in any existing collective bargaining agreement  
22 between the parties.

23 (o) If the governing body of the employer votes to reject  
24 the panel's decision, the parties shall return to the panel  
25 within 30 days from the issuance of the reasons for rejection  
26 for further proceedings and issuance of a supplemental

1 decision. All reasonable costs of such supplemental proceeding  
2 including the exclusive representative's reasonable attorney's  
3 fees, as established by the Board, shall be paid by the  
4 employer.

5 (p) Notwithstanding the provisions of this Section the  
6 employer and exclusive representative may agree to submit  
7 unresolved disputes concerning wages, hours, terms and  
8 conditions of employment to an alternative form of impasse  
9 resolution.

10 The amendatory changes to this Section made by Public Act  
11 101-652 take effect July 1, 2022.

12 (Source: P.A. 101-652, eff. 7-1-21.)

13 Section 5. The State Police Act is amended by changing  
14 Section 17c as follows:

15 (20 ILCS 2610/17c)

16 Sec. 17c. Military equipment surplus program.

17 (a) For purposes of this Section:

18 "Bayonet" means a large knife designed to be attached to  
19 the muzzle of a rifle, shotgun, or long gun for the purpose of  
20 hand-to-hand combat.

21 "Grenade launcher" means a firearm or firearm accessory  
22 used ~~designed~~ to launch fragmentary ~~small~~ explosive rounds  
23 designed to inflict death or cause great bodily harm  
24 projectiles.

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

9 "Tracked armored vehicle" means a vehicle that provides  
10 ballistic protection to its occupants and utilizes a tracked  
11 system instead installed of wheels for forward motion, not  
12 including vehicles listed in the Authorized Equipment List as  
13 published by the Federal Emergency Management Agency.

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

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

- 19 (1) tracked armored vehicles;
- 20 (2) weaponized aircraft, vessels, or vehicles;
- 21 (3) firearms of .50-caliber or higher;
- 22 (4) ammunition of .50-caliber or higher;
- 23 (5) grenade launchers; or
- 24 (6) bayonets.

25 (c) If the Illinois State Police request other property  
26 not prohibited by this Section from a military equipment

1 surplus program, the Illinois State Police shall publish  
2 notice of the request on a publicly accessible website  
3 maintained by the Illinois State Police within 14 days after  
4 the request.

5 (Source: P.A. 101-652, eff. 7-1-21.)

6 Section 10. The Task Force on Constitutional Rights and  
7 Remedies Act is amended by changing Sections 4-10 and 4-15 as  
8 follows:

9 (20 ILCS 5165/4-10)

10 (This Section may contain text from a Public Act with a  
11 delayed effective date)

12 (Section scheduled to be repealed on January 1, 2022)

13 Sec. 4-10. Task Force Members.

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

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

22 (2) Four members of the public appointed, one  
23 appointed by each the Speaker of the House of  
24 Representatives, Minority Leader of the House of

1 Representatives, Minority Leader of the House of  
2 Representatives, President of the Senate, Minority Leader  
3 of the Senate.

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

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

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

14 (6) A retired judge appointed by the Governor.

15 (7) one State Representative, appointed by the Speaker  
16 of the House of Representatives; one State Representative,  
17 appointed by the Minority Leader of the House of  
18 Representatives; one State Senator, appointed by the  
19 President of the Senate; one State Senator, appointed by  
20 the Minority Leader of the Senate.

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

23 (c) The Illinois Criminal Justice Information Authority  
24 shall provide administrative and technical support to the Task  
25 Force and be responsible for administering its operations,  
26 ~~appointing a chairperson,~~ and ensuring that the requirements

1 of the Task Force are met. The President of the Senate and the  
2 Speaker of the House of Representatives shall appoint  
3 co-chairpersons for the Task Force. The Task Force shall have  
4 all appointments made within 30 days of the effective date of  
5 this amendatory Act of the 101st General Assembly.

6 (Source: P.A. 101-652, eff. 7-1-21.)

7 (20 ILCS 5165/4-15)

8 (This Section may contain text from a Public Act with a  
9 delayed effective date)

10 (Section scheduled to be repealed on January 1, 2022)

11 Sec. 4-15. Meetings; report.

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

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

18 (c) The Task Force shall produce a report detailing the  
19 Task Force's findings and recommendations and needed  
20 resources. The Task Force shall submit a report of its  
21 findings and recommendations to the General Assembly and the  
22 Governor by October 31 ~~May 1~~, 2021.

23 (Source: P.A. 101-652, eff. 7-1-21.)

24 Section 15. The Illinois Police Training Act is amended by

1 changing Sections 7, 8.1, 10.6, and 10.17 as follows:

2 (50 ILCS 705/7) (from Ch. 85, par. 507)

3 (Text of Section before amendment by P.A. 101-652)

4 Sec. 7. Rules and standards for schools. The Board shall  
5 adopt rules and minimum standards for such schools which shall  
6 include, but not be limited to, the following:

7 a. The curriculum for probationary police officers  
8 which shall be offered by all certified schools shall  
9 include, but not be limited to, courses of procedural  
10 justice, arrest and use and control tactics, search and  
11 seizure, including temporary questioning, civil rights,  
12 human rights, human relations, cultural competency,  
13 including implicit bias and racial and ethnic sensitivity,  
14 criminal law, law of criminal procedure, constitutional  
15 and proper use of law enforcement authority, vehicle and  
16 traffic law including uniform and non-discriminatory  
17 enforcement of the Illinois Vehicle Code, traffic control  
18 and accident investigation, techniques of obtaining  
19 physical evidence, court testimonies, statements, reports,  
20 firearms training, training in the use of electronic  
21 control devices, including the psychological and  
22 physiological effects of the use of those devices on  
23 humans, first-aid (including cardiopulmonary  
24 resuscitation), training in the administration of opioid  
25 antagonists as defined in paragraph (1) of subsection (e)

1 of Section 5-23 of the Substance Use Disorder Act,  
2 handling of juvenile offenders, recognition of mental  
3 conditions and crises, including, but not limited to, the  
4 disease of addiction, which require immediate assistance  
5 and response and methods to safeguard and provide  
6 assistance to a person in need of mental treatment,  
7 recognition of abuse, neglect, financial exploitation, and  
8 self-neglect of adults with disabilities and older adults,  
9 as defined in Section 2 of the Adult Protective Services  
10 Act, crimes against the elderly, law of evidence, the  
11 hazards of high-speed police vehicle chases with an  
12 emphasis on alternatives to the high-speed chase, and  
13 physical training. The curriculum shall include specific  
14 training in techniques for immediate response to and  
15 investigation of cases of domestic violence and of sexual  
16 assault of adults and children, including cultural  
17 perceptions and common myths of sexual assault and sexual  
18 abuse as well as interview techniques that are age  
19 sensitive and are trauma informed, victim centered, and  
20 victim sensitive. The curriculum shall include training in  
21 techniques designed to promote effective communication at  
22 the initial contact with crime victims and ways to  
23 comprehensively explain to victims and witnesses their  
24 rights under the Rights of Crime Victims and Witnesses Act  
25 and the Crime Victims Compensation Act. The curriculum  
26 shall also include training in effective recognition of

1 and responses to stress, trauma, and post-traumatic stress  
2 experienced by police officers that is consistent with  
3 Section 25 of the Illinois Mental Health First Aid  
4 Training Act in a peer setting, including recognizing  
5 signs and symptoms of work-related cumulative stress,  
6 issues that may lead to suicide, and solutions for  
7 intervention with peer support resources. The curriculum  
8 shall include a block of instruction addressing the  
9 mandatory reporting requirements under the Abused and  
10 Neglected Child Reporting Act. The curriculum shall also  
11 include a block of instruction aimed at identifying and  
12 interacting with persons with autism and other  
13 developmental or physical disabilities, reducing barriers  
14 to reporting crimes against persons with autism, and  
15 addressing the unique challenges presented by cases  
16 involving victims or witnesses with autism and other  
17 developmental disabilities. The curriculum shall include  
18 training in the detection and investigation of all forms  
19 of human trafficking. The curriculum shall also include  
20 instruction in trauma-informed responses designed to  
21 ensure the physical safety and well-being of a child of an  
22 arrested parent or immediate family member; this  
23 instruction must include, but is not limited to: (1)  
24 understanding the trauma experienced by the child while  
25 maintaining the integrity of the arrest and safety of  
26 officers, suspects, and other involved individuals; (2)

1 de-escalation tactics that would include the use of force  
2 when reasonably necessary; and (3) inquiring whether a  
3 child will require supervision and care. The curriculum  
4 for permanent police officers shall include, but not be  
5 limited to: (1) refresher and in-service training in any  
6 of the courses listed above in this subparagraph, (2)  
7 advanced courses in any of the subjects listed above in  
8 this subparagraph, (3) training for supervisory personnel,  
9 and (4) specialized training in subjects and fields to be  
10 selected by the board. The training in the use of  
11 electronic control devices shall be conducted for  
12 probationary police officers, including University police  
13 officers.

14 b. Minimum courses of study, attendance requirements  
15 and equipment requirements.

16 c. Minimum requirements for instructors.

17 d. Minimum basic training requirements, which a  
18 probationary police officer must satisfactorily complete  
19 before being eligible for permanent employment as a local  
20 law enforcement officer for a participating local  
21 governmental agency. Those requirements shall include  
22 training in first aid (including cardiopulmonary  
23 resuscitation).

24 e. Minimum basic training requirements, which a  
25 probationary county corrections officer must  
26 satisfactorily complete before being eligible for

1 permanent employment as a county corrections officer for a  
2 participating local governmental agency.

3 f. Minimum basic training requirements which a  
4 probationary court security officer must satisfactorily  
5 complete before being eligible for permanent employment as  
6 a court security officer for a participating local  
7 governmental agency. The Board shall establish those  
8 training requirements which it considers appropriate for  
9 court security officers and shall certify schools to  
10 conduct that training.

11 A person hired to serve as a court security officer  
12 must obtain from the Board a certificate (i) attesting to  
13 his or her successful completion of the training course;  
14 (ii) attesting to his or her satisfactory completion of a  
15 training program of similar content and number of hours  
16 that has been found acceptable by the Board under the  
17 provisions of this Act; or (iii) attesting to the Board's  
18 determination that the training course is unnecessary  
19 because of the person's extensive prior law enforcement  
20 experience.

21 Individuals who currently serve as court security  
22 officers shall be deemed qualified to continue to serve in  
23 that capacity so long as they are certified as provided by  
24 this Act within 24 months of June 1, 1997 (the effective  
25 date of Public Act 89-685). Failure to be so certified,  
26 absent a waiver from the Board, shall cause the officer to

1           forfeit his or her position.

2           All individuals hired as court security officers on or  
3           after June 1, 1997 (the effective date of Public Act  
4           89-685) shall be certified within 12 months of the date of  
5           their hire, unless a waiver has been obtained by the  
6           Board, or they shall forfeit their positions.

7           The Sheriff's Merit Commission, if one exists, or the  
8           Sheriff's Office if there is no Sheriff's Merit  
9           Commission, shall maintain a list of all individuals who  
10          have filed applications to become court security officers  
11          and who meet the eligibility requirements established  
12          under this Act. Either the Sheriff's Merit Commission, or  
13          the Sheriff's Office if no Sheriff's Merit Commission  
14          exists, shall establish a schedule of reasonable intervals  
15          for verification of the applicants' qualifications under  
16          this Act and as established by the Board.

17          g. Minimum in-service training requirements, which a  
18          police officer must satisfactorily complete every 3 years.  
19          Those requirements shall include constitutional and proper  
20          use of law enforcement authority, procedural justice,  
21          civil rights, human rights, mental health awareness and  
22          response, officer wellness, reporting child abuse and  
23          neglect, and cultural competency.

24          h. Minimum in-service training requirements, which a  
25          police officer must satisfactorily complete at least  
26          annually. Those requirements shall include law updates and

1 use of force training which shall include scenario based  
2 training, or similar training approved by the Board.

3 (Source: P.A. 100-121, eff. 1-1-18; 100-247, eff. 1-1-18;  
4 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-910, eff.  
5 1-1-19; 101-18, eff. 1-1-20; 101-81, eff. 7-12-19; 101-215,  
6 eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff. 8-16-19;  
7 101-564, eff. 1-1-20; revised 9-10-19.)

8 (Text of Section after amendment by P.A. 101-652, Article  
9 10, Section 10-143 but before amendment by P.A. 101-652,  
10 Article 25, Section 25-40)

11 Sec. 7. Rules and standards for schools. The Board shall  
12 adopt rules and minimum standards for such schools which shall  
13 include, but not be limited to, the following:

14 a. The curriculum for probationary police officers  
15 which shall be offered by all certified schools shall  
16 include, but not be limited to, courses of procedural  
17 justice, arrest and use and control tactics, search and  
18 seizure, including temporary questioning, civil rights,  
19 human rights, human relations, cultural competency,  
20 including implicit bias and racial and ethnic sensitivity,  
21 criminal law, law of criminal procedure, constitutional  
22 and proper use of law enforcement authority, crisis  
23 intervention training, vehicle and traffic law including  
24 uniform and non-discriminatory enforcement of the Illinois  
25 Vehicle Code, traffic control and accident investigation,

1 techniques of obtaining physical evidence, court  
2 testimonies, statements, reports, firearms training,  
3 training in the use of electronic control devices,  
4 including the psychological and physiological effects of  
5 the use of those devices on humans, first-aid (including  
6 cardiopulmonary resuscitation), training in the  
7 administration of opioid antagonists as defined in  
8 paragraph (1) of subsection (e) of Section 5-23 of the  
9 Substance Use Disorder Act, handling of juvenile  
10 offenders, recognition of mental conditions and crises,  
11 including, but not limited to, the disease of addiction,  
12 which require immediate assistance and response and  
13 methods to safeguard and provide assistance to a person in  
14 need of mental treatment, recognition of abuse, neglect,  
15 financial exploitation, and self-neglect of adults with  
16 disabilities and older adults, as defined in Section 2 of  
17 the Adult Protective Services Act, crimes against the  
18 elderly, law of evidence, the hazards of high-speed police  
19 vehicle chases with an emphasis on alternatives to the  
20 high-speed chase, and physical training. The curriculum  
21 shall include specific training in techniques for  
22 immediate response to and investigation of cases of  
23 domestic violence and of sexual assault of adults and  
24 children, including cultural perceptions and common myths  
25 of sexual assault and sexual abuse as well as interview  
26 techniques that are age sensitive and are trauma informed,

1 victim centered, and victim sensitive. The curriculum  
2 shall include training in techniques designed to promote  
3 effective communication at the initial contact with crime  
4 victims and ways to comprehensively explain to victims and  
5 witnesses their rights under the Rights of Crime Victims  
6 and Witnesses Act and the Crime Victims Compensation Act.  
7 The curriculum shall also include training in effective  
8 recognition of and responses to stress, trauma, and  
9 post-traumatic stress experienced by police officers that  
10 is consistent with Section 25 of the Illinois Mental  
11 Health First Aid Training Act in a peer setting, including  
12 recognizing signs and symptoms of work-related cumulative  
13 stress, issues that may lead to suicide, and solutions for  
14 intervention with peer support resources. The curriculum  
15 shall include a block of instruction addressing the  
16 mandatory reporting requirements under the Abused and  
17 Neglected Child Reporting Act. The curriculum shall also  
18 include a block of instruction aimed at identifying and  
19 interacting with persons with autism and other  
20 developmental or physical disabilities, reducing barriers  
21 to reporting crimes against persons with autism, and  
22 addressing the unique challenges presented by cases  
23 involving victims or witnesses with autism and other  
24 developmental disabilities. The curriculum shall include  
25 training in the detection and investigation of all forms  
26 of human trafficking. The curriculum shall also include

1 instruction in trauma-informed responses designed to  
2 ensure the physical safety and well-being of a child of an  
3 arrested parent or immediate family member; this  
4 instruction must include, but is not limited to: (1)  
5 understanding the trauma experienced by the child while  
6 maintaining the integrity of the arrest and safety of  
7 officers, suspects, and other involved individuals; (2)  
8 de-escalation tactics that would include the use of force  
9 when reasonably necessary; and (3) inquiring whether a  
10 child will require supervision and care. The curriculum  
11 for probationary police officers shall include: (1) at  
12 least 12 hours of hands-on, scenario-based role-playing;  
13 (2) at least 6 hours of instruction on use of force  
14 techniques, including the use of de-escalation techniques  
15 to prevent or reduce the need for force whenever safe and  
16 feasible; (3) specific training on officer safety  
17 techniques, including cover, concealment, and time; and  
18 (4) at least 6 hours of training focused on high-risk  
19 traffic stops. The curriculum for permanent police  
20 officers shall include, but not be limited to: (1)  
21 refresher and in-service training in any of the courses  
22 listed above in this subparagraph, (2) advanced courses in  
23 any of the subjects listed above in this subparagraph, (3)  
24 training for supervisory personnel, and (4) specialized  
25 training in subjects and fields to be selected by the  
26 board. The training in the use of electronic control

1 devices shall be conducted for probationary police  
2 officers, including University police officers.

3 b. Minimum courses of study, attendance requirements  
4 and equipment requirements.

5 c. Minimum requirements for instructors.

6 d. Minimum basic training requirements, which a  
7 probationary police officer must satisfactorily complete  
8 before being eligible for permanent employment as a local  
9 law enforcement officer for a participating local  
10 governmental agency. Those requirements shall include  
11 training in first aid (including cardiopulmonary  
12 resuscitation).

13 e. Minimum basic training requirements, which a  
14 probationary county corrections officer must  
15 satisfactorily complete before being eligible for  
16 permanent employment as a county corrections officer for a  
17 participating local governmental agency.

18 f. Minimum basic training requirements which a  
19 probationary court security officer must satisfactorily  
20 complete before being eligible for permanent employment as  
21 a court security officer for a participating local  
22 governmental agency. The Board shall establish those  
23 training requirements which it considers appropriate for  
24 court security officers and shall certify schools to  
25 conduct that training.

26 A person hired to serve as a court security officer

1 must obtain from the Board a certificate (i) attesting to  
2 his or her successful completion of the training course;  
3 (ii) attesting to his or her satisfactory completion of a  
4 training program of similar content and number of hours  
5 that has been found acceptable by the Board under the  
6 provisions of this Act; or (iii) attesting to the Board's  
7 determination that the training course is unnecessary  
8 because of the person's extensive prior law enforcement  
9 experience.

10 Individuals who currently serve as court security  
11 officers shall be deemed qualified to continue to serve in  
12 that capacity so long as they are certified as provided by  
13 this Act within 24 months of June 1, 1997 (the effective  
14 date of Public Act 89-685). Failure to be so certified,  
15 absent a waiver from the Board, shall cause the officer to  
16 forfeit his or her position.

17 All individuals hired as court security officers on or  
18 after June 1, 1997 (the effective date of Public Act  
19 89-685) shall be certified within 12 months of the date of  
20 their hire, unless a waiver has been obtained by the  
21 Board, or they shall forfeit their positions.

22 The Sheriff's Merit Commission, if one exists, or the  
23 Sheriff's Office if there is no Sheriff's Merit  
24 Commission, shall maintain a list of all individuals who  
25 have filed applications to become court security officers  
26 and who meet the eligibility requirements established

1 under this Act. Either the Sheriff's Merit Commission, or  
2 the Sheriff's Office if no Sheriff's Merit Commission  
3 exists, shall establish a schedule of reasonable intervals  
4 for verification of the applicants' qualifications under  
5 this Act and as established by the Board.

6 g. Minimum in-service training requirements, which a  
7 police officer must satisfactorily complete every 3 years.  
8 Those requirements shall include constitutional and proper  
9 use of law enforcement authority, procedural justice,  
10 civil rights, human rights, reporting child abuse and  
11 neglect, and cultural competency, including implicit bias  
12 and racial and ethnic sensitivity. These trainings shall  
13 consist of at least 30 hours of training every 3 years.

14 h. Minimum in-service training requirements, which a  
15 police officer must satisfactorily complete at least  
16 annually. Those requirements shall include law updates,  
17 emergency medical response training and certification,  
18 crisis intervention training, and officer wellness and  
19 mental health.

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

22 The amendatory changes to this Section made by Public Act  
23 101-652 shall take effect January 1, 2022.

24 (Source: P.A. 100-121, eff. 1-1-18; 100-247, eff. 1-1-18;  
25 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-910, eff.  
26 1-1-19; 101-18, eff. 1-1-20; 101-81, eff. 7-12-19; 101-215,

1 eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff. 8-16-19;  
2 101-564, eff. 1-1-20; P.A. 101-652, Article 10, Section  
3 10-143, eff. 7-1-21.)

4 (Text of Section after amendment by P.A. 101-652, Article  
5 25, Section 25-40)

6 Sec. 7. Rules and standards for schools. The Board shall  
7 adopt rules and minimum standards for such schools which shall  
8 include, but not be limited to, the following:

9 a. The curriculum for probationary law enforcement  
10 officers which shall be offered by all certified schools  
11 shall include, but not be limited to, courses of  
12 procedural justice, arrest and use and control tactics,  
13 search and seizure, including temporary questioning, civil  
14 rights, human rights, human relations, cultural  
15 competency, including implicit bias and racial and ethnic  
16 sensitivity, criminal law, law of criminal procedure,  
17 constitutional and proper use of law enforcement  
18 authority, crisis intervention training, vehicle and  
19 traffic law including uniform and non-discriminatory  
20 enforcement of the Illinois Vehicle Code, traffic control  
21 and accident investigation, techniques of obtaining  
22 physical evidence, court testimonies, statements, reports,  
23 firearms training, training in the use of electronic  
24 control devices, including the psychological and  
25 physiological effects of the use of those devices on

1 humans, first-aid (including cardiopulmonary  
2 resuscitation), training in the administration of opioid  
3 antagonists as defined in paragraph (1) of subsection (e)  
4 of Section 5-23 of the Substance Use Disorder Act,  
5 handling of juvenile offenders, recognition of mental  
6 conditions and crises, including, but not limited to, the  
7 disease of addiction, which require immediate assistance  
8 and response and methods to safeguard and provide  
9 assistance to a person in need of mental treatment,  
10 recognition of abuse, neglect, financial exploitation, and  
11 self-neglect of adults with disabilities and older adults,  
12 as defined in Section 2 of the Adult Protective Services  
13 Act, crimes against the elderly, law of evidence, the  
14 hazards of high-speed police vehicle chases with an  
15 emphasis on alternatives to the high-speed chase, and  
16 physical training. The curriculum shall include specific  
17 training in techniques for immediate response to and  
18 investigation of cases of domestic violence and of sexual  
19 assault of adults and children, including cultural  
20 perceptions and common myths of sexual assault and sexual  
21 abuse as well as interview techniques that are age  
22 sensitive and are trauma informed, victim centered, and  
23 victim sensitive. The curriculum shall include training in  
24 techniques designed to promote effective communication at  
25 the initial contact with crime victims and ways to  
26 comprehensively explain to victims and witnesses their

1 rights under the Rights of Crime Victims and Witnesses Act  
2 and the Crime Victims Compensation Act. The curriculum  
3 shall also include training in effective recognition of  
4 and responses to stress, trauma, and post-traumatic stress  
5 experienced by law enforcement officers that is consistent  
6 with Section 25 of the Illinois Mental Health First Aid  
7 Training Act in a peer setting, including recognizing  
8 signs and symptoms of work-related cumulative stress,  
9 issues that may lead to suicide, and solutions for  
10 intervention with peer support resources. The curriculum  
11 shall include a block of instruction addressing the  
12 mandatory reporting requirements under the Abused and  
13 Neglected Child Reporting Act. The curriculum shall also  
14 include a block of instruction aimed at identifying and  
15 interacting with persons with autism and other  
16 developmental or physical disabilities, reducing barriers  
17 to reporting crimes against persons with autism, and  
18 addressing the unique challenges presented by cases  
19 involving victims or witnesses with autism and other  
20 developmental disabilities. The curriculum shall include  
21 training in the detection and investigation of all forms  
22 of human trafficking. The curriculum shall also include  
23 instruction in trauma-informed responses designed to  
24 ensure the physical safety and well-being of a child of an  
25 arrested parent or immediate family member; this  
26 instruction must include, but is not limited to: (1)

1 understanding the trauma experienced by the child while  
2 maintaining the integrity of the arrest and safety of  
3 officers, suspects, and other involved individuals; (2)  
4 de-escalation tactics that would include the use of force  
5 when reasonably necessary; and (3) inquiring whether a  
6 child will require supervision and care. The curriculum  
7 for probationary law enforcement ~~police~~ officers shall  
8 include: (1) at least 12 hours of hands-on, scenario-based  
9 role-playing; (2) at least 6 hours of instruction on use  
10 of force techniques, including the use of de-escalation  
11 techniques to prevent or reduce the need for force  
12 whenever safe and feasible; (3) specific training on  
13 officer safety techniques, including cover, concealment,  
14 and time; and (4) at least 6 hours of training focused on  
15 high-risk traffic stops. The curriculum for permanent law  
16 enforcement officers shall include, but not be limited to:  
17 (1) refresher and in-service training in any of the  
18 courses listed above in this subparagraph, (2) advanced  
19 courses in any of the subjects listed above in this  
20 subparagraph, (3) training for supervisory personnel, and  
21 (4) specialized training in subjects and fields to be  
22 selected by the board. The training in the use of  
23 electronic control devices shall be conducted for  
24 probationary law enforcement officers, including  
25 University police officers.

26 b. Minimum courses of study, attendance requirements

1 and equipment requirements.

2 c. Minimum requirements for instructors.

3 d. Minimum basic training requirements, which a  
4 probationary law enforcement officer must satisfactorily  
5 complete before being eligible for permanent employment as  
6 a local law enforcement officer for a participating local  
7 governmental or State ~~state~~ governmental agency. Those  
8 requirements shall include training in first aid  
9 (including cardiopulmonary resuscitation).

10 e. Minimum basic training requirements, which a  
11 probationary county corrections officer must  
12 satisfactorily complete before being eligible for  
13 permanent employment as a county corrections officer for a  
14 participating local governmental agency.

15 f. Minimum basic training requirements which a  
16 probationary court security officer must satisfactorily  
17 complete before being eligible for permanent employment as  
18 a court security officer for a participating local  
19 governmental agency. The Board shall establish those  
20 training requirements which it considers appropriate for  
21 court security officers and shall certify schools to  
22 conduct that training.

23 A person hired to serve as a court security officer  
24 must obtain from the Board a certificate (i) attesting to  
25 the officer's successful completion of the training  
26 course; (ii) attesting to the officer's satisfactory

1 completion of a training program of similar content and  
2 number of hours that has been found acceptable by the  
3 Board under the provisions of this Act; or (iii) attesting  
4 to the Board's determination that the training course is  
5 unnecessary because of the person's extensive prior law  
6 enforcement experience.

7 Individuals who currently serve as court security  
8 officers shall be deemed qualified to continue to serve in  
9 that capacity so long as they are certified as provided by  
10 this Act within 24 months of June 1, 1997 (the effective  
11 date of Public Act 89-685). Failure to be so certified,  
12 absent a waiver from the Board, shall cause the officer to  
13 forfeit his or her position.

14 All individuals hired as court security officers on or  
15 after June 1, 1997 (the effective date of Public Act  
16 89-685) shall be certified within 12 months of the date of  
17 their hire, unless a waiver has been obtained by the  
18 Board, or they shall forfeit their positions.

19 The Sheriff's Merit Commission, if one exists, or the  
20 Sheriff's Office if there is no Sheriff's Merit  
21 Commission, shall maintain a list of all individuals who  
22 have filed applications to become court security officers  
23 and who meet the eligibility requirements established  
24 under this Act. Either the Sheriff's Merit Commission, or  
25 the Sheriff's Office if no Sheriff's Merit Commission  
26 exists, shall establish a schedule of reasonable intervals

1 for verification of the applicants' qualifications under  
2 this Act and as established by the Board.

3 g. Minimum in-service training requirements, which a  
4 law enforcement officer must satisfactorily complete every  
5 3 years. Those requirements shall include constitutional  
6 and proper use of law enforcement authority, procedural  
7 justice, civil rights, human rights, reporting child abuse  
8 and neglect, and cultural competency, including implicit  
9 bias and racial and ethnic sensitivity. These trainings  
10 shall consist of at least 30 hours of training every 3  
11 years.

12 h. Minimum in-service training requirements, which a  
13 law enforcement officer must satisfactorily complete at  
14 least annually. Those requirements shall include law  
15 updates, emergency medical response training and  
16 certification, crisis intervention training, and officer  
17 wellness and mental health.

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

20 The amendatory changes to this Section made by Public Act  
21 101-652 shall take effect January 1, 2022.

22 (Source: P.A. 100-121, eff. 1-1-18; 100-247, eff. 1-1-18;  
23 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-910, eff.  
24 1-1-19; 101-18, eff. 1-1-20; 101-81, eff. 7-12-19; 101-215,  
25 eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff. 8-16-19;  
26 101-564, eff. 1-1-20; P.A. 101-652, Article 10, Section

1 10-143, eff. 7-1-21; 101-652, Article 25, Section 25-40, eff.  
2 1-1-22; revised 4-26-21.)

3 (50 ILCS 705/8.1) (from Ch. 85, par. 508.1)

4 (Text of Section before amendment by P.A. 101-652)

5 Sec. 8.1. Full-time police and county corrections  
6 officers.

7 (a) After January 1, 1976, no person shall receive a  
8 permanent appointment as a law enforcement officer as defined  
9 in this Act nor shall any person receive, after the effective  
10 date of this amendatory Act of 1984, a permanent appointment  
11 as a county corrections officer unless that person has been  
12 awarded, within 6 months of his or her initial full-time  
13 employment, a certificate attesting to his or her successful  
14 completion of the Minimum Standards Basic Law Enforcement and  
15 County Correctional Training Course as prescribed by the  
16 Board; or has been awarded a certificate attesting to his or  
17 her satisfactory completion of a training program of similar  
18 content and number of hours and which course has been found  
19 acceptable by the Board under the provisions of this Act; or by  
20 reason of extensive prior law enforcement or county  
21 corrections experience the basic training requirement is  
22 determined by the Board to be illogical and unreasonable.

23 If such training is required and not completed within the  
24 applicable 6 months, then the officer must forfeit his or her  
25 position, or the employing agency must obtain a waiver from

1 the Board extending the period for compliance. Such waiver  
2 shall be issued only for good and justifiable reasons, and in  
3 no case shall extend more than 90 days beyond the initial 6  
4 months. Any hiring agency that fails to train a law  
5 enforcement officer within this period shall be prohibited  
6 from employing this individual in a law enforcement capacity  
7 for one year from the date training was to be completed. If an  
8 agency again fails to train the individual a second time, the  
9 agency shall be permanently barred from employing this  
10 individual in a law enforcement capacity.

11 (b) No provision of this Section shall be construed to  
12 mean that a law enforcement officer employed by a local  
13 governmental agency at the time of the effective date of this  
14 amendatory Act, either as a probationary police officer or as  
15 a permanent police officer, shall require certification under  
16 the provisions of this Section. No provision of this Section  
17 shall be construed to mean that a county corrections officer  
18 employed by a local governmental agency at the time of the  
19 effective date of this amendatory Act of 1984, either as a  
20 probationary county corrections or as a permanent county  
21 corrections officer, shall require certification under the  
22 provisions of this Section. No provision of this Section shall  
23 be construed to apply to certification of elected county  
24 sheriffs.

25 (c) This Section does not apply to part-time police  
26 officers or probationary part-time police officers.

1 (Source: P.A. 101-187, eff. 1-1-20.)

2 (Text of Section after amendment by P.A. 101-652)

3 Sec. 8.1. Full-time law enforcement and county corrections  
4 officers.

5 (a) No person shall receive a permanent appointment as a  
6 law enforcement officer or a permanent appointment as a county  
7 corrections officer unless that person has been awarded,  
8 within 6 months of the officer's initial full-time employment,  
9 a certificate attesting to the officer's successful completion  
10 of the Minimum Standards Basic Law Enforcement or County  
11 Correctional Training Course as prescribed by the Board; or  
12 has been awarded a certificate attesting to the officer's  
13 satisfactory completion of a training program of similar  
14 content and number of hours and which course has been found  
15 acceptable by the Board under the provisions of this Act; or a  
16 training waiver by reason of extensive prior law enforcement  
17 or county corrections experience the basic training  
18 requirement is determined by the Board to be illogical and  
19 unreasonable.

20 If such training is required and not completed within the  
21 applicable 6 months, then the officer must forfeit the  
22 officer's position, or the employing agency must obtain a  
23 waiver from the Board extending the period for compliance.  
24 Such waiver shall be issued only for good and justifiable  
25 reasons, and in no case shall extend more than 90 days beyond

1 the initial 6 months. Any hiring agency that fails to train a  
2 law enforcement officer within this period shall be prohibited  
3 from employing this individual in a law enforcement capacity  
4 for one year from the date training was to be completed. If an  
5 agency again fails to train the individual a second time, the  
6 agency shall be permanently barred from employing this  
7 individual in a law enforcement capacity.

8 An individual who is not certified by the Board or whose  
9 certified status is inactive shall not function as a law  
10 enforcement officer, be assigned the duties of a law  
11 enforcement officer by an employing agency, or be authorized  
12 to carry firearms under the authority of the employer, except  
13 as otherwise authorized to carry a firearm under State or  
14 federal law. Sheriffs who are elected as of the effective date  
15 of this Amendatory Act of the 101st General Assembly, are  
16 exempt from the requirement of certified status. Failure to be  
17 certified in accordance with this Act shall cause the officer  
18 to forfeit the officer's position.

19 An employing agency may not grant a person status as a law  
20 enforcement officer unless the person has been granted an  
21 active law enforcement officer certification by the Board.

22 (b) Inactive status. A person who has an inactive law  
23 enforcement officer certification has no law enforcement  
24 authority.

25 (1) A law enforcement officer's certification becomes  
26 inactive upon termination, resignation, retirement, or

1 separation from the officer's employing governmental  
2 agency for any reason. The Board shall re-activate a  
3 certification upon written application from the law  
4 enforcement officer's governmental agency that shows the  
5 law enforcement officer: (i) has accepted a full-time law  
6 enforcement position with that governmental agency, (ii)  
7 is not the subject of a decertification proceeding, and  
8 (iii) meets all other criteria for re-activation required  
9 by the Board. The Board may also establish special  
10 training requirements to be completed as a condition for  
11 re-activation.

12 A law enforcement officer who is refused reactivation  
13 under this Section may request a hearing in accordance  
14 with the hearing procedures as outlined in subsection (h)  
15 of Section 6.3 of this Act.

16 The Board may refuse to re-activate the certification  
17 of a law enforcement officer who was involuntarily  
18 terminated for good cause by his or her governmental  
19 agency for conduct subject to decertification under this  
20 Act or resigned or retired after receiving notice of a  
21 governmental agency's investigation.

22 (2) A law enforcement officer who is currently  
23 certified can place his or her certificate on inactive  
24 status by sending a written request to the Board. A law  
25 enforcement officer whose certificate has been placed on  
26 inactive status shall not function as a law enforcement

1 officer until the officer has completed any requirements  
2 for reactivating the certificate as required by the Board.  
3 A request for inactive status in this subsection shall be  
4 in writing, accompanied by verifying documentation, and  
5 shall be submitted to the Board with a copy to the chief  
6 administrator of the law enforcement officer's  
7 governmental agency.

8 (3) Certification that has become inactive under  
9 paragraph (2) of this subsection (b), shall be reactivated  
10 by written notice from the law enforcement officer's  
11 agency upon a showing that the law enforcement officer is:  
12 (i) employed in a full-time law enforcement position with  
13 the same governmental agency (ii) not the subject of a  
14 decertification proceeding, and (iii) meets all other  
15 criteria for re-activation required by the Board.

16 (4) Notwithstanding paragraph (3) of this subsection  
17 (b), a law enforcement officer whose certification has  
18 become inactive under paragraph (2) may have the officer's  
19 governmental agency submit a request for a waiver of  
20 training requirements to the Board. A grant of a waiver is  
21 within the discretion of the Board. Within 7 days of  
22 receiving a request for a waiver under this section, the  
23 Board shall notify the law enforcement officer and the  
24 chief administrator of the law enforcement officer's  
25 governmental agency, whether the request has been granted,  
26 denied, or if the Board will take additional time for

1 information. A law enforcement officer whose request for a  
2 waiver under this subsection is denied is entitled to  
3 appeal the denial to the Board within 20 days of the waiver  
4 being denied.

5 (c) No provision of this Section shall be construed to  
6 mean that a county corrections officer employed by a  
7 governmental agency at the time of the effective date of this  
8 amendatory Act, either as a probationary county corrections or  
9 as a permanent county corrections officer, shall require  
10 certification under the provisions of this Section. No  
11 provision of this Section shall be construed to apply to  
12 certification of elected county sheriffs.

13 (d) Within 14 days, a law enforcement officer shall report  
14 to the Board: (1) any name change; (2) any change in  
15 employment; or (3) the filing of any criminal indictment or  
16 charges against the officer alleging that the officer  
17 committed any offense as enumerated in Section 6.1 of this  
18 Act.

19 (e) All law enforcement officers must report the  
20 completion of the training requirements required in this Act  
21 in compliance with Section 8.4 of this Act.

22 (e-1) Each employing governmental agency shall allow and  
23 provide an opportunity for a law enforcement officer to  
24 complete the mandated requirements in this Act. All mandated  
25 training will be provided for at no cost to the employees.  
26 Employees shall be paid for all time spent attending mandated

1 training.

2 (f) This Section does not apply to part-time law  
3 enforcement officers or probationary part-time law enforcement  
4 officers.

5 (Source: P.A. 101-187, eff. 1-1-20; 101-652, eff. 1-1-22.)

6 (50 ILCS 705/10.6)

7 (This Section may contain text from a Public Act with a  
8 delayed effective date)

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

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

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

1 feasible.

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

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

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

9 This Section takes effect January 1, 2022.

10 (Source: P.A. 101-652, eff. 7-1-21.)

11 (50 ILCS 705/10.17)

12 (Text of Section before amendment by P.A. 101-652)

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

15 (a) The Illinois Law Enforcement Training Standards Board  
16 shall develop and approve a standard curriculum for certified  
17 training programs in crisis intervention addressing  
18 specialized policing responses to people with mental  
19 illnesses. The Board shall conduct Crisis Intervention Team  
20 (CIT) training programs that train officers to identify signs  
21 and symptoms of mental illness, to de-escalate situations  
22 involving individuals who appear to have a mental illness, and  
23 connect that person in crisis to treatment. Officers who have  
24 successfully completed this program shall be issued a  
25 certificate attesting to their attendance of a Crisis

1 Intervention Team (CIT) training program.

2 (b) The Board shall create an introductory course  
3 incorporating adult learning models that provides law  
4 enforcement officers with an awareness of mental health issues  
5 including a history of the mental health system, types of  
6 mental health illness including signs and symptoms of mental  
7 illness and common treatments and medications, and the  
8 potential interactions law enforcement officers may have on a  
9 regular basis with these individuals, their families, and  
10 service providers including de-escalating a potential crisis  
11 situation. This course, in addition to other traditional  
12 learning settings, may be made available in an electronic  
13 format.

14 (Source: P.A. 99-261, eff. 1-1-16; 99-642, eff. 7-28-16;  
15 100-247, eff. 1-1-18.)

16 (Text of Section after amendment by P.A. 101-652)

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

19 (a) The Illinois Law Enforcement Training Standards Board  
20 shall develop and approve a standard curriculum for certified  
21 training programs in crisis intervention, including a  
22 specialty certification course of at least 40 hours,  
23 addressing specialized policing responses to people with  
24 mental illnesses. The Board shall conduct Crisis Intervention  
25 Team (CIT) training programs that train officers to identify

1 signs and symptoms of mental illness, to de-escalate  
2 situations involving individuals who appear to have a mental  
3 illness, and connect that person in crisis to treatment.  
4 Crisis Intervention Team (CIT) training programs shall be a  
5 collaboration between law enforcement professionals, mental  
6 health providers, families, and consumer advocates and must  
7 minimally include the following components: (1) basic  
8 information about mental illnesses and how to recognize them;  
9 (2) information about mental health laws and resources; (3)  
10 learning from family members of individuals with mental  
11 illness and their experiences; and (4) verbal de-escalation  
12 training and role-plays. Officers who have successfully  
13 completed this program shall be issued a certificate attesting  
14 to their attendance of a Crisis Intervention Team (CIT)  
15 training program.

16 (b) The Board shall create an introductory course  
17 incorporating adult learning models that provides law  
18 enforcement officers with an awareness of mental health issues  
19 including a history of the mental health system, types of  
20 mental health illness including signs and symptoms of mental  
21 illness and common treatments and medications, and the  
22 potential interactions law enforcement officers may have on a  
23 regular basis with these individuals, their families, and  
24 service providers including de-escalating a potential crisis  
25 situation. This course, in addition to other traditional  
26 learning settings, may be made available in an electronic

1 format.

2 The amendatory changes to this Section made by Public Act  
3 101-652 shall take effect January 1, 2022.

4 (Source: P.A. 100-247, eff. 1-1-18; 101-652, eff. 7-1-21.)

5 Section 25. The Law Enforcement Officer-Worn Body Camera  
6 Act is amended by changing Sections 10-15 and 10-20 as  
7 follows:

8 (50 ILCS 706/10-15)

9 (Text of Section before amendment by P.A. 101-652)

10 Sec. 10-15. Applicability. Any law enforcement agency  
11 which employs the use of officer-worn body cameras is subject  
12 to the provisions of this Act, whether or not the agency  
13 receives or has received monies from the Law Enforcement  
14 Camera Grant Fund.

15 (Source: P.A. 99-352, eff. 1-1-16.)

16 (Text of Section after amendment by P.A. 101-652)

17 Sec. 10-15. Applicability.

18 (a) All law enforcement agencies must employ the use of  
19 officer-worn body cameras in accordance with the provisions of  
20 this Act, whether or not the agency receives or has received  
21 monies from the Law Enforcement Camera Grant Fund.

22 (b) All law enforcement agencies must implement the use of  
23 body cameras for all law enforcement officers, according to

1 the following schedule:

2 (1) for municipalities and counties with populations  
3 of 500,000 or more, body cameras shall be implemented by  
4 January 1, 2022;

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

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

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

13 (5) for all State agencies with law enforcement  
14 officers and other remaining law enforcement agencies ~~the~~  
15 ~~Department of State Police~~, body cameras shall be  
16 implemented by January 1, 2025.

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

22 (d) This Section does not apply to court security  
23 officers, State's Attorney investigators, and Attorney General  
24 investigators.

25 (Source: P.A. 101-652, eff. 7-1-21.)

1 (50 ILCS 706/10-20)

2 (Text of Section before amendment by P.A. 101-652)

3 Sec. 10-20. Requirements.

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

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

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

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

25 (A) If exigent circumstances exist which prevent  
26 the camera from being turned on, the camera must be

1 turned on as soon as practicable.

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

7 (4) Cameras must be turned off when:

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

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

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

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

26 (4.5) Cameras may be turned off when the officer is

1 engaged in community caretaking functions. However, the  
2 camera must be turned on when the officer has reason to  
3 believe that the person on whose behalf the officer is  
4 performing a community caretaking function has committed  
5 or is in the process of committing a crime. If exigent  
6 circumstances exist which prevent the camera from being  
7 turned on, the camera must be turned on as soon as  
8 practicable.

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

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

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

1           (A) Under no circumstances shall any recording  
2           made with an officer-worn body camera be altered,  
3           erased, or destroyed prior to the expiration of the  
4           90-day storage period.

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

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

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

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

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

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

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

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

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

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

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

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

24                         (B) a use of force incident has occurred;

25                         (C) the encounter on the recording could result in  
26                         a formal investigation under the Uniform Peace

1           Officers' Disciplinary Act; or

2                   (D) as corroboration of other evidence of  
3           misconduct.

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

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

16          (11) No officer may hinder or prohibit any person, not  
17          a law enforcement officer, from recording a law  
18          enforcement officer in the performance of his or her  
19          duties in a public place or when the officer has no  
20          reasonable expectation of privacy. The law enforcement  
21          agency's written policy shall indicate the potential  
22          criminal penalties, as well as any departmental  
23          discipline, which may result from unlawful confiscation or  
24          destruction of the recording medium of a person who is not  
25          a law enforcement officer. However, an officer may take  
26          reasonable action to maintain safety and control, secure

1 crime scenes and accident sites, protect the integrity and  
2 confidentiality of investigations, and protect the public  
3 safety and order.

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

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

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

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

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

25 (3) upon request, the law enforcement agency shall  
26 disclose, in accordance with the Freedom of Information

1 Act, the recording to the subject of the encounter  
2 captured on the recording or to the subject's attorney, or  
3 the officer or his or her legal representative.

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

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

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

23 (Source: P.A. 99-352, eff. 1-1-16; 99-642, eff. 7-28-16.)

24 (Text of Section after amendment by P.A. 101-652)

25 Sec. 10-20. Requirements.

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

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

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

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

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

25           (B) Officer-worn body cameras may be turned off  
26 when the officer is inside of a patrol car which is

1 equipped with a functioning in-car camera; however,  
2 the officer must turn on the camera upon exiting the  
3 patrol vehicle for law enforcement-related encounters.

4 (C) Officer-worn body cameras may be turned off  
5 when the officer is inside a correctional facility or  
6 courthouse which is equipped with a functioning camera  
7 system.

8 (4) Cameras must be turned off when:

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

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

16 (C) the officer is interacting with a confidential  
17 informant used by the law enforcement agency; or ~~or~~

18 (D) an officer of the Department of Revenue enters  
19 a Department of Revenue facility or conducts an  
20 interview during which return information will be  
21 discussed or visible.

22 However, an officer may continue to record or resume  
23 recording a victim or a witness, if exigent circumstances  
24 exist, or if the officer has reasonable articulable  
25 suspicion that a victim or witness, or confidential  
26 informant has committed or is in the process of committing

1 a crime. Under these circumstances, and unless impractical  
2 or impossible, the officer must indicate on the recording  
3 the reason for continuing to record despite the request of  
4 the victim or witness.

5 (4.5) Cameras may be turned off when the officer is  
6 engaged in community caretaking functions. However, the  
7 camera must be turned on when the officer has reason to  
8 believe that the person on whose behalf the officer is  
9 performing a community caretaking function has committed  
10 or is in the process of committing a crime. If exigent  
11 circumstances exist which prevent the camera from being  
12 turned on, the camera must be turned on as soon as  
13 practicable.

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

20 (6) (A) For the purposes of redaction, labeling, or  
21 duplicating recordings, access to camera recordings shall  
22 be restricted to only those personnel responsible for  
23 those purposes. The recording officer or his or her  
24 supervisor may not redact, label, duplicate or otherwise  
25 alter the recording officer's camera recordings. Except as  
26 otherwise provided in this Section, the recording officer

1 and his or her supervisor ~~of the recording officer~~ may  
2 access and review recordings prior to completing incident  
3 reports or other documentation, provided that the  
4 supervisor discloses that fact in the report or  
5 documentation.

6 (i) A law enforcement officer shall not have  
7 access to or review his or her body-worn camera  
8 recordings or the body-worn camera recordings of  
9 another officer prior to completing incident reports  
10 or other documentation when the officer:

11 (a) has been involved in or is a witness to an  
12 officer-involved shooting, use of deadly force  
13 incident, or use of force incidents resulting in  
14 great bodily harm;

15 (b) is ordered to write a report in response  
16 to or during the investigation of a misconduct  
17 complaint against the officer.

18 (ii) If the officer subject to subparagraph (i)  
19 prepares a report, any report shall be prepared  
20 without viewing body-worn camera recordings, and  
21 subject to supervisor's approval, officers may file  
22 amendatory reports after viewing body-worn camera  
23 recordings. Supplemental reports under this provision  
24 shall also contain documentation regarding access to  
25 the video footage.

26 (B) The recording officer's assigned field

1 training officer may access and review recordings for  
2 training purposes. Any detective or investigator  
3 directly involved in the investigation of a matter may  
4 access and review recordings which pertain to that  
5 investigation but may not have access to delete or  
6 alter such recordings.

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

11 (A) Under no circumstances shall any recording,  
12 except for a non-law enforcement related activity or  
13 encounter, made with an officer-worn body camera be  
14 altered, erased, or destroyed prior to the expiration  
15 of the 90-day storage period. In the event any  
16 recording made with an officer-worn body camera is  
17 altered, erased, or destroyed prior to the expiration  
18 of the 90-day storage period, the law enforcement  
19 agency shall maintain, for a period of one year, a  
20 written record including (i) the name of the  
21 individual who made such alteration, erasure, or  
22 destruction, and (ii) the reason for any such  
23 alteration, erasure, or destruction.

24 (B) Following the 90-day storage period, any and  
25 all recordings made with an officer-worn body camera  
26 must be destroyed, unless any encounter captured on

1 the recording has been flagged. An encounter is deemed  
2 to be flagged when:

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

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

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

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

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

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

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

23 (C) Under no circumstances shall any recording  
24 made with an officer-worn body camera relating to a  
25 flagged encounter be altered or destroyed prior to 2  
26 years after the recording was flagged. If the flagged

1 recording was used in a criminal, civil, or  
2 administrative proceeding, the recording shall not be  
3 destroyed except upon a final disposition and order  
4 from the court.

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

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

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

17 (B) a use of force incident has occurred;

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

21 (D) as corroboration of other evidence of  
22 misconduct.

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

26 (10) The law enforcement agency shall ensure proper

1 care and maintenance of officer-worn body cameras. Upon  
2 becoming aware, officers must as soon as practical  
3 document and notify the appropriate supervisor of any  
4 technical difficulties, failures, or problems with the  
5 officer-worn body camera or associated equipment. Upon  
6 receiving notice, the appropriate supervisor shall make  
7 every reasonable effort to correct and repair any of the  
8 officer-worn body camera equipment.

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

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

26 (1) if the subject of the encounter has a reasonable

1 expectation of privacy, at the time of the recording, any  
2 recording which is flagged, due to the filing of a  
3 complaint, discharge of a firearm, use of force, arrest or  
4 detention, or resulting death or bodily harm, shall be  
5 disclosed in accordance with the Freedom of Information  
6 Act if:

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

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

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

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

23 For the purposes of paragraph (1) of this subsection (b),  
24 the subject of the encounter does not have a reasonable  
25 expectation of privacy if the subject was arrested as a result  
26 of the encounter. For purposes of subparagraph (A) of

1 paragraph (1) of this subsection (b), "witness" does not  
2 include a person who is a victim or who was arrested as a  
3 result of the encounter.

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

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

16 (Source: P.A. 101-652, eff. 7-1-21.)

17 Section 30 The Uniform Crime Reporting Act is amended by  
18 changing Section 5-12 as follows:

19 (50 ILCS 709/5-12)

20 (Text of Section before amendment by P.A. 101-652)

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

24 (1) beginning January 1, 2016, a report on any

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

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

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

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

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

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

12 (Source: P.A. 99-352, eff. 1-1-16.)

13 (Text of Section after amendment by P.A. 101-652)

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

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

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

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

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

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

25           (6) data on offenses and incidents reported by schools  
26 to local law enforcement. The data shall include offenses

1 defined as an attack against school personnel,  
2 intimidation offenses, drug incidents, and incidents  
3 involving weapons;

4 (7) beginning on July 1, 2021, a report on incidents  
5 ~~any incident~~ where a law enforcement officer was  
6 dispatched to deal with a person experiencing a mental  
7 health crisis or incident. The report shall include the  
8 number of incidents, the level of law enforcement response  
9 and the outcome of each incident. For purposes of this  
10 Section, a "mental health crisis" is when a person's  
11 behavior puts them at risk of hurting themselves or others  
12 or prevents them from being able to care for themselves;

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

19 (Source: P.A. 101-652, eff. 7-1-21.)

20 Section 35. The Counties Code is amended by changing  
21 Sections 3-6041 and 3-15003.8 as follows:

22 (55 ILCS 5/3-6041)

23 (This Section may contain text from a Public Act with a  
24 delayed effective date)

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

2           (a) For purposes of this Section:

3           "Bayonet" means a large knife designed to be attached to  
4 the muzzle of a rifle, shotgun, or long gun for the purpose of  
5 hand-to-hand combat.

6           "Grenade launcher" means a firearm or firearm accessory  
7 used ~~designed~~ to launch fragmentary ~~small~~ explosive rounds  
8 designed to inflict death or cause great bodily harm  
9 projectiles.

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

18          "Tracked armored vehicle" means a vehicle that provides  
19 ballistic protection to its occupants and utilizes a tracked  
20 system instead ~~installed~~ of wheels for forward motion not  
21 including vehicles listed in the Authorized Equipment List as  
22 published by the Federal Emergency Management Agency.

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

25          (b) A sheriff's department shall not request or receive  
26 from any military equipment surplus program nor purchase or

1 otherwise utilize the following equipment:

- 2 (1) tracked armored vehicles;
- 3 (2) weaponized aircraft, vessels, or vehicles;
- 4 (3) firearms of .50-caliber or higher;
- 5 (4) ammunition of .50-caliber or higher;
- 6 (5) grenade launchers; or
- 7 (6) bayonets.

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

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

18 (Source: P.A. 101-652, eff. 7-1-21.)

19 (55 ILCS 5/3-15003.8)

20 (This Section may contain text from a Public Act with a  
21 delayed effective date)

22 Sec. 3-15003.8. Educational programming ~~programing~~ for  
23 pregnant prisoners. The Illinois Department of Public Health  
24 shall provide the county department of corrections with  
25 educational programming relating to pregnancy and parenting

1 and the county department of corrections shall provide the  
2 programming to pregnant prisoners ~~A county department of~~  
3 ~~corrections shall develop and provide to each pregnant~~  
4 ~~prisoner educational programming relating to pregnancy and~~  
5 ~~parenting~~. The programming must include instruction regarding:

6 (1) appropriate prenatal care and hygiene;

7 (2) the effects of prenatal exposure to alcohol and  
8 drugs on a developing fetus;

9 (3) parenting skills; and

10 (4) medical and mental health issues applicable to  
11 children.

12 (Source: P.A. 101-652, eff. 7-1-21.)

13 Section 40. The Illinois Municipal Code is amended by  
14 changing Section 11-5.1-2 as follows:

15 (65 ILCS 5/11-5.1-2)

16 (This Section may contain text from a Public Act with a  
17 delayed effective date)

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

19 (a) For purposes of this Section:

20 "Bayonet" means large knives designed to be attached to  
21 the muzzle of a rifle, shotgun, or long gun for the purposes of  
22 hand-to-hand combat.

23 "Grenade launcher" means a firearm or firearm accessory  
24 used ~~designed~~ to launch fragmentary ~~small~~ explosive rounds

1 designed to inflict death or cause great bodily harm  
2 projectiles.

3 "Military equipment surplus program" means any federal or  
4 state program allowing a law enforcement agency to obtain  
5 surplus military equipment including, but not limit to, any  
6 program organized under Section 1122 of the National Defense  
7 Authorization Act for Fiscal Year 1994 (Pub. L. 103-160) or  
8 Section 1033 of the National Defense Authorization Act for  
9 Fiscal Year 1997 (Pub. L. 104-201) or any program established  
10 by the United States Department of Defense under 10 U.S.C.  
11 2576a.

12 "Tracked armored vehicle" means a vehicle that provides  
13 ballistic protection to its occupants and utilizes a tracked  
14 system instead ~~installed~~ of wheels for forward motion not  
15 including vehicles listed in the Authorized Equipment List as  
16 published by the Federal Emergency Management Agency.

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

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

- 22 (1) tracked armored vehicles;
- 23 (2) weaponized aircraft, vessels, or vehicles;
- 24 (3) firearms of .50-caliber or higher;
- 25 (4) ammunition of .50-caliber or higher;
- 26 (5) grenade launchers, grenades, or similar

1 explosives; or

2 (6) bayonets.

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

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

15 (Source: P.A. 101-652, eff. 7-1-21.)

16 (65 ILCS 5/1-2-12.1 rep.)

17 Section 45. The Illinois Municipal Code is amended by  
18 repealing Section 1-2-12.1. This Section is effective January  
19 1, 2023.

20 Section 50. The Criminal Code of 2012 is amended by  
21 changing Sections 7-5, 7-5.5, 7-15, 7-16, 31-1, and 33-9 as  
22 follows:

23 (720 ILCS 5/7-5) (from Ch. 38, par. 7-5)

1 (Text of Section before amendment by P.A. 101-652)

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

3 (a) A peace officer, or any person whom he has summoned or  
4 directed to assist him, need not retreat or desist from  
5 efforts to make a lawful arrest because of resistance or  
6 threatened resistance to the arrest. He is justified in the  
7 use of any force which he reasonably believes to be necessary  
8 to effect the arrest and of any force which he reasonably  
9 believes to be necessary to defend himself or another from  
10 bodily harm while making the arrest. However, he is justified  
11 in using force likely to cause death or great bodily harm only  
12 when he reasonably believes that such force is necessary to  
13 prevent death or great bodily harm to himself or such other  
14 person, or when he reasonably believes both that:

15 (1) Such force is necessary to prevent the arrest from  
16 being defeated by resistance or escape; and

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

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

1 (Source: P.A. 84-1426.)

2 (Text of Section after amendment by P.A. 101-652)

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

4 (a) A peace officer, or any person whom he has summoned or  
5 directed to assist him, need not retreat or desist from  
6 efforts to make a lawful arrest because of resistance or  
7 threatened resistance to the arrest. He is justified in the  
8 use of any force which he reasonably believes, based on the  
9 totality of the circumstances, to be necessary to effect the  
10 arrest and of any force which he reasonably believes, based on  
11 the totality of the circumstances, to be necessary to defend  
12 himself or another from bodily harm while making the arrest.  
13 However, he is justified in using force likely to cause death  
14 or great bodily harm only when: (i) he reasonably believes,  
15 based on the totality of the circumstances, that such force is  
16 necessary to prevent death or great bodily harm to himself or  
17 such other person; ~~7~~ or (ii) when he reasonably believes, based  
18 on the totality of the circumstances, both that:

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

25 (2) The person to be arrested ~~just~~ committed or

1 attempted a forcible felony which involves the infliction  
2 or threatened infliction of great bodily harm or is  
3 attempting to escape by use of a deadly weapon, or  
4 otherwise indicates that he will endanger human life or  
5 inflict great bodily harm unless arrested without delay.

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

8 A peace officer is not justified in using force likely to  
9 cause death or great bodily harm when there is no longer an  
10 imminent threat of great bodily harm to the officer or  
11 another.

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

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

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

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

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

9 (d) Peace officers shall use deadly force only when  
10 reasonably necessary in defense of human life. In determining  
11 whether deadly force is reasonably necessary, officers shall  
12 evaluate each situation in light of the totality of particular  
13 circumstances of each case including but not limited to the  
14 proximity in time of the use of force to the commission of a  
15 forcible felony, and the reasonable feasibility of safely  
16 apprehending a subject at a later time, and shall use other  
17 available resources and techniques, if reasonably safe and  
18 feasible to a reasonable officer.

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

24 (f) The decision by a peace officer to use force shall be  
25 evaluated from the perspective of a reasonable officer in the  
26 same situation, based on the totality of the circumstances

1 known to or perceived by the officer at the time of the  
2 decision, rather than with the benefit of hindsight, and that  
3 the totality of the circumstances shall account for occasions  
4 when officers may be forced to make quick judgments about  
5 using force.

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

14 (h) As used in this Section:

15 (1) "Deadly force" means any use of force that creates  
16 a substantial risk of causing death or great bodily harm  
17 ~~serious bodily injury~~, including, but not limited to, the  
18 discharge of a firearm.

19 (2) A threat of death or serious bodily injury is  
20 "imminent" when, based on the totality of the  
21 circumstances, a reasonable officer in the same situation  
22 would believe that a person has the present ability,  
23 opportunity, and apparent intent to immediately cause  
24 death or great bodily harm ~~serious bodily injury~~ to the  
25 peace officer or another person. An imminent harm is not  
26 merely a fear of future harm, no matter how great the fear

1 and no matter how great the likelihood of the harm, but is  
2 one that, from appearances, must be instantly confronted  
3 and addressed.

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

9 (Source: P.A. 101-652, eff. 7-1-21.)

10 (720 ILCS 5/7-5.5)

11 (Text of Section before amendment by P.A. 101-652)

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

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

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

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

22 "Chokehold" does not include any holding involving contact  
23 with the neck that is not intended to reduce the intake of air  
24 such as a headlock where the only pressure applied is to the  
25 head.

1 (Source: P.A. 99-352, eff. 1-1-16; 99-642, eff. 7-28-16.)

2 (Text of Section after amendment by P.A. 101-652)

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

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

9 (b) A peace officer, or any other person acting under the  
10 color of law ~~on behalf of a peace officer~~, shall not use a  
11 chokehold or restraint above the shoulders with risk of  
12 asphyxiation, or any lesser contact with the throat or neck  
13 area of another, in order to prevent the destruction of  
14 evidence by ingestion.

15 (c) As used in this Section, "chokehold" means applying  
16 any direct pressure to the throat, windpipe, or airway of  
17 another. "Chokehold" does not include any holding involving  
18 contact with the neck that is not intended to reduce the intake  
19 of air such as a headlock where the only pressure applied is to  
20 the head.

21 (d) As used in this Section, "restraint above the  
22 shoulders with risk of positional asphyxiation" means a use of  
23 a technique used to restrain a person above the shoulders,  
24 including the neck or head, in a position which interferes  
25 with the person's ability to breathe after the person no

1 longer poses a threat to the officer or any other person.

2 (e) A peace officer, or any other person acting under the  
3 color of law ~~on behalf of a peace officer~~, shall not:

4 (i) use force as punishment or retaliation;

5 (ii) discharge kinetic impact projectiles and all  
6 other non-or less-lethal projectiles in a manner that  
7 targets the head, neck, groin, anterior, pelvis, or back;

8 (iii) discharge conducted electrical weapons in a  
9 manner that targets the head, chest, neck, groin, or  
10 anterior pelvis;

11 (iv) ~~(iii)~~ discharge firearms or kinetic impact  
12 projectiles indiscriminately into a crowd; ~~or~~

13 (v) ~~(iv)~~ use chemical agents or irritants for crowd  
14 control, including pepper spray and tear gas, prior to  
15 issuing an order to disperse in a sufficient manner to  
16 allow for ~~ensure~~ the order to be ~~is~~ heard and repeated if  
17 necessary, followed by sufficient time and space to allow  
18 compliance with the order unless providing such time and  
19 space would unduly place an officer or another person at  
20 risk of death or great bodily harm; ~~or~~

21 (vi) use chemical agents or irritants, including  
22 pepper spray and tear gas, prior to issuing an order in a  
23 sufficient manner to ensure the order is heard, and  
24 repeated if necessary, to allow compliance with the order  
25 unless providing such time and space would unduly place an  
26 officer or another person at risk of death or great bodily

1           harm.

2           (Source: P.A. 101-652, eff. 7-1-21.)

3                   (720 ILCS 5/7-15)

4           (This Section may contain text from a Public Act with a  
5 delayed effective date)

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

20           (Source: P.A. 101-652, eff. 7-1-21.)

21                   (720 ILCS 5/7-16)

22           (This Section may contain text from a Public Act with a  
23 delayed effective date)

24           Sec. 7-16. Duty to intervene.

1           (a) A peace officer, or any other person acting under the  
2 color of law who has an opportunity to intervene ~~on behalf of a~~  
3 ~~peace officer~~, shall have an affirmative duty to intervene to  
4 prevent or stop another peace officer in his or her presence  
5 from using any unauthorized force or force that exceeds the  
6 degree of force permitted, if any, without regard for chain of  
7 command.

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

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

24           (Source: P.A. 101-652, eff. 7-1-21.)

25           (720 ILCS 5/31-1) (from Ch. 38, par. 31-1)

1 (Text of Section before amendment by P.A. 101-652)

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

4 (a) A person who knowingly resists or obstructs the  
5 performance by one known to the person to be a peace officer,  
6 firefighter, or correctional institution employee of any  
7 authorized act within his or her official capacity commits a  
8 Class A misdemeanor.

9 (a-5) In addition to any other sentence that may be  
10 imposed, a court shall order any person convicted of resisting  
11 or obstructing a peace officer, firefighter, or correctional  
12 institution employee to be sentenced to a minimum of 48  
13 consecutive hours of imprisonment or ordered to perform  
14 community service for not less than 100 hours as may be  
15 determined by the court. The person shall not be eligible for  
16 probation in order to reduce the sentence of imprisonment or  
17 community service.

18 (a-7) A person convicted for a violation of this Section  
19 whose violation was the proximate cause of an injury to a peace  
20 officer, firefighter, or correctional institution employee is  
21 guilty of a Class 4 felony.

22 (b) For purposes of this Section, "correctional  
23 institution employee" means any person employed to supervise  
24 and control inmates incarcerated in a penitentiary, State  
25 farm, reformatory, prison, jail, house of correction, police  
26 detention area, half-way house, or other institution or place

1 for the incarceration or custody of persons under sentence for  
2 offenses or awaiting trial or sentence for offenses, under  
3 arrest for an offense, a violation of probation, a violation  
4 of parole, a violation of aftercare release, a violation of  
5 mandatory supervised release, or awaiting a bail setting  
6 hearing or preliminary hearing, or who are sexually dangerous  
7 persons or who are sexually violent persons; and "firefighter"  
8 means any individual, either as an employee or volunteer, of a  
9 regularly constituted fire department of a municipality or  
10 fire protection district who performs fire fighting duties,  
11 including, but not limited to, the fire chief, assistant fire  
12 chief, captain, engineer, driver, ladder person, hose person,  
13 pipe person, and any other member of a regularly constituted  
14 fire department. "Firefighter" also means a person employed by  
15 the Office of the State Fire Marshal to conduct arson  
16 investigations.

17 (c) It is an affirmative defense to a violation of this  
18 Section if a person resists or obstructs the performance of  
19 one known by the person to be a firefighter by returning to or  
20 remaining in a dwelling, residence, building, or other  
21 structure to rescue or to attempt to rescue any person.

22 (Source: P.A. 98-558, eff. 1-1-14.)

23 (Text of Section after amendment by P.A. 101-652)

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

1 (a) A person who knowingly:

2 (1) resists arrest, or

3 (2) obstructs the performance by one known to the  
4 person to be a peace officer, firefighter, or correctional  
5 institution employee of any authorized act within his or  
6 her official capacity commits a Class A misdemeanor.

7 (a-5) In addition to any other sentence that may be  
8 imposed, a court shall order any person convicted of resisting  
9 or obstructing a peace officer, firefighter, or correctional  
10 institution employee to be sentenced to a minimum of 48  
11 consecutive hours of imprisonment or ordered to perform  
12 community service for not less than 100 hours as may be  
13 determined by the court. The person shall not be eligible for  
14 probation in order to reduce the sentence of imprisonment or  
15 community service.

16 (a-7) A person convicted for a violation of this Section  
17 whose violation was the proximate cause of an injury to a peace  
18 officer, firefighter, or correctional institution employee is  
19 guilty of a Class 4 felony.

20 (b) For purposes of this Section, "correctional  
21 institution employee" means any person employed to supervise  
22 and control inmates incarcerated in a penitentiary, State  
23 farm, reformatory, prison, jail, house of correction, police  
24 detention area, half-way house, or other institution or place  
25 for the incarceration or custody of persons under sentence for  
26 offenses or awaiting trial or sentence for offenses, under

1 arrest for an offense, a violation of probation, a violation  
2 of parole, a violation of aftercare release, a violation of  
3 mandatory supervised release, or awaiting a hearing or  
4 preliminary hearing on setting the conditions of pretrial  
5 release, or who are sexually dangerous persons or who are  
6 sexually violent persons; and "firefighter" means any  
7 individual, either as an employee or volunteer, of a regularly  
8 constituted fire department of a municipality or fire  
9 protection district who performs fire fighting duties,  
10 including, but not limited to, the fire chief, assistant fire  
11 chief, captain, engineer, driver, ladder person, hose person,  
12 pipe person, and any other member of a regularly constituted  
13 fire department. "Firefighter" also means a person employed by  
14 the Office of the State Fire Marshal to conduct arson  
15 investigations.

16 (c) It is an affirmative defense to a violation of this  
17 Section if a person resists or obstructs the performance of  
18 one known by the person to be a firefighter by returning to or  
19 remaining in a dwelling, residence, building, or other  
20 structure to rescue or to attempt to rescue any person.

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

24 (Source: P.A. 101-652, eff. 1-1-23.)

1 (This Section may contain text from a Public Act with a  
2 delayed effective date)

3 Sec. 33-9. Law enforcement misconduct.

4 (a) A law enforcement officer or a person acting under  
5 color of law ~~on behalf of a law enforcement officer~~ commits law  
6 enforcement misconduct when, in the performance of his or her  
7 official duties with intent to prevent the apprehension or  
8 obstruct the prosecution or defense of any person, he or she  
9 ~~knowingly and intentionally~~:

10 (1) knowingly and intentionally misrepresents or fails  
11 to provide material facts describing an incident in any  
12 report or during any investigations regarding the law  
13 enforcement employee's conduct;

14 (2) knowingly and intentionally withholds any  
15 knowledge of the material misrepresentations of another  
16 law enforcement officer from the law enforcement  
17 employee's supervisor, investigator, or other person or  
18 entity tasked with holding the law enforcement officer  
19 accountable; or

20 (3) knowingly and intentionally fails to comply with  
21 paragraphs (3), (5), (6), and (7) of subsection (a) of  
22 Section 10-20 of the Law Enforcement Officer-Worn Body  
23 Camera Act. ~~State law or their department policy requiring~~  
24 ~~the use of officer worn body cameras.~~

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

1 (Source: P.A. 101-652, eff. 7-1-21.)

2 Section 55. The Code of Criminal Procedure of 1963 is  
3 amended by changing Sections 103-3, 108-8, and 110-5 as  
4 follows:

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

6 (Text of Section before amendment by P.A. 101-652)

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

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

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

18 (Source: Laws 1963, p. 2836.)

19 (Text of Section after amendment by P.A. 101-652)

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

22 (a) (Blank).

23 (a-5) Persons who are in police custody have the right to

1 communicate free of charge with an attorney of their choice  
2 and members of their family as soon as possible upon being  
3 taken into police custody, but no later than three hours after  
4 arrival at the first place of custody. Persons in police  
5 custody must be given:

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

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

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

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

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

22 (a-15) In addition to the information listed in subsection  
23 (a-10), if the place of custody is located in a jurisdiction  
24 where the court has appointed the public defender or other  
25 attorney to represent persons who are in police custody, the  
26 telephone number to the public defender or appointed

1 attorney's office must also be displayed. The telephone call  
2 to the public defender or other attorney must not be  
3 monitored, eavesdropped upon, or recorded.

4 (b) (Blank).

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

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

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

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

21 (g) This Section is effective January 1, 2022.

22 (Source: P.A. 101-652, eff. 7-1-21.)

23 (725 ILCS 5/108-8) (from Ch. 38, par. 108-8)

24 (Text of Section before amendment by P.A. 101-652)

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

1           (a) All necessary and reasonable force may be used to  
2 effect an entry into any building or property or part thereof  
3 to execute a search warrant.

4           (b) The court issuing a warrant may authorize the officer  
5 executing the warrant to make entry without first knocking and  
6 announcing his or her office if it finds, based upon a showing  
7 of specific facts, the existence of the following exigent  
8 circumstances:

9           (1) That the officer reasonably believes that if  
10 notice were given a weapon would be used:

11           (i) against the officer executing the search  
12 warrant; or

13           (ii) against another person.

14           (2) That if notice were given there is an imminent  
15 "danger" that evidence will be destroyed.

16 (Source: P.A. 92-502, eff. 12-19-01.)

17 (Text of Section after amendment by P.A. 101-652)

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

19           (a) All necessary and reasonable force may be used to  
20 effect an entry into any building or property or part thereof  
21 to execute a search warrant.

22           (b) The court issuing a warrant may authorize the officer  
23 executing the warrant to make entry without first knocking and  
24 announcing his or her office if it finds, based upon a showing  
25 of specific facts, the existence of the following exigent

1 circumstances:

2 (1) That the officer reasonably believes that if  
3 notice were given a weapon would be used:

4 (i) against the officer executing the search  
5 warrant; or

6 (ii) against another person.

7 (2) That if notice were given there is an imminent  
8 "danger" that evidence will be destroyed.

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

11 (1) prior to entering the location described in the  
12 search warrant, a supervising officer will ensure that  
13 each participating member is assigned a body worn camera  
14 and is following policies and procedures in accordance  
15 with Section 10-20 of the Law Enforcement Officer-Worn  
16 Body Camera Act; provided that the law enforcement agency  
17 has implemented body worn camera in accordance with  
18 Section 10-15 of the Law Enforcement Officer-Worn Body  
19 Camera Act. If a law enforcement agency or each  
20 participating member of a multi-jurisdictional team has  
21 not implemented a body camera in accordance with Section  
22 10-15 of the Law Enforcement Officer-Worn Body Camera Act,  
23 the officer must attest that the interaction authorized by  
24 the warrant is otherwise recorded;

25 (2) The supervising officer verified the subject  
26 address listed on the warrant for ~~steps were taken in~~

1 ~~planning the search to ensure~~ accuracy and planned plan  
2 for children or other vulnerable people on-site; and

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

8 (Source: P.A. 101-652, eff. 7-1-21.)

9 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

10 (Text of Section before amendment by P.A. 101-652)

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

13 (a) In determining the amount of monetary bail or  
14 conditions of release, if any, which will reasonably assure  
15 the appearance of a defendant as required or the safety of any  
16 other person or the community and the likelihood of compliance  
17 by the defendant with all the conditions of bail, the court  
18 shall, on the basis of available information, take into  
19 account such matters as the nature and circumstances of the  
20 offense charged, whether the evidence shows that as part of  
21 the offense there was a use of violence or threatened use of  
22 violence, whether the offense involved corruption of public  
23 officials or employees, whether there was physical harm or  
24 threats of physical harm to any public official, public  
25 employee, judge, prosecutor, juror or witness, senior citizen,

1 child, or person with a disability, whether evidence shows  
2 that during the offense or during the arrest the defendant  
3 possessed or used a firearm, machine gun, explosive or metal  
4 piercing ammunition or explosive bomb device or any military  
5 or paramilitary armament, whether the evidence shows that the  
6 offense committed was related to or in furtherance of the  
7 criminal activities of an organized gang or was motivated by  
8 the defendant's membership in or allegiance to an organized  
9 gang, the condition of the victim, any written statement  
10 submitted by the victim or proffer or representation by the  
11 State regarding the impact which the alleged criminal conduct  
12 has had on the victim and the victim's concern, if any, with  
13 further contact with the defendant if released on bail,  
14 whether the offense was based on racial, religious, sexual  
15 orientation or ethnic hatred, the likelihood of the filing of  
16 a greater charge, the likelihood of conviction, the sentence  
17 applicable upon conviction, the weight of the evidence against  
18 such defendant, whether there exists motivation or ability to  
19 flee, whether there is any verification as to prior residence,  
20 education, or family ties in the local jurisdiction, in  
21 another county, state or foreign country, the defendant's  
22 employment, financial resources, character and mental  
23 condition, past conduct, prior use of alias names or dates of  
24 birth, and length of residence in the community, the consent  
25 of the defendant to periodic drug testing in accordance with  
26 Section 110-6.5, whether a foreign national defendant is

1 lawfully admitted in the United States of America, whether the  
2 government of the foreign national maintains an extradition  
3 treaty with the United States by which the foreign government  
4 will extradite to the United States its national for a trial  
5 for a crime allegedly committed in the United States, whether  
6 the defendant is currently subject to deportation or exclusion  
7 under the immigration laws of the United States, whether the  
8 defendant, although a United States citizen, is considered  
9 under the law of any foreign state a national of that state for  
10 the purposes of extradition or non-extradition to the United  
11 States, the amount of unrecovered proceeds lost as a result of  
12 the alleged offense, the source of bail funds tendered or  
13 sought to be tendered for bail, whether from the totality of  
14 the court's consideration, the loss of funds posted or sought  
15 to be posted for bail will not deter the defendant from flight,  
16 whether the evidence shows that the defendant is engaged in  
17 significant possession, manufacture, or delivery of a  
18 controlled substance or cannabis, either individually or in  
19 consort with others, whether at the time of the offense  
20 charged he or she was on bond or pre-trial release pending  
21 trial, probation, periodic imprisonment or conditional  
22 discharge pursuant to this Code or the comparable Code of any  
23 other state or federal jurisdiction, whether the defendant is  
24 on bond or pre-trial release pending the imposition or  
25 execution of sentence or appeal of sentence for any offense  
26 under the laws of Illinois or any other state or federal

1 jurisdiction, whether the defendant is under parole, aftercare  
2 release, mandatory supervised release, or work release from  
3 the Illinois Department of Corrections or Illinois Department  
4 of Juvenile Justice or any penal institution or corrections  
5 department of any state or federal jurisdiction, the  
6 defendant's record of convictions, whether the defendant has  
7 been convicted of a misdemeanor or ordinance offense in  
8 Illinois or similar offense in other state or federal  
9 jurisdiction within the 10 years preceding the current charge  
10 or convicted of a felony in Illinois, whether the defendant  
11 was convicted of an offense in another state or federal  
12 jurisdiction that would be a felony if committed in Illinois  
13 within the 20 years preceding the current charge or has been  
14 convicted of such felony and released from the penitentiary  
15 within 20 years preceding the current charge if a penitentiary  
16 sentence was imposed in Illinois or other state or federal  
17 jurisdiction, the defendant's records of juvenile adjudication  
18 of delinquency in any jurisdiction, any record of appearance  
19 or failure to appear by the defendant at court proceedings,  
20 whether there was flight to avoid arrest or prosecution,  
21 whether the defendant escaped or attempted to escape to avoid  
22 arrest, whether the defendant refused to identify himself or  
23 herself, or whether there was a refusal by the defendant to be  
24 fingerprinted as required by law. Information used by the  
25 court in its findings or stated in or offered in connection  
26 with this Section may be by way of proffer based upon reliable

1 information offered by the State or defendant. All evidence  
2 shall be admissible if it is relevant and reliable regardless  
3 of whether it would be admissible under the rules of evidence  
4 applicable at criminal trials. If the State presents evidence  
5 that the offense committed by the defendant was related to or  
6 in furtherance of the criminal activities of an organized gang  
7 or was motivated by the defendant's membership in or  
8 allegiance to an organized gang, and if the court determines  
9 that the evidence may be substantiated, the court shall  
10 prohibit the defendant from associating with other members of  
11 the organized gang as a condition of bail or release. For the  
12 purposes of this Section, "organized gang" has the meaning  
13 ascribed to it in Section 10 of the Illinois Streetgang  
14 Terrorism Omnibus Prevention Act.

15 (a-5) There shall be a presumption that any conditions of  
16 release imposed shall be non-monetary in nature and the court  
17 shall impose the least restrictive conditions or combination  
18 of conditions necessary to reasonably assure the appearance of  
19 the defendant for further court proceedings and protect the  
20 integrity of the judicial proceedings from a specific threat  
21 to a witness or participant. Conditions of release may  
22 include, but not be limited to, electronic home monitoring,  
23 curfews, drug counseling, stay-away orders, and in-person  
24 reporting. The court shall consider the defendant's  
25 socio-economic circumstance when setting conditions of release  
26 or imposing monetary bail.

1 (b) The amount of bail shall be:

2 (1) Sufficient to assure compliance with the  
3 conditions set forth in the bail bond, which shall include  
4 the defendant's current address with a written  
5 admonishment to the defendant that he or she must comply  
6 with the provisions of Section 110-12 regarding any change  
7 in his or her address. The defendant's address shall at  
8 all times remain a matter of public record with the clerk  
9 of the court.

10 (2) Not oppressive.

11 (3) Considerate of the financial ability of the  
12 accused.

13 (4) When a person is charged with a drug related  
14 offense involving possession or delivery of cannabis or  
15 possession or delivery of a controlled substance as  
16 defined in the Cannabis Control Act, the Illinois  
17 Controlled Substances Act, or the Methamphetamine Control  
18 and Community Protection Act, the full street value of the  
19 drugs seized shall be considered. "Street value" shall be  
20 determined by the court on the basis of a proffer by the  
21 State based upon reliable information of a law enforcement  
22 official contained in a written report as to the amount  
23 seized and such proffer may be used by the court as to the  
24 current street value of the smallest unit of the drug  
25 seized.

26 (b-5) Upon the filing of a written request demonstrating

1 reasonable cause, the State's Attorney may request a source of  
2 bail hearing either before or after the posting of any funds.  
3 If the hearing is granted, before the posting of any bail, the  
4 accused must file a written notice requesting that the court  
5 conduct a source of bail hearing. The notice must be  
6 accompanied by justifying affidavits stating the legitimate  
7 and lawful source of funds for bail. At the hearing, the court  
8 shall inquire into any matters stated in any justifying  
9 affidavits, and may also inquire into matters appropriate to  
10 the determination which shall include, but are not limited to,  
11 the following:

12 (1) the background, character, reputation, and  
13 relationship to the accused of any surety; and

14 (2) the source of any money or property deposited by  
15 any surety, and whether any such money or property  
16 constitutes the fruits of criminal or unlawful conduct;  
17 and

18 (3) the source of any money posted as cash bail, and  
19 whether any such money constitutes the fruits of criminal  
20 or unlawful conduct; and

21 (4) the background, character, reputation, and  
22 relationship to the accused of the person posting cash  
23 bail.

24 Upon setting the hearing, the court shall examine, under  
25 oath, any persons who may possess material information.

26 The State's Attorney has a right to attend the hearing, to

1 call witnesses and to examine any witness in the proceeding.  
2 The court shall, upon request of the State's Attorney,  
3 continue the proceedings for a reasonable period to allow the  
4 State's Attorney to investigate the matter raised in any  
5 testimony or affidavit. If the hearing is granted after the  
6 accused has posted bail, the court shall conduct a hearing  
7 consistent with this subsection (b-5). At the conclusion of  
8 the hearing, the court must issue an order either approving or  
9 ~~of~~ disapproving the bail.

10 (c) When a person is charged with an offense punishable by  
11 fine only the amount of the bail shall not exceed double the  
12 amount of the maximum penalty.

13 (d) When a person has been convicted of an offense and only  
14 a fine has been imposed the amount of the bail shall not exceed  
15 double the amount of the fine.

16 (e) The State may appeal any order granting bail or  
17 setting a given amount for bail.

18 (f) When a person is charged with a violation of an order  
19 of protection under Section 12-3.4 or 12-30 of the Criminal  
20 Code of 1961 or the Criminal Code of 2012 or when a person is  
21 charged with domestic battery, aggravated domestic battery,  
22 kidnapping, aggravated kidnaping, unlawful restraint,  
23 aggravated unlawful restraint, stalking, aggravated stalking,  
24 cyberstalking, harassment by telephone, harassment through  
25 electronic communications, or an attempt to commit first  
26 degree murder committed against an intimate partner regardless

1 whether an order of protection has been issued against the  
2 person,

3 (1) whether the alleged incident involved harassment  
4 or abuse, as defined in the Illinois Domestic Violence Act  
5 of 1986;

6 (2) whether the person has a history of domestic  
7 violence, as defined in the Illinois Domestic Violence  
8 Act, or a history of other criminal acts;

9 (3) based on the mental health of the person;

10 (4) whether the person has a history of violating the  
11 orders of any court or governmental entity;

12 (5) whether the person has been, or is, potentially a  
13 threat to any other person;

14 (6) whether the person has access to deadly weapons or  
15 a history of using deadly weapons;

16 (7) whether the person has a history of abusing  
17 alcohol or any controlled substance;

18 (8) based on the severity of the alleged incident that  
19 is the basis of the alleged offense, including, but not  
20 limited to, the duration of the current incident, and  
21 whether the alleged incident involved the use of a weapon,  
22 physical injury, sexual assault, strangulation, abuse  
23 during the alleged victim's pregnancy, abuse of pets, or  
24 forcible entry to gain access to the alleged victim;

25 (9) whether a separation of the person from the  
26 alleged victim or a termination of the relationship

1 between the person and the alleged victim has recently  
2 occurred or is pending;

3 (10) whether the person has exhibited obsessive or  
4 controlling behaviors toward the alleged victim,  
5 including, but not limited to, stalking, surveillance, or  
6 isolation of the alleged victim or victim's family member  
7 or members;

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

10 (12) based on any information contained in the  
11 complaint and any police reports, affidavits, or other  
12 documents accompanying the complaint,

13 the court may, in its discretion, order the respondent to  
14 undergo a risk assessment evaluation using a recognized,  
15 evidence-based instrument conducted by an Illinois Department  
16 of Human Services approved partner abuse intervention program  
17 provider, pretrial service, probation, or parole agency. These  
18 agencies shall have access to summaries of the defendant's  
19 criminal history, which shall not include victim interviews or  
20 information, for the risk evaluation. Based on the information  
21 collected from the 12 points to be considered at a bail hearing  
22 under this subsection (f), the results of any risk evaluation  
23 conducted and the other circumstances of the violation, the  
24 court may order that the person, as a condition of bail, be  
25 placed under electronic surveillance as provided in Section  
26 5-8A-7 of the Unified Code of Corrections. Upon making a

1 determination whether or not to order the respondent to  
2 undergo a risk assessment evaluation or to be placed under  
3 electronic surveillance and risk assessment, the court shall  
4 document in the record the court's reasons for making those  
5 determinations. The cost of the electronic surveillance and  
6 risk assessment shall be paid by, or on behalf, of the  
7 defendant. As used in this subsection (f), "intimate partner"  
8 means a spouse or a current or former partner in a cohabitation  
9 or dating relationship.

10 (Source: P.A. 99-143, eff. 7-27-15; 100-1, eff. 1-1-18;  
11 revised 7-12-19.)

12 (Text of Section after amendment by P.A. 101-652)

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

15 (a) In determining which or conditions of pretrial  
16 release, if any, which will reasonably assure the appearance  
17 of a defendant as required or the safety of any other person or  
18 the community and the likelihood of compliance by the  
19 defendant with all the conditions of pretrial release, the  
20 court shall, on the basis of available information, take into  
21 account such matters as:

22 (1) the nature and circumstances of the offense  
23 charged;

24 (2) the weight of the evidence against the eligible  
25 defendant, except that the court may consider the

1 admissibility of any evidence sought to be excluded;

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

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

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

15 (4) the nature and seriousness of the specific, real  
16 and present threat to any person that would be posed by the  
17 eligible defendant's release, if applicable; as required  
18 under paragraph (7.5) of Section 4 of the Rights of Crime  
19 Victims and Witnesses Act; and

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

24 (b) The court shall impose any conditions that are  
25 mandatory under Section 110-10. The court may impose any  
26 conditions that are permissible under Section 110-10.

1        (b-5) ~~(b)~~ When a person is charged with a violation of an  
2 order of protection under Section 12-3.4 or 12-30 of the  
3 Criminal Code of 1961 or the Criminal Code of 2012 or when a  
4 person is charged with domestic battery, aggravated domestic  
5 battery, kidnapping, aggravated kidnaping, unlawful restraint,  
6 aggravated unlawful restraint, stalking, aggravated stalking,  
7 cyberstalking, harassment by telephone, harassment through  
8 electronic communications, or an attempt to commit first  
9 degree murder committed against an intimate partner regardless  
10 whether an order of protection has been issued against the  
11 person,

12            (1) whether the alleged incident involved harassment  
13 or abuse, as defined in the Illinois Domestic Violence Act  
14 of 1986;

15            (2) whether the person has a history of domestic  
16 violence, as defined in the Illinois Domestic Violence  
17 Act, or a history of other criminal acts;

18            (3) based on the mental health of the person;

19            (4) whether the person has a history of violating the  
20 orders of any court or governmental entity;

21            (5) whether the person has been, or is, potentially a  
22 threat to any other person;

23            (6) whether the person has access to deadly weapons or  
24 a history of using deadly weapons;

25            (7) whether the person has a history of abusing  
26 alcohol or any controlled substance;

1           (8) based on the severity of the alleged incident that  
2           is the basis of the alleged offense, including, but not  
3           limited to, the duration of the current incident, and  
4           whether the alleged incident involved the use of a weapon,  
5           physical injury, sexual assault, strangulation, abuse  
6           during the alleged victim's pregnancy, abuse of pets, or  
7           forcible entry to gain access to the alleged victim;

8           (9) whether a separation of the person from the victim  
9           of abuse or a termination of the relationship between the  
10          person and the victim of abuse has recently occurred or is  
11          pending;

12          (10) whether the person has exhibited obsessive or  
13          controlling behaviors toward the victim of abuse,  
14          including, but not limited to, stalking, surveillance, or  
15          isolation of the victim of abuse or victim's family member  
16          or members;

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

19          (11.5) any other factors deemed by the court to have a  
20          reasonable bearing upon the defendant's propensity or  
21          reputation for violent, abusive or assaultive behavior, or  
22          lack of that behavior

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

26                 (1) Any evidence of the defendant's prior criminal

1 history indicative of violent, abusive or assaultive  
2 behavior, or lack of that behavior. The evidence may  
3 include testimony or documents received in juvenile  
4 proceedings, criminal, quasi-criminal, civil commitment,  
5 domestic relations or other proceedings;

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

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

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

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

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

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

23 (d) The Court may use a regularly validated risk  
24 assessment tool to aid its ~~it~~ determination of appropriate  
25 conditions of release as provided for in Section 110-6.4. Risk  
26 assessment tools may not be used as the sole basis to deny

1 pretrial release. If a risk assessment tool is used, the  
2 defendant's counsel shall be provided with the information and  
3 scoring system of the risk assessment tool used to arrive at  
4 the determination. The defendant retains the right to  
5 challenge the validity of a risk assessment tool used by the  
6 court and to present evidence relevant to the defendant's  
7 challenge.

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

25 (f) Prior to the defendant's first appearance, the Court  
26 shall appoint the public defender or a licensed attorney at

1 law of this State to represent the Defendant for purposes of  
2 that hearing, unless the defendant has obtained licensed  
3 counsel for themselves.

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

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

17 (i) If electronic monitoring, GPS monitoring, or home  
18 confinement is imposed, the court shall determine every 60  
19 days if no less restrictive condition of release or  
20 combination of less restrictive conditions of release would  
21 reasonably ensure the appearance, or continued appearance, of  
22 the defendant for later hearings or protect an identifiable  
23 person or persons from imminent threat of serious physical  
24 harm. If the court finds that there are less restrictive  
25 conditions of release, the court shall order that the  
26 condition be removed. This subsection takes effect January 1,

1 2022.

2 (j) Crime Victims shall be given notice by the State's  
3 Attorney's office of this hearing as required in paragraph (1)  
4 of subsection (b) of Section 4.5 of the Rights of Crime Victims  
5 and Witnesses Act and shall be informed of their opportunity  
6 at this hearing to obtain an order of protection under Article  
7 112A of this Code.

8 (Source: P.A. 100-1, eff. 1-1-18; 101-652, eff. 1-1-23.)

9 (725 ILCS 5/110-5.1 rep.)

10 (725 ILCS 5/110-6.3 rep.)

11 (725 ILCS 5/110-6.5 rep.)

12 (725 ILCS 5/110-7 rep.)

13 (725 ILCS 5/110-8 rep.)

14 (725 ILCS 5/110-9 rep.)

15 (725 ILCS 5/110-13 rep.)

16 (725 ILCS 5/110-14 rep.)

17 (725 ILCS 5/110-15 rep.)

18 (725 ILCS 5/110-16 rep.)

19 (725 ILCS 5/110-17 rep.)

20 (725 ILCS 5/110-18 rep.)

21 Section 60. The Code of Criminal Procedure of 1963 is  
22 amended by repealing Sections 110-5.1, 110-6.3, 110-6.5,  
23 110-7, 110-8, 110-9, 110-13, 110-14, 110-15, 110-16, 110-17,  
24 and 110-18. This Section takes effect January 1, 2023.

1 Section 65. The Unified Code of Corrections is amended by  
2 changing Sections 3-6-3, 3-6-7.3, 5-8-1, and 5-8A-4 as  
3 follows:

4 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

5 (Text of Section before amendment by P.A. 101-652)

6 Sec. 3-6-3. Rules and regulations for sentence credit.

7 (a) (1) The Department of Corrections shall prescribe rules  
8 and regulations for awarding and revoking sentence credit for  
9 persons committed to the Department which shall be subject to  
10 review by the Prisoner Review Board.

11 (1.5) As otherwise provided by law, sentence credit may be  
12 awarded for the following:

13 (A) successful completion of programming while in  
14 custody of the Department or while in custody prior to  
15 sentencing;

16 (B) compliance with the rules and regulations of the  
17 Department; or

18 (C) service to the institution, service to a  
19 community, or service to the State.

20 (2) Except as provided in paragraph (4.7) of this  
21 subsection (a), the rules and regulations on sentence credit  
22 shall provide, with respect to offenses listed in clause (i),  
23 (ii), or (iii) of this paragraph (2) committed on or after June  
24 19, 1998 or with respect to the offense listed in clause (iv)  
25 of this paragraph (2) committed on or after June 23, 2005 (the

1 effective date of Public Act 94-71) or with respect to offense  
2 listed in clause (vi) committed on or after June 1, 2008 (the  
3 effective date of Public Act 95-625) or with respect to the  
4 offense of being an armed habitual criminal committed on or  
5 after August 2, 2005 (the effective date of Public Act 94-398)  
6 or with respect to the offenses listed in clause (v) of this  
7 paragraph (2) committed on or after August 13, 2007 (the  
8 effective date of Public Act 95-134) or with respect to the  
9 offense of aggravated domestic battery committed on or after  
10 July 23, 2010 (the effective date of Public Act 96-1224) or  
11 with respect to the offense of attempt to commit terrorism  
12 committed on or after January 1, 2013 (the effective date of  
13 Public Act 97-990), the following:

14 (i) that a prisoner who is serving a term of  
15 imprisonment for first degree murder or for the offense of  
16 terrorism shall receive no sentence credit and shall serve  
17 the entire sentence imposed by the court;

18 (ii) that a prisoner serving a sentence for attempt to  
19 commit terrorism, attempt to commit first degree murder,  
20 solicitation of murder, solicitation of murder for hire,  
21 intentional homicide of an unborn child, predatory  
22 criminal sexual assault of a child, aggravated criminal  
23 sexual assault, criminal sexual assault, aggravated  
24 kidnapping, aggravated battery with a firearm as described  
25 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3),  
26 or (e) (4) of Section 12-3.05, heinous battery as described

1 in Section 12-4.1 or subdivision (a)(2) of Section  
2 12-3.05, being an armed habitual criminal, aggravated  
3 battery of a senior citizen as described in Section 12-4.6  
4 or subdivision (a)(4) of Section 12-3.05, or aggravated  
5 battery of a child as described in Section 12-4.3 or  
6 subdivision (b)(1) of Section 12-3.05 shall receive no  
7 more than 4.5 days of sentence credit for each month of his  
8 or her sentence of imprisonment;

9 (iii) that a prisoner serving a sentence for home  
10 invasion, armed robbery, aggravated vehicular hijacking,  
11 aggravated discharge of a firearm, or armed violence with  
12 a category I weapon or category II weapon, when the court  
13 has made and entered a finding, pursuant to subsection  
14 (c-1) of Section 5-4-1 of this Code, that the conduct  
15 leading to conviction for the enumerated offense resulted  
16 in great bodily harm to a victim, shall receive no more  
17 than 4.5 days of sentence credit for each month of his or  
18 her sentence of imprisonment;

19 (iv) that a prisoner serving a sentence for aggravated  
20 discharge of a firearm, whether or not the conduct leading  
21 to conviction for the offense resulted in great bodily  
22 harm to the victim, shall receive no more than 4.5 days of  
23 sentence credit for each month of his or her sentence of  
24 imprisonment;

25 (v) that a person serving a sentence for gunrunning,  
26 narcotics racketeering, controlled substance trafficking,

1 methamphetamine trafficking, drug-induced homicide,  
2 aggravated methamphetamine-related child endangerment,  
3 money laundering pursuant to clause (c) (4) or (5) of  
4 Section 29B-1 of the Criminal Code of 1961 or the Criminal  
5 Code of 2012, or a Class X felony conviction for delivery  
6 of a controlled substance, possession of a controlled  
7 substance with intent to manufacture or deliver,  
8 calculated criminal drug conspiracy, criminal drug  
9 conspiracy, street gang criminal drug conspiracy,  
10 participation in methamphetamine manufacturing,  
11 aggravated participation in methamphetamine  
12 manufacturing, delivery of methamphetamine, possession  
13 with intent to deliver methamphetamine, aggravated  
14 delivery of methamphetamine, aggravated possession with  
15 intent to deliver methamphetamine, methamphetamine  
16 conspiracy when the substance containing the controlled  
17 substance or methamphetamine is 100 grams or more shall  
18 receive no more than 7.5 days sentence credit for each  
19 month of his or her sentence of imprisonment;

20 (vi) that a prisoner serving a sentence for a second  
21 or subsequent offense of luring a minor shall receive no  
22 more than 4.5 days of sentence credit for each month of his  
23 or her sentence of imprisonment; and

24 (vii) that a prisoner serving a sentence for  
25 aggravated domestic battery shall receive no more than 4.5  
26 days of sentence credit for each month of his or her

1 sentence of imprisonment.

2 (2.1) For all offenses, other than those enumerated in  
3 subdivision (a)(2)(i), (ii), or (iii) committed on or after  
4 June 19, 1998 or subdivision (a)(2)(iv) committed on or after  
5 June 23, 2005 (the effective date of Public Act 94-71) or  
6 subdivision (a)(2)(v) committed on or after August 13, 2007  
7 (the effective date of Public Act 95-134) or subdivision  
8 (a)(2)(vi) committed on or after June 1, 2008 (the effective  
9 date of Public Act 95-625) or subdivision (a)(2)(vii)  
10 committed on or after July 23, 2010 (the effective date of  
11 Public Act 96-1224), and other than the offense of aggravated  
12 driving under the influence of alcohol, other drug or drugs,  
13 or intoxicating compound or compounds, or any combination  
14 thereof as defined in subparagraph (F) of paragraph (1) of  
15 subsection (d) of Section 11-501 of the Illinois Vehicle Code,  
16 and other than the offense of aggravated driving under the  
17 influence of alcohol, other drug or drugs, or intoxicating  
18 compound or compounds, or any combination thereof as defined  
19 in subparagraph (C) of paragraph (1) of subsection (d) of  
20 Section 11-501 of the Illinois Vehicle Code committed on or  
21 after January 1, 2011 (the effective date of Public Act  
22 96-1230), the rules and regulations shall provide that a  
23 prisoner who is serving a term of imprisonment shall receive  
24 one day of sentence credit for each day of his or her sentence  
25 of imprisonment or recommitment under Section 3-3-9. Each day  
26 of sentence credit shall reduce by one day the prisoner's

1 period of imprisonment or recommitment under Section 3-3-9.

2 (2.2) A prisoner serving a term of natural life  
3 imprisonment or a prisoner who has been sentenced to death  
4 shall receive no sentence credit.

5 (2.3) Except as provided in paragraph (4.7) of this  
6 subsection (a), the rules and regulations on sentence credit  
7 shall provide that a prisoner who is serving a sentence for  
8 aggravated driving under the influence of alcohol, other drug  
9 or drugs, or intoxicating compound or compounds, or any  
10 combination thereof as defined in subparagraph (F) of  
11 paragraph (1) of subsection (d) of Section 11-501 of the  
12 Illinois Vehicle Code, shall receive no more than 4.5 days of  
13 sentence credit for each month of his or her sentence of  
14 imprisonment.

15 (2.4) Except as provided in paragraph (4.7) of this  
16 subsection (a), the rules and regulations on sentence credit  
17 shall provide with respect to the offenses of aggravated  
18 battery with a machine gun or a firearm equipped with any  
19 device or attachment designed or used for silencing the report  
20 of a firearm or aggravated discharge of a machine gun or a  
21 firearm equipped with any device or attachment designed or  
22 used for silencing the report of a firearm, committed on or  
23 after July 15, 1999 (the effective date of Public Act 91-121),  
24 that a prisoner serving a sentence for any of these offenses  
25 shall receive no more than 4.5 days of sentence credit for each  
26 month of his or her sentence of imprisonment.

1           (2.5) Except as provided in paragraph (4.7) of this  
2 subsection (a), the rules and regulations on sentence credit  
3 shall provide that a prisoner who is serving a sentence for  
4 aggravated arson committed on or after July 27, 2001 (the  
5 effective date of Public Act 92-176) shall receive no more  
6 than 4.5 days of sentence credit for each month of his or her  
7 sentence of imprisonment.

8           (2.6) Except as provided in paragraph (4.7) of this  
9 subsection (a), the rules and regulations on sentence credit  
10 shall provide that a prisoner who is serving a sentence for  
11 aggravated driving under the influence of alcohol, other drug  
12 or drugs, or intoxicating compound or compounds or any  
13 combination thereof as defined in subparagraph (C) of  
14 paragraph (1) of subsection (d) of Section 11-501 of the  
15 Illinois Vehicle Code committed on or after January 1, 2011  
16 (the effective date of Public Act 96-1230) shall receive no  
17 more than 4.5 days of sentence credit for each month of his or  
18 her sentence of imprisonment.

19           (3) In addition to the sentence credits earned under  
20 paragraphs (2.1), (4), (4.1), and (4.7) of this subsection  
21 (a), the rules and regulations shall also provide that the  
22 Director may award up to 180 days of earned sentence credit for  
23 good conduct in specific instances as the Director deems  
24 proper. The good conduct may include, but is not limited to,  
25 compliance with the rules and regulations of the Department,  
26 service to the Department, service to a community, or service

1 to the State.

2 Eligible inmates for an award of earned sentence credit  
3 under this paragraph (3) may be selected to receive the credit  
4 at the Director's or his or her designee's sole discretion.  
5 Eligibility for the additional earned sentence credit under  
6 this paragraph (3) shall be based on, but is not limited to,  
7 the results of any available risk/needs assessment or other  
8 relevant assessments or evaluations administered by the  
9 Department using a validated instrument, the circumstances of  
10 the crime, any history of conviction for a forcible felony  
11 enumerated in Section 2-8 of the Criminal Code of 2012, the  
12 inmate's behavior and disciplinary history while incarcerated,  
13 and the inmate's commitment to rehabilitation, including  
14 participation in programming offered by the Department.

15 The Director shall not award sentence credit under this  
16 paragraph (3) to an inmate unless the inmate has served a  
17 minimum of 60 days of the sentence; except nothing in this  
18 paragraph shall be construed to permit the Director to extend  
19 an inmate's sentence beyond that which was imposed by the  
20 court. Prior to awarding credit under this paragraph (3), the  
21 Director shall make a written determination that the inmate:

22 (A) is eligible for the earned sentence credit;

23 (B) has served a minimum of 60 days, or as close to 60  
24 days as the sentence will allow;

25 (B-1) has received a risk/needs assessment or other  
26 relevant evaluation or assessment administered by the

1 Department using a validated instrument; and

2 (C) has met the eligibility criteria established by  
3 rule for earned sentence credit.

4 The Director shall determine the form and content of the  
5 written determination required in this subsection.

6 (3.5) The Department shall provide annual written reports  
7 to the Governor and the General Assembly on the award of earned  
8 sentence credit no later than February 1 of each year. The  
9 Department must publish both reports on its website within 48  
10 hours of transmitting the reports to the Governor and the  
11 General Assembly. The reports must include:

12 (A) the number of inmates awarded earned sentence  
13 credit;

14 (B) the average amount of earned sentence credit  
15 awarded;

16 (C) the holding offenses of inmates awarded earned  
17 sentence credit; and

18 (D) the number of earned sentence credit revocations.

19 (4)(A) Except as provided in paragraph (4.7) of this  
20 subsection (a), the rules and regulations shall also provide  
21 that any prisoner who is engaged full-time in substance abuse  
22 programs, correctional industry assignments, educational  
23 programs, pregnancy or parenting education programs,  
24 work-release programs or activities in accordance with Section  
25 3-13-1, the sentence credit accumulated and retained under  
26 paragraph (2.1) of subsection (a) of this Section by any

1 ~~inmate during specific periods of time in which such inmate is~~  
2 ~~engaged full time in substance abuse programs, correctional~~  
3 ~~industry assignments, educational programs, behavior~~  
4 modification programs, life skills courses, or re-entry  
5 planning provided by the Department under this paragraph (4)  
6 and satisfactorily completes the assigned program as  
7 determined by the standards of the Department, shall be  
8 multiplied by a factor of 1.25 for program participation  
9 before August 11, 1993 and 1.50 for program participation on  
10 or after that date. The rules and regulations shall also  
11 provide that sentence credit, subject to the same offense  
12 limits and multiplier provided in this paragraph, may be  
13 provided to an inmate who was held in pre-trial detention  
14 prior to his or her current commitment to the Department of  
15 Corrections and successfully completed a full-time, 60-day or  
16 longer substance abuse program, educational program, behavior  
17 modification program, life skills course, or re-entry planning  
18 provided by the county department of corrections or county  
19 jail. Calculation of this county program credit shall be done  
20 at sentencing as provided in Section 5-4.5-100 of this Code  
21 and shall be included in the sentencing order. However, no  
22 inmate shall be eligible for the additional sentence credit  
23 under this paragraph (4) or (4.1) of this subsection (a) while  
24 assigned to a boot camp or electronic detention.

25 (B) The Department shall award sentence credit under this  
26 paragraph (4) accumulated prior to January 1, 2020 (the

1 effective date of Public Act 101-440) ~~this amendatory Act of~~  
2 ~~the 101st General Assembly~~ in an amount specified in  
3 subparagraph (C) of this paragraph (4) to an inmate serving a  
4 sentence for an offense committed prior to June 19, 1998, if  
5 the Department determines that the inmate is entitled to this  
6 sentence credit, based upon:

7 (i) documentation provided by the Department that the  
8 inmate engaged in any full-time substance abuse programs,  
9 correctional industry assignments, educational programs,  
10 behavior modification programs, life skills courses, or  
11 re-entry planning provided by the Department under this  
12 paragraph (4) and satisfactorily completed the assigned  
13 program as determined by the standards of the Department  
14 during the inmate's current term of incarceration; or

15 (ii) the inmate's own testimony in the form of an  
16 affidavit or documentation, or a third party's  
17 documentation or testimony in the form of an affidavit  
18 that the inmate likely engaged in any full-time substance  
19 abuse programs, correctional industry assignments,  
20 educational programs, behavior modification programs, life  
21 skills courses, or re-entry planning provided by the  
22 Department under paragraph (4) and satisfactorily  
23 completed the assigned program as determined by the  
24 standards of the Department during the inmate's current  
25 term of incarceration.

26 (C) If the inmate can provide documentation that he or she

1 is entitled to sentence credit under subparagraph (B) in  
2 excess of 45 days of participation in those programs, the  
3 inmate shall receive 90 days of sentence credit. If the inmate  
4 cannot provide documentation of more than 45 days of  
5 participation in those programs, the inmate shall receive 45  
6 days of sentence credit. In the event of a disagreement  
7 between the Department and the inmate as to the amount of  
8 credit accumulated under subparagraph (B), if the Department  
9 provides documented proof of a lesser amount of days of  
10 participation in those programs, that proof shall control. If  
11 the Department provides no documentary proof, the inmate's  
12 proof as set forth in clause (ii) of subparagraph (B) shall  
13 control as to the amount of sentence credit provided.

14 (D) If the inmate has been convicted of a sex offense as  
15 defined in Section 2 of the Sex Offender Registration Act,  
16 sentencing credits under subparagraph (B) of this paragraph  
17 (4) shall be awarded by the Department only if the conditions  
18 set forth in paragraph (4.6) of subsection (a) are satisfied.  
19 No inmate serving a term of natural life imprisonment shall  
20 receive sentence credit under subparagraph (B) of this  
21 paragraph (4).

22 Educational, vocational, substance abuse, behavior  
23 modification programs, life skills courses, re-entry planning,  
24 and correctional industry programs under which sentence credit  
25 may be increased under this paragraph (4) and paragraph (4.1)  
26 of this subsection (a) shall be evaluated by the Department on

1 the basis of documented standards. The Department shall report  
2 the results of these evaluations to the Governor and the  
3 General Assembly by September 30th of each year. The reports  
4 shall include data relating to the recidivism rate among  
5 program participants.

6 Availability of these programs shall be subject to the  
7 limits of fiscal resources appropriated by the General  
8 Assembly for these purposes. Eligible inmates who are denied  
9 immediate admission shall be placed on a waiting list under  
10 criteria established by the Department. The inability of any  
11 inmate to become engaged in any such programs by reason of  
12 insufficient program resources or for any other reason  
13 established under the rules and regulations of the Department  
14 shall not be deemed a cause of action under which the  
15 Department or any employee or agent of the Department shall be  
16 liable for damages to the inmate.

17 (4.1) Except as provided in paragraph (4.7) of this  
18 subsection (a), the rules and regulations shall also provide  
19 that an additional 90 days of sentence credit shall be awarded  
20 to any prisoner who passes high school equivalency testing  
21 while the prisoner is committed to the Department of  
22 Corrections. The sentence credit awarded under this paragraph  
23 (4.1) shall be in addition to, and shall not affect, the award  
24 of sentence credit under any other paragraph of this Section,  
25 but shall also be pursuant to the guidelines and restrictions  
26 set forth in paragraph (4) of subsection (a) of this Section.

1 The sentence credit provided for in this paragraph shall be  
2 available only to those prisoners who have not previously  
3 earned a high school diploma or a high school equivalency  
4 certificate. If, after an award of the high school equivalency  
5 testing sentence credit has been made, the Department  
6 determines that the prisoner was not eligible, then the award  
7 shall be revoked. The Department may also award 90 days of  
8 sentence credit to any committed person who passed high school  
9 equivalency testing while he or she was held in pre-trial  
10 detention prior to the current commitment to the Department of  
11 Corrections.

12 Except as provided in paragraph (4.7) of this subsection  
13 (a), the rules and regulations shall provide that an  
14 additional 180 days of sentence credit shall be awarded to any  
15 prisoner who obtains a bachelor's degree while the prisoner is  
16 committed to the Department of Corrections. The sentence  
17 credit awarded under this paragraph (4.1) shall be in addition  
18 to, and shall not affect, the award of sentence credit under  
19 any other paragraph of this Section, but shall also be under  
20 the guidelines and restrictions set forth in paragraph (4) of  
21 this subsection (a). The sentence credit provided for in this  
22 paragraph shall be available only to those prisoners who have  
23 not earned a bachelor's degree prior to the current commitment  
24 to the Department of Corrections. If, after an award of the  
25 bachelor's degree sentence credit has been made, the  
26 Department determines that the prisoner was not eligible, then

1 the award shall be revoked. The Department may also award 180  
2 days of sentence credit to any committed person who earned a  
3 bachelor's degree while he or she was held in pre-trial  
4 detention prior to the current commitment to the Department of  
5 Corrections.

6 Except as provided in paragraph (4.7) of this subsection  
7 (a), the rules and regulations shall provide that an  
8 additional 180 days of sentence credit shall be awarded to any  
9 prisoner who obtains a master's or professional degree while  
10 the prisoner is committed to the Department of Corrections.  
11 The sentence credit awarded under this paragraph (4.1) shall  
12 be in addition to, and shall not affect, the award of sentence  
13 credit under any other paragraph of this Section, but shall  
14 also be under the guidelines and restrictions set forth in  
15 paragraph (4) of this subsection (a). The sentence credit  
16 provided for in this paragraph shall be available only to  
17 those prisoners who have not previously earned a master's or  
18 professional degree prior to the current commitment to the  
19 Department of Corrections. If, after an award of the master's  
20 or professional degree sentence credit has been made, the  
21 Department determines that the prisoner was not eligible, then  
22 the award shall be revoked. The Department may also award 180  
23 days of sentence credit to any committed person who earned a  
24 master's or professional degree while he or she was held in  
25 pre-trial detention prior to the current commitment to the  
26 Department of Corrections.

1           (4.5) The rules and regulations on sentence credit shall  
2 also provide that when the court's sentencing order recommends  
3 a prisoner for substance abuse treatment and the crime was  
4 committed on or after September 1, 2003 (the effective date of  
5 Public Act 93-354), the prisoner shall receive no sentence  
6 credit awarded under clause (3) of this subsection (a) unless  
7 he or she participates in and completes a substance abuse  
8 treatment program. The Director may waive the requirement to  
9 participate in or complete a substance abuse treatment program  
10 in specific instances if the prisoner is not a good candidate  
11 for a substance abuse treatment program for medical,  
12 programming, or operational reasons. Availability of substance  
13 abuse treatment shall be subject to the limits of fiscal  
14 resources appropriated by the General Assembly for these  
15 purposes. If treatment is not available and the requirement to  
16 participate and complete the treatment has not been waived by  
17 the Director, the prisoner shall be placed on a waiting list  
18 under criteria established by the Department. The Director may  
19 allow a prisoner placed on a waiting list to participate in and  
20 complete a substance abuse education class or attend substance  
21 abuse self-help meetings in lieu of a substance abuse  
22 treatment program. A prisoner on a waiting list who is not  
23 placed in a substance abuse program prior to release may be  
24 eligible for a waiver and receive sentence credit under clause  
25 (3) of this subsection (a) at the discretion of the Director.

26           (4.6) The rules and regulations on sentence credit shall

1 also provide that a prisoner who has been convicted of a sex  
2 offense as defined in Section 2 of the Sex Offender  
3 Registration Act shall receive no sentence credit unless he or  
4 she either has successfully completed or is participating in  
5 sex offender treatment as defined by the Sex Offender  
6 Management Board. However, prisoners who are waiting to  
7 receive treatment, but who are unable to do so due solely to  
8 the lack of resources on the part of the Department, may, at  
9 the Director's sole discretion, be awarded sentence credit at  
10 a rate as the Director shall determine.

11 (4.7) On or after January 1, 2018 (the effective date of  
12 Public Act 100-3) ~~this amendatory Act of the 100th General~~  
13 ~~Assembly~~, sentence credit under paragraph (3), (4), or (4.1)  
14 of this subsection (a) may be awarded to a prisoner who is  
15 serving a sentence for an offense described in paragraph (2),  
16 (2.3), (2.4), (2.5), or (2.6) for credit earned on or after  
17 January 1, 2018 (the effective date of Public Act 100-3) ~~this~~  
18 ~~amendatory Act of the 100th General Assembly~~; provided, the  
19 award of the credits under this paragraph (4.7) shall not  
20 reduce the sentence of the prisoner to less than the following  
21 amounts:

22 (i) 85% of his or her sentence if the prisoner is  
23 required to serve 85% of his or her sentence; or

24 (ii) 60% of his or her sentence if the prisoner is  
25 required to serve 75% of his or her sentence, except if the  
26 prisoner is serving a sentence for gunrunning his or her

1 sentence shall not be reduced to less than 75%.

2 (iii) 100% of his or her sentence if the prisoner is  
3 required to serve 100% of his or her sentence.

4 (5) Whenever the Department is to release any inmate  
5 earlier than it otherwise would because of a grant of earned  
6 sentence credit under paragraph (3) of subsection (a) of this  
7 Section given at any time during the term, the Department  
8 shall give reasonable notice of the impending release not less  
9 than 14 days prior to the date of the release to the State's  
10 Attorney of the county where the prosecution of the inmate  
11 took place, and if applicable, the State's Attorney of the  
12 county into which the inmate will be released. The Department  
13 must also make identification information and a recent photo  
14 of the inmate being released accessible on the Internet by  
15 means of a hyperlink labeled "Community Notification of Inmate  
16 Early Release" on the Department's World Wide Web homepage.  
17 The identification information shall include the inmate's:  
18 name, any known alias, date of birth, physical  
19 characteristics, commitment offense, and county where  
20 conviction was imposed. The identification information shall  
21 be placed on the website within 3 days of the inmate's release  
22 and the information may not be removed until either:  
23 completion of the first year of mandatory supervised release  
24 or return of the inmate to custody of the Department.

25 (b) Whenever a person is or has been committed under  
26 several convictions, with separate sentences, the sentences

1 shall be construed under Section 5-8-4 in granting and  
2 forfeiting of sentence credit.

3 (c) The Department shall prescribe rules and regulations  
4 for revoking sentence credit, including revoking sentence  
5 credit awarded under paragraph (3) of subsection (a) of this  
6 Section. The Department shall prescribe rules and regulations  
7 for suspending or reducing the rate of accumulation of  
8 sentence credit for specific rule violations, during  
9 imprisonment. These rules and regulations shall provide that  
10 no inmate may be penalized more than one year of sentence  
11 credit for any one infraction.

12 When the Department seeks to revoke, suspend, or reduce  
13 the rate of accumulation of any sentence credits for an  
14 alleged infraction of its rules, it shall bring charges  
15 therefor against the prisoner sought to be so deprived of  
16 sentence credits before the Prisoner Review Board as provided  
17 in subparagraph (a)(4) of Section 3-3-2 of this Code, if the  
18 amount of credit at issue exceeds 30 days or when, during any  
19 12-month ~~12-month~~ period, the cumulative amount of credit  
20 revoked exceeds 30 days except where the infraction is  
21 committed or discovered within 60 days of scheduled release.  
22 In those cases, the Department of Corrections may revoke up to  
23 30 days of sentence credit. The Board may subsequently approve  
24 the revocation of additional sentence credit, if the  
25 Department seeks to revoke sentence credit in excess of 30  
26 days. However, the Board shall not be empowered to review the

1 Department's decision with respect to the loss of 30 days of  
2 sentence credit within any calendar year for any prisoner or  
3 to increase any penalty beyond the length requested by the  
4 Department.

5 The Director of the Department of Corrections, in  
6 appropriate cases, may restore up to 30 days of sentence  
7 credits which have been revoked, suspended, or reduced. Any  
8 restoration of sentence credits in excess of 30 days shall be  
9 subject to review by the Prisoner Review Board. However, the  
10 Board may not restore sentence credit in excess of the amount  
11 requested by the Director.

12 Nothing contained in this Section shall prohibit the  
13 Prisoner Review Board from ordering, pursuant to Section  
14 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the  
15 sentence imposed by the court that was not served due to the  
16 accumulation of sentence credit.

17 (d) If a lawsuit is filed by a prisoner in an Illinois or  
18 federal court against the State, the Department of  
19 Corrections, or the Prisoner Review Board, or against any of  
20 their officers or employees, and the court makes a specific  
21 finding that a pleading, motion, or other paper filed by the  
22 prisoner is frivolous, the Department of Corrections shall  
23 conduct a hearing to revoke up to 180 days of sentence credit  
24 by bringing charges against the prisoner sought to be deprived  
25 of the sentence credits before the Prisoner Review Board as  
26 provided in subparagraph (a)(8) of Section 3-3-2 of this Code.

1 If the prisoner has not accumulated 180 days of sentence  
2 credit at the time of the finding, then the Prisoner Review  
3 Board may revoke all sentence credit accumulated by the  
4 prisoner.

5 For purposes of this subsection (d):

6 (1) "Frivolous" means that a pleading, motion, or  
7 other filing which purports to be a legal document filed  
8 by a prisoner in his or her lawsuit meets any or all of the  
9 following criteria:

10 (A) it lacks an arguable basis either in law or in  
11 fact;

12 (B) it is being presented for any improper  
13 purpose, such as to harass or to cause unnecessary  
14 delay or needless increase in the cost of litigation;

15 (C) the claims, defenses, and other legal  
16 contentions therein are not warranted by existing law  
17 or by a nonfrivolous argument for the extension,  
18 modification, or reversal of existing law or the  
19 establishment of new law;

20 (D) the allegations and other factual contentions  
21 do not have evidentiary support or, if specifically so  
22 identified, are not likely to have evidentiary support  
23 after a reasonable opportunity for further  
24 investigation or discovery; or

25 (E) the denials of factual contentions are not  
26 warranted on the evidence, or if specifically so

1 identified, are not reasonably based on a lack of  
2 information or belief.

3 (2) "Lawsuit" means a motion pursuant to Section 116-3  
4 of the Code of Criminal Procedure of 1963, a habeas corpus  
5 action under Article X of the Code of Civil Procedure or  
6 under federal law (28 U.S.C. 2254), a petition for claim  
7 under the Court of Claims Act, an action under the federal  
8 Civil Rights Act (42 U.S.C. 1983), or a second or  
9 subsequent petition for post-conviction relief under  
10 Article 122 of the Code of Criminal Procedure of 1963  
11 whether filed with or without leave of court or a second or  
12 subsequent petition for relief from judgment under Section  
13 2-1401 of the Code of Civil Procedure.

14 (e) Nothing in Public Act 90-592 or 90-593 affects the  
15 validity of Public Act 89-404.

16 (f) Whenever the Department is to release any inmate who  
17 has been convicted of a violation of an order of protection  
18 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or  
19 the Criminal Code of 2012, earlier than it otherwise would  
20 because of a grant of sentence credit, the Department, as a  
21 condition of release, shall require that the person, upon  
22 release, be placed under electronic surveillance as provided  
23 in Section 5-8A-7 of this Code.

24 (Source: P.A. 100-3, eff. 1-1-18; 100-575, eff. 1-8-18;  
25 101-440, eff. 1-1-20; revised 8-19-20.)

1 (Text of Section after amendment by P.A. 101-652)

2 Sec. 3-6-3. Rules and regulations for sentence credit.

3 (a) (1) The Department of Corrections shall prescribe rules  
4 and regulations for awarding and revoking sentence credit for  
5 persons committed to the Department which shall be subject to  
6 review by the Prisoner Review Board.

7 (1.5) As otherwise provided by law, sentence credit may be  
8 awarded for the following:

9 (A) successful completion of programming while in  
10 custody of the Department or while in custody prior to  
11 sentencing;

12 (B) compliance with the rules and regulations of the  
13 Department; or

14 (C) service to the institution, service to a  
15 community, or service to the State.

16 (2) Except as provided in paragraph (4.7) of this  
17 subsection (a), the rules and regulations on sentence credit  
18 shall provide, with respect to offenses listed in clause (i),  
19 (ii), or (iii) of this paragraph (2) committed on or after June  
20 19, 1998 or with respect to the offense listed in clause (iv)  
21 of this paragraph (2) committed on or after June 23, 2005 (the  
22 effective date of Public Act 94-71) or with respect to offense  
23 listed in clause (vi) committed on or after June 1, 2008 (the  
24 effective date of Public Act 95-625) or with respect to the  
25 offense of being an armed habitual criminal committed on or  
26 after August 2, 2005 (the effective date of Public Act 94-398)

1 or with respect to the offenses listed in clause (v) of this  
2 paragraph (2) committed on or after August 13, 2007 (the  
3 effective date of Public Act 95-134) or with respect to the  
4 offense of aggravated domestic battery committed on or after  
5 July 23, 2010 (the effective date of Public Act 96-1224) or  
6 with respect to the offense of attempt to commit terrorism  
7 committed on or after January 1, 2013 (the effective date of  
8 Public Act 97-990), the following:

9 (i) that a prisoner who is serving a term of  
10 imprisonment for first degree murder or for the offense of  
11 terrorism shall receive no sentence credit and shall serve  
12 the entire sentence imposed by the court;

13 (ii) that a prisoner serving a sentence for attempt to  
14 commit terrorism, attempt to commit first degree murder,  
15 solicitation of murder, solicitation of murder for hire,  
16 intentional homicide of an unborn child, predatory  
17 criminal sexual assault of a child, aggravated criminal  
18 sexual assault, criminal sexual assault, aggravated  
19 kidnapping, aggravated battery with a firearm as described  
20 in Section 12-4.2 or subdivision (e)(1), (e)(2), (e)(3),  
21 or (e)(4) of Section 12-3.05, heinous battery as described  
22 in Section 12-4.1 or subdivision (a)(2) of Section  
23 12-3.05, being an armed habitual criminal, aggravated  
24 battery of a senior citizen as described in Section 12-4.6  
25 or subdivision (a)(4) of Section 12-3.05, or aggravated  
26 battery of a child as described in Section 12-4.3 or

1 subdivision (b)(1) of Section 12-3.05 shall receive no  
2 more than 4.5 days of sentence credit for each month of his  
3 or her sentence of imprisonment;

4 (iii) that a prisoner serving a sentence for home  
5 invasion, armed robbery, aggravated vehicular hijacking,  
6 aggravated discharge of a firearm, or armed violence with  
7 a category I weapon or category II weapon, when the court  
8 has made and entered a finding, pursuant to subsection  
9 (c-1) of Section 5-4-1 of this Code, that the conduct  
10 leading to conviction for the enumerated offense resulted  
11 in great bodily harm to a victim, shall receive no more  
12 than 4.5 days of sentence credit for each month of his or  
13 her sentence of imprisonment;

14 (iv) that a prisoner serving a sentence for aggravated  
15 discharge of a firearm, whether or not the conduct leading  
16 to conviction for the offense resulted in great bodily  
17 harm to the victim, shall receive no more than 4.5 days of  
18 sentence credit for each month of his or her sentence of  
19 imprisonment;

20 (v) that a person serving a sentence for gunrunning,  
21 narcotics racketeering, controlled substance trafficking,  
22 methamphetamine trafficking, drug-induced homicide,  
23 aggravated methamphetamine-related child endangerment,  
24 money laundering pursuant to clause (c) (4) or (5) of  
25 Section 29B-1 of the Criminal Code of 1961 or the Criminal  
26 Code of 2012, or a Class X felony conviction for delivery

1 of a controlled substance, possession of a controlled  
2 substance with intent to manufacture or deliver,  
3 calculated criminal drug conspiracy, criminal drug  
4 conspiracy, street gang criminal drug conspiracy,  
5 participation in methamphetamine manufacturing,  
6 aggravated participation in methamphetamine  
7 manufacturing, delivery of methamphetamine, possession  
8 with intent to deliver methamphetamine, aggravated  
9 delivery of methamphetamine, aggravated possession with  
10 intent to deliver methamphetamine, methamphetamine  
11 conspiracy when the substance containing the controlled  
12 substance or methamphetamine is 100 grams or more shall  
13 receive no more than 7.5 days sentence credit for each  
14 month of his or her sentence of imprisonment;

15 (vi) that a prisoner serving a sentence for a second  
16 or subsequent offense of luring a minor shall receive no  
17 more than 4.5 days of sentence credit for each month of his  
18 or her sentence of imprisonment; and

19 (vii) that a prisoner serving a sentence for  
20 aggravated domestic battery shall receive no more than 4.5  
21 days of sentence credit for each month of his or her  
22 sentence of imprisonment.

23 (2.1) For all offenses, other than those enumerated in  
24 subdivision (a)(2)(i), (ii), or (iii) committed on or after  
25 June 19, 1998 or subdivision (a)(2)(iv) committed on or after  
26 June 23, 2005 (the effective date of Public Act 94-71) or

1 subdivision (a)(2)(v) committed on or after August 13, 2007  
2 (the effective date of Public Act 95-134) or subdivision  
3 (a)(2)(vi) committed on or after June 1, 2008 (the effective  
4 date of Public Act 95-625) or subdivision (a)(2)(vii)  
5 committed on or after July 23, 2010 (the effective date of  
6 Public Act 96-1224), and other than the offense of aggravated  
7 driving under the influence of alcohol, other drug or drugs,  
8 or intoxicating compound or compounds, or any combination  
9 thereof as defined in subparagraph (F) of paragraph (1) of  
10 subsection (d) of Section 11-501 of the Illinois Vehicle Code,  
11 and other than the offense of aggravated driving under the  
12 influence of alcohol, other drug or drugs, or intoxicating  
13 compound or compounds, or any combination thereof as defined  
14 in subparagraph (C) of paragraph (1) of subsection (d) of  
15 Section 11-501 of the Illinois Vehicle Code committed on or  
16 after January 1, 2011 (the effective date of Public Act  
17 96-1230), the rules and regulations shall provide that a  
18 prisoner who is serving a term of imprisonment shall receive  
19 one day of sentence credit for each day of his or her sentence  
20 of imprisonment or recommitment under Section 3-3-9. Each day  
21 of sentence credit shall reduce by one day the prisoner's  
22 period of imprisonment or recommitment under Section 3-3-9.

23 (2.2) A prisoner serving a term of natural life  
24 imprisonment or a prisoner who has been sentenced to death  
25 shall receive no sentence credit.

26 (2.3) Except as provided in paragraph (4.7) of this

1 subsection (a), the rules and regulations on sentence credit  
2 shall provide that a prisoner who is serving a sentence for  
3 aggravated driving under the influence of alcohol, other drug  
4 or drugs, or intoxicating compound or compounds, or any  
5 combination thereof as defined in subparagraph (F) of  
6 paragraph (1) of subsection (d) of Section 11-501 of the  
7 Illinois Vehicle Code, shall receive no more than 4.5 days of  
8 sentence credit for each month of his or her sentence of  
9 imprisonment.

10 (2.4) Except as provided in paragraph (4.7) of this  
11 subsection (a), the rules and regulations on sentence credit  
12 shall provide with respect to the offenses of aggravated  
13 battery with a machine gun or a firearm equipped with any  
14 device or attachment designed or used for silencing the report  
15 of a firearm or aggravated discharge of a machine gun or a  
16 firearm equipped with any device or attachment designed or  
17 used for silencing the report of a firearm, committed on or  
18 after July 15, 1999 (the effective date of Public Act 91-121),  
19 that a prisoner serving a sentence for any of these offenses  
20 shall receive no more than 4.5 days of sentence credit for each  
21 month of his or her sentence of imprisonment.

22 (2.5) Except as provided in paragraph (4.7) of this  
23 subsection (a), the rules and regulations on sentence credit  
24 shall provide that a prisoner who is serving a sentence for  
25 aggravated arson committed on or after July 27, 2001 (the  
26 effective date of Public Act 92-176) shall receive no more

1 than 4.5 days of sentence credit for each month of his or her  
2 sentence of imprisonment.

3 (2.6) Except as provided in paragraph (4.7) of this  
4 subsection (a), the rules and regulations on sentence credit  
5 shall provide that a prisoner who is serving a sentence for  
6 aggravated driving under the influence of alcohol, other drug  
7 or drugs, or intoxicating compound or compounds or any  
8 combination thereof as defined in subparagraph (C) of  
9 paragraph (1) of subsection (d) of Section 11-501 of the  
10 Illinois Vehicle Code committed on or after January 1, 2011  
11 (the effective date of Public Act 96-1230) shall receive no  
12 more than 4.5 days of sentence credit for each month of his or  
13 her sentence of imprisonment.

14 (3) In addition to the sentence credits earned under  
15 paragraphs (2.1), (4), (4.1), (4.2), and (4.7) of this  
16 subsection (a), the rules and regulations shall also provide  
17 that the Director may award up to 180 days of earned sentence  
18 credit for prisoners serving a sentence of incarceration of  
19 less than 5 years, and up to 365 days of earned sentence credit  
20 for prisoners serving a sentence of 5 years or longer. The  
21 Director may grant this credit for good conduct in specific  
22 instances as the Director deems proper. The good conduct may  
23 include, but is not limited to, compliance with the rules and  
24 regulations of the Department, service to the Department,  
25 service to a community, or service to the State.

26 Eligible inmates for an award of earned sentence credit

1 under this paragraph (3) may be selected to receive the credit  
2 at the Director's or his or her designee's sole discretion.  
3 Eligibility for the additional earned sentence credit under  
4 this paragraph (3) may be based on, but is not limited to,  
5 participation in programming offered by the Department  
6 ~~department~~ as appropriate for the prisoner based on the  
7 results of any available risk/needs assessment or other  
8 relevant assessments or evaluations administered by the  
9 Department using a validated instrument, the circumstances of  
10 the crime, demonstrated commitment to rehabilitation by a  
11 prisoner with a history of conviction for a forcible felony  
12 enumerated in Section 2-8 of the Criminal Code of 2012, the  
13 inmate's behavior and improvements in disciplinary history  
14 while incarcerated, and the inmate's commitment to  
15 rehabilitation, including participation in programming offered  
16 by the Department.

17 The Director shall not award sentence credit under this  
18 paragraph (3) to an inmate unless the inmate has served a  
19 minimum of 60 days of the sentence; except nothing in this  
20 paragraph shall be construed to permit the Director to extend  
21 an inmate's sentence beyond that which was imposed by the  
22 court. Prior to awarding credit under this paragraph (3), the  
23 Director shall make a written determination that the inmate:

24 (A) is eligible for the earned sentence credit;

25 (B) has served a minimum of 60 days, or as close to 60  
26 days as the sentence will allow;

1 (B-1) has received a risk/needs assessment or other  
2 relevant evaluation or assessment administered by the  
3 Department using a validated instrument; and

4 (C) has met the eligibility criteria established by  
5 rule for earned sentence credit.

6 The Director shall determine the form and content of the  
7 written determination required in this subsection.

8 (3.5) The Department shall provide annual written reports  
9 to the Governor and the General Assembly on the award of earned  
10 sentence credit no later than February 1 of each year. The  
11 Department must publish both reports on its website within 48  
12 hours of transmitting the reports to the Governor and the  
13 General Assembly. The reports must include:

14 (A) the number of inmates awarded earned sentence  
15 credit;

16 (B) the average amount of earned sentence credit  
17 awarded;

18 (C) the holding offenses of inmates awarded earned  
19 sentence credit; and

20 (D) the number of earned sentence credit revocations.

21 (4) (A) Except as provided in paragraph (4.7) of this  
22 subsection (a), the rules and regulations shall also provide  
23 that any prisoner who is engaged full-time in substance abuse  
24 programs, correctional industry assignments, educational  
25 programs, work-release programs or activities in accordance  
26 with Article 13 of Chapter III of this Code ~~730 ILCS 5/3-13-1~~

1 ~~et seq.~~, behavior modification programs, life skills courses,  
2 or re-entry planning provided by the Department under this  
3 paragraph (4) and satisfactorily completes the assigned  
4 program as determined by the standards of the Department,  
5 shall receive ~~one day~~ of sentence credit for each day in  
6 which that prisoner is engaged in the activities described in  
7 this paragraph. The rules and regulations shall also provide  
8 that sentence credit may be provided to an inmate who was held  
9 in pre-trial detention prior to his or her current commitment  
10 to the Department of Corrections and successfully completed a  
11 full-time, 60-day or longer substance abuse program,  
12 educational program, behavior modification program, life  
13 skills course, or re-entry planning provided by the county  
14 department of corrections or county jail. Calculation of this  
15 county program credit shall be done at sentencing as provided  
16 in Section 5-4.5-100 of this Code and shall be included in the  
17 sentencing order. The rules and regulations shall also provide  
18 that sentence credit may be provided to an inmate who is in  
19 compliance with programming requirements in an adult  
20 transition center.

21 (B) The Department shall award sentence credit under this  
22 paragraph (4) accumulated prior to January 1, 2020 (the  
23 effective date of Public Act 101-440) in an amount specified  
24 in subparagraph (C) of this paragraph (4) to an inmate serving  
25 a sentence for an offense committed prior to June 19, 1998, if  
26 the Department determines that the inmate is entitled to this

1 sentence credit, based upon:

2 (i) documentation provided by the Department that the  
3 inmate engaged in any full-time substance abuse programs,  
4 correctional industry assignments, educational programs,  
5 behavior modification programs, life skills courses, or  
6 re-entry planning provided by the Department under this  
7 paragraph (4) and satisfactorily completed the assigned  
8 program as determined by the standards of the Department  
9 during the inmate's current term of incarceration; or

10 (ii) the inmate's own testimony in the form of an  
11 affidavit or documentation, or a third party's  
12 documentation or testimony in the form of an affidavit  
13 that the inmate likely engaged in any full-time substance  
14 abuse programs, correctional industry assignments,  
15 educational programs, behavior modification programs, life  
16 skills courses, or re-entry planning provided by the  
17 Department under paragraph (4) and satisfactorily  
18 completed the assigned program as determined by the  
19 standards of the Department during the inmate's current  
20 term of incarceration.

21 (C) If the inmate can provide documentation that he or she  
22 is entitled to sentence credit under subparagraph (B) in  
23 excess of 45 days of participation in those programs, the  
24 inmate shall receive 90 days of sentence credit. If the inmate  
25 cannot provide documentation of more than 45 days of  
26 participation in those programs, the inmate shall receive 45

1 days of sentence credit. In the event of a disagreement  
2 between the Department and the inmate as to the amount of  
3 credit accumulated under subparagraph (B), if the Department  
4 provides documented proof of a lesser amount of days of  
5 participation in those programs, that proof shall control. If  
6 the Department provides no documentary proof, the inmate's  
7 proof as set forth in clause (ii) of subparagraph (B) shall  
8 control as to the amount of sentence credit provided.

9 (D) If the inmate has been convicted of a sex offense as  
10 defined in Section 2 of the Sex Offender Registration Act,  
11 sentencing credits under subparagraph (B) of this paragraph  
12 (4) shall be awarded by the Department only if the conditions  
13 set forth in paragraph (4.6) of subsection (a) are satisfied.  
14 No inmate serving a term of natural life imprisonment shall  
15 receive sentence credit under subparagraph (B) of this  
16 paragraph (4).

17 Educational, vocational, substance abuse, behavior  
18 modification programs, life skills courses, re-entry planning,  
19 and correctional industry programs under which sentence credit  
20 may be earned ~~increased~~ under this paragraph (4) and paragraph  
21 (4.1) of this subsection (a) shall be evaluated by the  
22 Department on the basis of documented standards. The  
23 Department shall report the results of these evaluations to  
24 the Governor and the General Assembly by September 30th of  
25 each year. The reports shall include data relating to the  
26 recidivism rate among program participants.

1           Availability of these programs shall be subject to the  
2 limits of fiscal resources appropriated by the General  
3 Assembly for these purposes. Eligible inmates who are denied  
4 immediate admission shall be placed on a waiting list under  
5 criteria established by the Department. The rules and  
6 regulations shall provide that a prisoner who has been placed  
7 on a waiting list but is transferred for non-disciplinary  
8 reasons before beginning a program shall receive priority  
9 placement on the waitlist for appropriate programs at the new  
10 facility. The inability of any inmate to become engaged in any  
11 such programs by reason of insufficient program resources or  
12 for any other reason established under the rules and  
13 regulations of the Department shall not be deemed a cause of  
14 action under which the Department or any employee or agent of  
15 the Department shall be liable for damages to the inmate. The  
16 rules and regulations shall provide that a prisoner who begins  
17 an educational, vocational, substance abuse, work-release  
18 programs or activities in accordance with Article 13 of  
19 Chapter III of this Code ~~730 ILCS 5/3-13-1 et seq.~~, behavior  
20 modification program, life skills course, re-entry planning,  
21 or correctional industry programs but is unable to complete  
22 the program due to illness, disability, transfer, lockdown, or  
23 another reason outside of the prisoner's control shall receive  
24 prorated sentence credits for the days in which the prisoner  
25 did participate.

26           (4.1) Except as provided in paragraph (4.7) of this

1 subsection (a), the rules and regulations shall also provide  
2 that an additional 90 days of sentence credit shall be awarded  
3 to any prisoner who passes high school equivalency testing  
4 while the prisoner is committed to the Department of  
5 Corrections. The sentence credit awarded under this paragraph  
6 (4.1) shall be in addition to, and shall not affect, the award  
7 of sentence credit under any other paragraph of this Section,  
8 but shall also be pursuant to the guidelines and restrictions  
9 set forth in paragraph (4) of subsection (a) of this Section.  
10 The sentence credit provided for in this paragraph shall be  
11 available only to those prisoners who have not previously  
12 earned a high school diploma or a high school equivalency  
13 certificate. If, after an award of the high school equivalency  
14 testing sentence credit has been made, the Department  
15 determines that the prisoner was not eligible, then the award  
16 shall be revoked. The Department may also award 90 days of  
17 sentence credit to any committed person who passed high school  
18 equivalency testing while he or she was held in pre-trial  
19 detention prior to the current commitment to the Department of  
20 Corrections. Except as provided in paragraph (4.7) of this  
21 subsection (a), the rules and regulations shall provide that  
22 an additional 120 days of sentence credit shall be awarded to  
23 any prisoner who obtains an ~~a~~ associate degree while the  
24 prisoner is committed to the Department of Corrections,  
25 regardless of the date that the associate degree was obtained,  
26 including if prior to July 1, 2021 (the effective date of

1 Public Act 101-652) ~~this amendatory Act of the 101st General~~  
2 ~~Assembly~~. The sentence credit awarded under this paragraph  
3 (4.1) shall be in addition to, and shall not affect, the award  
4 of sentence credit under any other paragraph of this Section,  
5 but shall also be under the guidelines and restrictions set  
6 forth in paragraph (4) of subsection (a) of this Section. The  
7 sentence credit provided for in this paragraph (4.1) shall be  
8 available only to those prisoners who have not previously  
9 earned an associate degree prior to the current commitment to  
10 the Department of Corrections. If, after an award of the  
11 associate degree sentence credit has been made and the  
12 Department determines that the prisoner was not eligible, then  
13 the award shall be revoked. The Department may also award 120  
14 days of sentence credit to any committed person who earned an  
15 associate degree while he or she was held in pre-trial  
16 detention prior to the current commitment to the Department of  
17 Corrections.

18 Except as provided in paragraph (4.7) of this subsection  
19 (a), the rules and regulations shall provide that an  
20 additional 180 days of sentence credit shall be awarded to any  
21 prisoner who obtains a bachelor's degree while the prisoner is  
22 committed to the Department of Corrections. The sentence  
23 credit awarded under this paragraph (4.1) shall be in addition  
24 to, and shall not affect, the award of sentence credit under  
25 any other paragraph of this Section, but shall also be under  
26 the guidelines and restrictions set forth in paragraph (4) of

1 this subsection (a). The sentence credit provided for in this  
2 paragraph shall be available only to those prisoners who have  
3 not earned a bachelor's degree prior to the current commitment  
4 to the Department of Corrections. If, after an award of the  
5 bachelor's degree sentence credit has been made, the  
6 Department determines that the prisoner was not eligible, then  
7 the award shall be revoked. The Department may also award 180  
8 days of sentence credit to any committed person who earned a  
9 bachelor's degree while he or she was held in pre-trial  
10 detention prior to the current commitment to the Department of  
11 Corrections.

12 Except as provided in paragraph (4.7) of this subsection  
13 (a), the rules and regulations shall provide that an  
14 additional 180 days of sentence credit shall be awarded to any  
15 prisoner who obtains a master's or professional degree while  
16 the prisoner is committed to the Department of Corrections.  
17 The sentence credit awarded under this paragraph (4.1) shall  
18 be in addition to, and shall not affect, the award of sentence  
19 credit under any other paragraph of this Section, but shall  
20 also be under the guidelines and restrictions set forth in  
21 paragraph (4) of this subsection (a). The sentence credit  
22 provided for in this paragraph shall be available only to  
23 those prisoners who have not previously earned a master's or  
24 professional degree prior to the current commitment to the  
25 Department of Corrections. If, after an award of the master's  
26 or professional degree sentence credit has been made, the

1 Department determines that the prisoner was not eligible, then  
2 the award shall be revoked. The Department may also award 180  
3 days of sentence credit to any committed person who earned a  
4 master's or professional degree while he or she was held in  
5 pre-trial detention prior to the current commitment to the  
6 Department of Corrections.

7 (4.2) The rules and regulations shall also provide that  
8 any prisoner engaged in self-improvement programs, volunteer  
9 work, or work assignments that are not otherwise eligible  
10 activities under paragraph ~~section~~ (4), shall receive up to  
11 0.5 days of sentence credit for each day in which the prisoner  
12 is engaged in activities described in this paragraph.

13 (4.5) The rules and regulations on sentence credit shall  
14 also provide that when the court's sentencing order recommends  
15 a prisoner for substance abuse treatment and the crime was  
16 committed on or after September 1, 2003 (the effective date of  
17 Public Act 93-354), the prisoner shall receive no sentence  
18 credit awarded under clause (3) of this subsection (a) unless  
19 he or she participates in and completes a substance abuse  
20 treatment program. The Director may waive the requirement to  
21 participate in or complete a substance abuse treatment program  
22 in specific instances if the prisoner is not a good candidate  
23 for a substance abuse treatment program for medical,  
24 programming, or operational reasons. Availability of substance  
25 abuse treatment shall be subject to the limits of fiscal  
26 resources appropriated by the General Assembly for these

1 purposes. If treatment is not available and the requirement to  
2 participate and complete the treatment has not been waived by  
3 the Director, the prisoner shall be placed on a waiting list  
4 under criteria established by the Department. The Director may  
5 allow a prisoner placed on a waiting list to participate in and  
6 complete a substance abuse education class or attend substance  
7 abuse self-help meetings in lieu of a substance abuse  
8 treatment program. A prisoner on a waiting list who is not  
9 placed in a substance abuse program prior to release may be  
10 eligible for a waiver and receive sentence credit under clause  
11 (3) of this subsection (a) at the discretion of the Director.

12 (4.6) The rules and regulations on sentence credit shall  
13 also provide that a prisoner who has been convicted of a sex  
14 offense as defined in Section 2 of the Sex Offender  
15 Registration Act shall receive no sentence credit unless he or  
16 she either has successfully completed or is participating in  
17 sex offender treatment as defined by the Sex Offender  
18 Management Board. However, prisoners who are waiting to  
19 receive treatment, but who are unable to do so due solely to  
20 the lack of resources on the part of the Department, may, at  
21 the Director's sole discretion, be awarded sentence credit at  
22 a rate as the Director shall determine.

23 (4.7) On or after January 1, 2018 (the effective date of  
24 Public Act 100-3), sentence credit under paragraph (3), (4),  
25 or (4.1) of this subsection (a) may be awarded to a prisoner  
26 who is serving a sentence for an offense described in

1 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned  
2 on or after January 1, 2018 (the effective date of Public Act  
3 100-3); provided, the award of the credits under this  
4 paragraph (4.7) shall not reduce the sentence of the prisoner  
5 to less than the following amounts:

6 (i) 85% of his or her sentence if the prisoner is  
7 required to serve 85% of his or her sentence; or

8 (ii) 60% of his or her sentence if the prisoner is  
9 required to serve 75% of his or her sentence, except if the  
10 prisoner is serving a sentence for gunrunning his or her  
11 sentence shall not be reduced to less than 75%.

12 (iii) 100% of his or her sentence if the prisoner is  
13 required to serve 100% of his or her sentence.

14 (5) Whenever the Department is to release any inmate  
15 earlier than it otherwise would because of a grant of earned  
16 sentence credit under paragraph (3) of subsection (a) of this  
17 Section given at any time during the term, the Department  
18 shall give reasonable notice of the impending release not less  
19 than 14 days prior to the date of the release to the State's  
20 Attorney of the county where the prosecution of the inmate  
21 took place, and if applicable, the State's Attorney of the  
22 county into which the inmate will be released. The Department  
23 must also make identification information and a recent photo  
24 of the inmate being released accessible on the Internet by  
25 means of a hyperlink labeled "Community Notification of Inmate  
26 Early Release" on the Department's World Wide Web homepage.

1 The identification information shall include the inmate's:  
2 name, any known alias, date of birth, physical  
3 characteristics, commitment offense, and county where  
4 conviction was imposed. The identification information shall  
5 be placed on the website within 3 days of the inmate's release  
6 and the information may not be removed until either:  
7 completion of the first year of mandatory supervised release  
8 or return of the inmate to custody of the Department.

9 (b) Whenever a person is or has been committed under  
10 several convictions, with separate sentences, the sentences  
11 shall be construed under Section 5-8-4 in granting and  
12 forfeiting of sentence credit.

13 (c) (1) The Department shall prescribe rules and  
14 regulations for revoking sentence credit, including revoking  
15 sentence credit awarded under paragraph (3) of subsection (a)  
16 of this Section. The Department shall prescribe rules and  
17 regulations establishing and requiring the use of a sanctions  
18 matrix for revoking sentence credit. The Department shall  
19 prescribe rules and regulations for suspending or reducing the  
20 rate of accumulation of sentence credit for specific rule  
21 violations, during imprisonment. These rules and regulations  
22 shall provide that no inmate may be penalized more than one  
23 year of sentence credit for any one infraction.

24 (2) When the Department seeks to revoke, suspend, or  
25 reduce the rate of accumulation of any sentence credits for an  
26 alleged infraction of its rules, it shall bring charges

1 therefor against the prisoner sought to be so deprived of  
2 sentence credits before the Prisoner Review Board as provided  
3 in subparagraph (a) (4) of Section 3-3-2 of this Code, if the  
4 amount of credit at issue exceeds 30 days, whether from one  
5 infraction or cumulatively from multiple infractions arising  
6 out of a single event, or when, during any 12-month period, the  
7 cumulative amount of credit revoked exceeds 30 days except  
8 where the infraction is committed or discovered within 60 days  
9 of scheduled release. In those cases, the Department of  
10 Corrections may revoke up to 30 days of sentence credit. The  
11 Board may subsequently approve the revocation of additional  
12 sentence credit, if the Department seeks to revoke sentence  
13 credit in excess of 30 days. However, the Board shall not be  
14 empowered to review the Department's decision with respect to  
15 the loss of 30 days of sentence credit within any calendar year  
16 for any prisoner or to increase any penalty beyond the length  
17 requested by the Department.

18 (3) The Director of the Department of Corrections, in  
19 appropriate cases, may restore sentence credits which have  
20 been revoked, suspended, or reduced. The Department shall  
21 prescribe rules and regulations governing the restoration of  
22 sentence credits. These rules and regulations shall provide  
23 for the automatic restoration of sentence credits following a  
24 period in which the prisoner maintains a record without a  
25 disciplinary violation.

26 Nothing contained in this Section shall prohibit the

1 Prisoner Review Board from ordering, pursuant to Section  
2 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the  
3 sentence imposed by the court that was not served due to the  
4 accumulation of sentence credit.

5 (d) If a lawsuit is filed by a prisoner in an Illinois or  
6 federal court against the State, the Department of  
7 Corrections, or the Prisoner Review Board, or against any of  
8 their officers or employees, and the court makes a specific  
9 finding that a pleading, motion, or other paper filed by the  
10 prisoner is frivolous, the Department of Corrections shall  
11 conduct a hearing to revoke up to 180 days of sentence credit  
12 by bringing charges against the prisoner sought to be deprived  
13 of the sentence credits before the Prisoner Review Board as  
14 provided in subparagraph (a)(8) of Section 3-3-2 of this Code.  
15 If the prisoner has not accumulated 180 days of sentence  
16 credit at the time of the finding, then the Prisoner Review  
17 Board may revoke all sentence credit accumulated by the  
18 prisoner.

19 For purposes of this subsection (d):

20 (1) "Frivolous" means that a pleading, motion, or  
21 other filing which purports to be a legal document filed  
22 by a prisoner in his or her lawsuit meets any or all of the  
23 following criteria:

24 (A) it lacks an arguable basis either in law or in  
25 fact;

26 (B) it is being presented for any improper

1           purpose, such as to harass or to cause unnecessary  
2           delay or needless increase in the cost of litigation;

3           (C) the claims, defenses, and other legal  
4           contentions therein are not warranted by existing law  
5           or by a nonfrivolous argument for the extension,  
6           modification, or reversal of existing law or the  
7           establishment of new law;

8           (D) the allegations and other factual contentions  
9           do not have evidentiary support or, if specifically so  
10          identified, are not likely to have evidentiary support  
11          after a reasonable opportunity for further  
12          investigation or discovery; or

13          (E) the denials of factual contentions are not  
14          warranted on the evidence, or if specifically so  
15          identified, are not reasonably based on a lack of  
16          information or belief.

17          (2) "Lawsuit" means a motion pursuant to Section 116-3  
18          of the Code of Criminal Procedure of 1963, a habeas corpus  
19          action under Article X of the Code of Civil Procedure or  
20          under federal law (28 U.S.C. 2254), a petition for claim  
21          under the Court of Claims Act, an action under the federal  
22          Civil Rights Act (42 U.S.C. 1983), or a second or  
23          subsequent petition for post-conviction relief under  
24          Article 122 of the Code of Criminal Procedure of 1963  
25          whether filed with or without leave of court or a second or  
26          subsequent petition for relief from judgment under Section

1 2-1401 of the Code of Civil Procedure.

2 (e) Nothing in Public Act 90-592 or 90-593 affects the  
3 validity of Public Act 89-404.

4 (f) Whenever the Department is to release any inmate who  
5 has been convicted of a violation of an order of protection  
6 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or  
7 the Criminal Code of 2012, earlier than it otherwise would  
8 because of a grant of sentence credit, the Department, as a  
9 condition of release, shall require that the person, upon  
10 release, be placed under electronic surveillance as provided  
11 in Section 5-8A-7 of this Code.

12 (Source: P.A. 100-3, eff. 1-1-18; 100-575, eff. 1-8-18;  
13 101-440, eff. 1-1-20; 101-652, eff. 7-1-21; revised 4-28-21.)

14 (730 ILCS 5/3-6-7.3)

15 (This Section may contain text from a Public Act with a  
16 delayed effective date)

17 Sec. 3-6-7.3. Committed person post-partum recovery  
18 requirements. The Department shall ensure that, for a period  
19 of 72 hours after the birth of an infant by an committed  
20 person:

21 (1) the infant is allowed to remain with the committed  
22 person, unless a medical professional determines doing so  
23 would pose a health or safety risk to the committed person  
24 or infant based on information only available to the  
25 Department. The mental health professional shall make any

1 such determination on an individualized basis and in  
2 consultation with the birthing team of the pregnant person  
3 and the Chief of the Women's Division. The birthing team  
4 shall include the committed person's perinatal care  
5 providers and doula, if available; and

6 (2) the committed person has access to any nutritional  
7 or hygiene-related products necessary to care for the  
8 infant, including diapers.

9 (Source: P.A. 101-652, eff. 7-1-21.)

10 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

11 (Text of Section before amendment by P.A. 101-652)

12 Sec. 5-8-1. Natural life imprisonment; enhancements for  
13 use of a firearm; mandatory supervised release terms.

14 (a) Except as otherwise provided in the statute defining  
15 the offense or in Article 4.5 of Chapter V, a sentence of  
16 imprisonment for a felony shall be a determinate sentence set  
17 by the court under this Section, subject to Section 5-4.5-115  
18 of this Code, according to the following limitations:

19 (1) for first degree murder,

20 (a) (blank),

21 (b) if a trier of fact finds beyond a reasonable  
22 doubt that the murder was accompanied by exceptionally  
23 brutal or heinous behavior indicative of wanton  
24 cruelty or, except as set forth in subsection

25 (a) (1) (c) of this Section, that any of the aggravating

1 factors listed in subsection (b) or (b-5) of Section  
2 9-1 of the Criminal Code of 1961 or the Criminal Code  
3 of 2012 are present, the court may sentence the  
4 defendant, subject to Section 5-4.5-105, to a term of  
5 natural life imprisonment, or

6 (c) the court shall sentence the defendant to a  
7 term of natural life imprisonment if the defendant, at  
8 the time of the commission of the murder, had attained  
9 the age of 18, and

10 (i) has previously been convicted of first  
11 degree murder under any state or federal law, or

12 (ii) is found guilty of murdering more than  
13 one victim, or

14 (iii) is found guilty of murdering a peace  
15 officer, fireman, or emergency management worker  
16 when the peace officer, fireman, or emergency  
17 management worker was killed in the course of  
18 performing his official duties, or to prevent the  
19 peace officer or fireman from performing his  
20 official duties, or in retaliation for the peace  
21 officer, fireman, or emergency management worker  
22 from performing his official duties, and the  
23 defendant knew or should have known that the  
24 murdered individual was a peace officer, fireman,  
25 or emergency management worker, or

26 (iv) is found guilty of murdering an employee

1 of an institution or facility of the Department of  
2 Corrections, or any similar local correctional  
3 agency, when the employee was killed in the course  
4 of performing his official duties, or to prevent  
5 the employee from performing his official duties,  
6 or in retaliation for the employee performing his  
7 official duties, or

8 (v) is found guilty of murdering an emergency  
9 medical technician - ambulance, emergency medical  
10 technician - intermediate, emergency medical  
11 technician - paramedic, ambulance driver or other  
12 medical assistance or first aid person while  
13 employed by a municipality or other governmental  
14 unit when the person was killed in the course of  
15 performing official duties or to prevent the  
16 person from performing official duties or in  
17 retaliation for performing official duties and the  
18 defendant knew or should have known that the  
19 murdered individual was an emergency medical  
20 technician - ambulance, emergency medical  
21 technician - intermediate, emergency medical  
22 technician - paramedic, ambulance driver, or other  
23 medical assistant or first aid personnel, or

24 (vi) (blank), or

25 (vii) is found guilty of first degree murder  
26 and the murder was committed by reason of any

1 person's activity as a community policing  
2 volunteer or to prevent any person from engaging  
3 in activity as a community policing volunteer. For  
4 the purpose of this Section, "community policing  
5 volunteer" has the meaning ascribed to it in  
6 Section 2-3.5 of the Criminal Code of 2012.

7 For purposes of clause (v), "emergency medical  
8 technician - ambulance", "emergency medical technician  
9 - intermediate", "emergency medical technician -  
10 paramedic", have the meanings ascribed to them in the  
11 Emergency Medical Services (EMS) Systems Act.

12 (d) (i) if the person committed the offense while  
13 armed with a firearm, 15 years shall be added to  
14 the term of imprisonment imposed by the court;

15 (ii) if, during the commission of the offense, the  
16 person personally discharged a firearm, 20 years shall  
17 be added to the term of imprisonment imposed by the  
18 court;

19 (iii) if, during the commission of the offense,  
20 the person personally discharged a firearm that  
21 proximately caused great bodily harm, permanent  
22 disability, permanent disfigurement, or death to  
23 another person, 25 years or up to a term of natural  
24 life shall be added to the term of imprisonment  
25 imposed by the court.

26 (2) (blank);

1           (2.5) for a person who has attained the age of 18 years  
2           at the time of the commission of the offense and who is  
3           convicted under the circumstances described in subdivision  
4           (b)(1)(B) of Section 11-1.20 or paragraph (3) of  
5           subsection (b) of Section 12-13, subdivision (d)(2) of  
6           Section 11-1.30 or paragraph (2) of subsection (d) of  
7           Section 12-14, subdivision (b)(1.2) of Section 11-1.40 or  
8           paragraph (1.2) of subsection (b) of Section 12-14.1,  
9           subdivision (b)(2) of Section 11-1.40 or paragraph (2) of  
10          subsection (b) of Section 12-14.1 of the Criminal Code of  
11          1961 or the Criminal Code of 2012, the sentence shall be a  
12          term of natural life imprisonment.

13          (b) (Blank).

14          (c) (Blank).

15          (d) Subject to earlier termination under Section 3-3-8,  
16          the parole or mandatory supervised release term shall be  
17          written as part of the sentencing order and shall be as  
18          follows:

19               (1) for first degree murder or a Class X felony except  
20               for the offenses of predatory criminal sexual assault of a  
21               child, aggravated criminal sexual assault, and criminal  
22               sexual assault if committed on or after the effective date  
23               of this amendatory Act of the 94th General Assembly and  
24               except for the offense of aggravated child pornography  
25               under Section 11-20.1B, 11-20.3, or 11-20.1 with  
26               sentencing under subsection (c-5) of Section 11-20.1 of

1 the Criminal Code of 1961 or the Criminal Code of 2012, if  
2 committed on or after January 1, 2009, 3 years;

3 (2) for a Class 1 felony or a Class 2 felony except for  
4 the offense of criminal sexual assault if committed on or  
5 after the effective date of this amendatory Act of the  
6 94th General Assembly and except for the offenses of  
7 manufacture and dissemination of child pornography under  
8 clauses (a)(1) and (a)(2) of Section 11-20.1 of the  
9 Criminal Code of 1961 or the Criminal Code of 2012, if  
10 committed on or after January 1, 2009, 2 years;

11 (3) for a Class 3 felony or a Class 4 felony, 1 year;

12 (4) for defendants who commit the offense of predatory  
13 criminal sexual assault of a child, aggravated criminal  
14 sexual assault, or criminal sexual assault, on or after  
15 the effective date of this amendatory Act of the 94th  
16 General Assembly, or who commit the offense of aggravated  
17 child pornography under Section 11-20.1B, 11-20.3, or  
18 11-20.1 with sentencing under subsection (c-5) of Section  
19 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
20 of 2012, manufacture of child pornography, or  
21 dissemination of child pornography after January 1, 2009,  
22 the term of mandatory supervised release shall range from  
23 a minimum of 3 years to a maximum of the natural life of  
24 the defendant;

25 (5) if the victim is under 18 years of age, for a  
26 second or subsequent offense of aggravated criminal sexual

1 abuse or felony criminal sexual abuse, 4 years, at least  
2 the first 2 years of which the defendant shall serve in an  
3 electronic monitoring or home detention program under  
4 Article 8A of Chapter V of this Code;

5 (6) for a felony domestic battery, aggravated domestic  
6 battery, stalking, aggravated stalking, and a felony  
7 violation of an order of protection, 4 years.

8 (e) (Blank).

9 (f) (Blank).

10 (Source: P.A. 100-431, eff. 8-25-17; 100-1182, eff. 6-1-19;  
11 101-288, eff. 1-1-20.)

12 (Text of Section after amendment by P.A. 101-652)

13 Sec. 5-8-1. Natural life imprisonment; enhancements for  
14 use of a firearm; mandatory supervised release terms.

15 (a) Except as otherwise provided in the statute defining  
16 the offense or in Article 4.5 of Chapter V, a sentence of  
17 imprisonment for a felony shall be a determinate sentence set  
18 by the court under this Section, subject to Section 5-4.5-115  
19 of this Code, according to the following limitations:

20 (1) for first degree murder,

21 (a) (blank),

22 (b) if a trier of fact finds beyond a reasonable  
23 doubt that the murder was accompanied by exceptionally  
24 brutal or heinous behavior indicative of wanton  
25 cruelty or, except as set forth in subsection

1 (a) (1) (c) of this Section, that any of the aggravating  
2 factors listed in subsection (b) or (b-5) of Section  
3 9-1 of the Criminal Code of 1961 or the Criminal Code  
4 of 2012 are present, the court may sentence the  
5 defendant, subject to Section 5-4.5-105, to a term of  
6 natural life imprisonment, or

7 (c) the court shall sentence the defendant to a  
8 term of natural life imprisonment if the defendant, at  
9 the time of the commission of the murder, had attained  
10 the age of 18, and

11 (i) has previously been convicted of first  
12 degree murder under any state or federal law, or

13 (ii) is found guilty of murdering more than  
14 one victim, or

15 (iii) is found guilty of murdering a peace  
16 officer, fireman, or emergency management worker  
17 when the peace officer, fireman, or emergency  
18 management worker was killed in the course of  
19 performing his official duties, or to prevent the  
20 peace officer or fireman from performing his  
21 official duties, or in retaliation for the peace  
22 officer, fireman, or emergency management worker  
23 from performing his official duties, and the  
24 defendant knew or should have known that the  
25 murdered individual was a peace officer, fireman,  
26 or emergency management worker, or

1 (iv) is found guilty of murdering an employee  
2 of an institution or facility of the Department of  
3 Corrections, or any similar local correctional  
4 agency, when the employee was killed in the course  
5 of performing his official duties, or to prevent  
6 the employee from performing his official duties,  
7 or in retaliation for the employee performing his  
8 official duties, or

9 (v) is found guilty of murdering an emergency  
10 medical technician - ambulance, emergency medical  
11 technician - intermediate, emergency medical  
12 technician - paramedic, ambulance driver or other  
13 medical assistance or first aid person while  
14 employed by a municipality or other governmental  
15 unit when the person was killed in the course of  
16 performing official duties or to prevent the  
17 person from performing official duties or in  
18 retaliation for performing official duties and the  
19 defendant knew or should have known that the  
20 murdered individual was an emergency medical  
21 technician - ambulance, emergency medical  
22 technician - intermediate, emergency medical  
23 technician - paramedic, ambulance driver, or other  
24 medical assistant or first aid personnel, or

25 (vi) (blank), or

26 (vii) is found guilty of first degree murder

1           and the murder was committed by reason of any  
2           person's activity as a community policing  
3           volunteer or to prevent any person from engaging  
4           in activity as a community policing volunteer. For  
5           the purpose of this Section, "community policing  
6           volunteer" has the meaning ascribed to it in  
7           Section 2-3.5 of the Criminal Code of 2012.

8           For purposes of clause (v), "emergency medical  
9           technician - ambulance", "emergency medical technician  
10          - intermediate", "emergency medical technician -  
11          paramedic", have the meanings ascribed to them in the  
12          Emergency Medical Services (EMS) Systems Act.

13                 (d) (i) if the person committed the offense while  
14                 armed with a firearm, 15 years shall be added to  
15                 the term of imprisonment imposed by the court;

16                 (ii) if, during the commission of the offense, the  
17                 person personally discharged a firearm, 20 years shall  
18                 be added to the term of imprisonment imposed by the  
19                 court;

20                 (iii) if, during the commission of the offense,  
21                 the person personally discharged a firearm that  
22                 proximately caused great bodily harm, permanent  
23                 disability, permanent disfigurement, or death to  
24                 another person, 25 years or up to a term of natural  
25                 life shall be added to the term of imprisonment  
26                 imposed by the court.

1 (2) (blank);

2 (2.5) for a person who has attained the age of 18 years  
3 at the time of the commission of the offense and who is  
4 convicted under the circumstances described in subdivision  
5 (b)(1)(B) of Section 11-1.20 or paragraph (3) of  
6 subsection (b) of Section 12-13, subdivision (d)(2) of  
7 Section 11-1.30 or paragraph (2) of subsection (d) of  
8 Section 12-14, subdivision (b)(1.2) of Section 11-1.40 or  
9 paragraph (1.2) of subsection (b) of Section 12-14.1,  
10 subdivision (b)(2) of Section 11-1.40 or paragraph (2) of  
11 subsection (b) of Section 12-14.1 of the Criminal Code of  
12 1961 or the Criminal Code of 2012, the sentence shall be a  
13 term of natural life imprisonment.

14 (b) (Blank).

15 (c) (Blank).

16 (d) Subject to earlier termination under Section 3-3-8,  
17 the parole or mandatory supervised release term shall be  
18 written as part of the sentencing order and shall be as  
19 follows:

20 (1) for first degree murder or for the offenses of  
21 predatory criminal sexual assault of a child, aggravated  
22 criminal sexual assault, and criminal sexual assault if  
23 committed on or before December 12, 2005, 3 years;

24 (1.5) except as provided in paragraph (7) of this  
25 subsection (d), for a Class X felony except for the  
26 offenses of predatory criminal sexual assault of a child,

1 aggravated criminal sexual assault, and criminal sexual  
2 assault if committed on or after December 13, 2005 (the  
3 effective date of Public Act 94-715) and except for the  
4 offense of aggravated child pornography under Section  
5 11-20.1B., 11-20.3, or 11-20.1 with sentencing under  
6 subsection (c-5) of Section 11-20.1 of the Criminal Code  
7 of 1961 or the Criminal Code of 2012, if committed on or  
8 after January 1, 2009, 18 months;

9 (2) except as provided in paragraph (7) of this  
10 subsection (d), for a Class 1 felony or a Class 2 felony  
11 except for the offense of criminal sexual assault if  
12 committed on or after December 13, 2005 (the effective  
13 date of Public Act 94-715) and except for the offenses of  
14 manufacture and dissemination of child pornography under  
15 clauses (a)(1) and (a)(2) of Section 11-20.1 of the  
16 Criminal Code of 1961 or the Criminal Code of 2012, if  
17 committed on or after January 1, 2009, 12 months;

18 (3) except as provided in paragraph (4), (6), or (7)  
19 of this subsection (d), a mandatory supervised release  
20 term shall not be imposed for a Class 3 felony or a Class 4  
21 felony; unless:

22 (A) the Prisoner Review Board, based on a  
23 validated risk and needs assessment, determines it is  
24 necessary for an offender to serve a mandatory  
25 supervised release term;

26 (B) if the Prisoner Review Board determines a

1 mandatory supervised release term is necessary  
2 pursuant to subparagraph (A) of this paragraph (3),  
3 the Prisoner Review Board shall specify the maximum  
4 number of months of mandatory supervised release the  
5 offender may serve, limited to a term of: (i) 12 months  
6 for a Class 3 felony; and (ii) 12 months for a Class 4  
7 felony;

8 (4) for defendants who commit the offense of predatory  
9 criminal sexual assault of a child, aggravated criminal  
10 sexual assault, or criminal sexual assault, on or after  
11 the effective date of this amendatory Act of the 94th  
12 General Assembly, or who commit the offense of aggravated  
13 child pornography under Section 11-20.1B, 11-20.3, or  
14 11-20.1 with sentencing under subsection (c-5) of Section  
15 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
16 of 2012, manufacture of child pornography, or  
17 dissemination of child pornography after January 1, 2009,  
18 the term of mandatory supervised release shall range from  
19 a minimum of 3 years to a maximum of the natural life of  
20 the defendant;

21 (5) if the victim is under 18 years of age, for a  
22 second or subsequent offense of aggravated criminal sexual  
23 abuse or felony criminal sexual abuse, 4 years, at least  
24 the first 2 years of which the defendant shall serve in an  
25 electronic monitoring or home detention program under  
26 Article 8A of Chapter V of this Code;

1 (6) for a felony domestic battery, aggravated domestic  
2 battery, stalking, aggravated stalking, and a felony  
3 violation of an order of protection, 4 years;

4 (7) for any felony described in paragraph (a)(2)(ii),  
5 (a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3),  
6 (a)(2.4), (a)(2.5), or (a)(2.6) of Article 5, Section  
7 3-6-3 of the Unified Code of Corrections requiring an  
8 inmate to serve a minimum of 85% of their court-imposed  
9 sentence, except for the offenses of predatory criminal  
10 sexual assault of a child, aggravated criminal sexual  
11 assault, and criminal sexual assault if committed on or  
12 after December 13, 2005 (the effective date of Public Act  
13 94-715) and except for the offense of aggravated child  
14 pornography under Section 11-20.1B., 11-20.3, or 11-20.1  
15 with sentencing under subsection (c-5) of Section 11-20.1  
16 of the Criminal Code of 1961 or the Criminal Code of 2012,  
17 if committed on or after January 1, 2009 and except as  
18 provided in paragraph (4) or paragraph (6) of this  
19 subsection (d), the term of mandatory supervised release  
20 shall be as follows:

21 (A) Class X felony, 3 years;

22 (B) Class 1 or Class 2 felonies, 2 years;

23 (C) Class 3 or Class 4 felonies, 1 year.

24 (e) (Blank).

25 (f) (Blank).

26 (g) Notwithstanding any other provisions of this Act and

1 of Public Act 101-652: (i) the provisions of paragraph (3) of  
2 subsection (d) are effective on January 1, 2022 and shall  
3 apply to all individuals convicted on or after the effective  
4 date of paragraph (3) of subsection (d); and (ii) the  
5 provisions of paragraphs (1.5) and (2) of subsection (d) are  
6 effective on July 1, 2021 and shall apply to all individuals  
7 convicted on or after the effective date of paragraphs (1.5)  
8 and (2) of subsection (d).

9 (Source: P.A. 100-431, eff. 8-25-17; 100-1182, eff. 6-1-19;  
10 101-288, eff. 1-1-20; 101-652, eff. 7-1-21.)

11 (730 ILCS 5/5-8A-4) (from Ch. 38, par. 1005-8A-4)

12 (Text of Section before amendment by P.A. 101-652)

13 Sec. 5-8A-4. Program description. The supervising  
14 authority may promulgate rules that prescribe reasonable  
15 guidelines under which an electronic monitoring and home  
16 detention program shall operate. When using electronic  
17 monitoring for home detention these rules shall include but  
18 not be limited to the following:

19 (A) The participant shall remain within the interior  
20 premises or within the property boundaries of his or her  
21 residence at all times during the hours designated by the  
22 supervising authority. Such instances of approved absences  
23 from the home may include but are not limited to the  
24 following:

25 (1) working or employment approved by the court or

1 traveling to or from approved employment;

2 (2) unemployed and seeking employment approved for  
3 the participant by the court;

4 (3) undergoing medical, psychiatric, mental health  
5 treatment, counseling, or other treatment programs  
6 approved for the participant by the court;

7 (4) attending an educational institution or a  
8 program approved for the participant by the court;

9 (5) attending a regularly scheduled religious  
10 service at a place of worship;

11 (6) participating in community work release or  
12 community service programs approved for the  
13 participant by the supervising authority; or

14 (7) for another compelling reason consistent with  
15 the public interest, as approved by the supervising  
16 authority.

17 (B) The participant shall admit any person or agent  
18 designated by the supervising authority into his or her  
19 residence at any time for purposes of verifying the  
20 participant's compliance with the conditions of his or her  
21 detention.

22 (C) The participant shall make the necessary  
23 arrangements to allow for any person or agent designated  
24 by the supervising authority to visit the participant's  
25 place of education or employment at any time, based upon  
26 the approval of the educational institution employer or

1 both, for the purpose of verifying the participant's  
2 compliance with the conditions of his or her detention.

3 (D) The participant shall acknowledge and participate  
4 with the approved electronic monitoring device as  
5 designated by the supervising authority at any time for  
6 the purpose of verifying the participant's compliance with  
7 the conditions of his or her detention.

8 (E) The participant shall maintain the following:

9 (1) a working telephone in the participant's home;

10 (2) a monitoring device in the participant's home,  
11 or on the participant's person, or both; and

12 (3) a monitoring device in the participant's home  
13 and on the participant's person in the absence of a  
14 telephone.

15 (F) The participant shall obtain approval from the  
16 supervising authority before the participant changes  
17 residence or the schedule described in subsection (A) of  
18 this Section.

19 (G) The participant shall not commit another crime  
20 during the period of home detention ordered by the Court.

21 (H) Notice to the participant that violation of the  
22 order for home detention may subject the participant to  
23 prosecution for the crime of escape as described in  
24 Section 5-8A-4.1.

25 (I) The participant shall abide by other conditions as  
26 set by the supervising authority.

1 (Source: P.A. 99-797, eff. 8-12-16.)

2 (Text of Section after amendment by P.A. 101-652)

3 Sec. 5-8A-4. Program description. The supervising  
4 authority may promulgate rules that prescribe reasonable  
5 guidelines under which an electronic monitoring and home  
6 detention program shall operate. When using electronic  
7 monitoring for home detention these rules may include but not  
8 be limited to the following:

9 (A) The participant may be instructed to remain within  
10 the interior premises or within the property boundaries of  
11 his or her residence at all times during the hours  
12 designated by the supervising authority. Such instances of  
13 approved absences from the home shall include but are not  
14 limited to the following:

15 (1) working or employment approved by the court or  
16 traveling to or from approved employment;

17 (2) unemployed and seeking employment approved for  
18 the participant by the court;

19 (3) undergoing medical, psychiatric, mental health  
20 treatment, counseling, or other treatment programs  
21 approved for the participant by the court;

22 (4) attending an educational institution or a  
23 program approved for the participant by the court;

24 (5) attending a regularly scheduled religious  
25 service at a place of worship;

1           (6) participating in community work release or  
2           community service programs approved for the  
3           participant by the supervising authority; or

4           (7) for another compelling reason consistent with  
5           the public interest, as approved by the supervising  
6           authority.

7           (8) purchasing groceries, food, or other basic  
8           necessities.

9           (A-1) At a minimum, any person ordered to pretrial  
10          home confinement with or without electronic monitoring  
11          must be provided with ~~open~~ movement spread out over no  
12          fewer than two days per week, to participate in basic  
13          activities such as those listed in paragraph (A).

14          (B) The participant shall admit any person or agent  
15          designated by the supervising authority into his or her  
16          residence at any time for purposes of verifying the  
17          participant's compliance with the conditions of his or her  
18          detention.

19          (C) The participant shall make the necessary  
20          arrangements to allow for any person or agent designated  
21          by the supervising authority to visit the participant's  
22          place of education or employment at any time, based upon  
23          the approval of the educational institution employer or  
24          both, for the purpose of verifying the participant's  
25          compliance with the conditions of his or her detention.

26          (D) The participant shall acknowledge and participate

1 with the approved electronic monitoring device as  
2 designated by the supervising authority at any time for  
3 the purpose of verifying the participant's compliance with  
4 the conditions of his or her detention.

5 (E) The participant shall maintain the following:

6 (1) access to a working telephone;

7 (2) a monitoring device in the participant's home,  
8 or on the participant's person, or both; and

9 (3) a monitoring device in the participant's home  
10 and on the participant's person in the absence of a  
11 telephone.

12 (F) The participant shall obtain approval from the  
13 supervising authority before the participant changes  
14 residence or the schedule described in subsection (A) of  
15 this Section. Such approval shall not be unreasonably  
16 withheld.

17 (G) The participant shall not commit another crime  
18 during the period of home detention ordered by the Court.

19 (H) Notice to the participant that violation of the  
20 order for home detention may subject the participant to  
21 prosecution for the crime of escape as described in  
22 Section 5-8A-4.1.

23 (I) The participant shall abide by other conditions as  
24 set by the supervising authority.

25 (J) This Section takes effect January 1, 2022.

26 (Source: P.A. 101-652, eff. 7-1-21.)

1 Section 70. The County Jail Act is amended by changing  
2 Section 17.7 as follows:

3 (730 ILCS 125/17.7)

4 (This Section may contain text from a Public Act with a  
5 delayed effective date)

6 Sec. 17.7. Educational programming ~~programming~~ for pregnant  
7 prisoners. The Illinois Department of Public Health shall  
8 provide the sheriff with educational programming relating to  
9 pregnancy and parenting and the sheriff shall provide the  
10 programming to pregnant prisoners ~~sheriff shall develop and~~  
11 ~~provide to each pregnant prisoner educational programming~~  
12 ~~relating to pregnancy and parenting~~. The programming must  
13 include instruction regarding:

- 14 (1) appropriate prenatal care and hygiene;  
15 (2) the effects of prenatal exposure to alcohol and  
16 drugs on a developing fetus;  
17 (3) parenting skills; and  
18 (4) medical and mental health issues applicable to  
19 children.

20 (Source: P.A. 101-652, eff. 7-1-21.)

21 Section 75. The Reporting of Deaths in Custody Act is  
22 amended by changing Section 3-5 as follows:

1 (730 ILCS 210/3-5)

2 (This Section may contain text from a Public Act with a  
3 delayed effective date)

4 Sec. 3-5. Report of deaths of persons in custody in  
5 correctional institutions.

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

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

14 (1) while in the custody of:

15 (A) a law enforcement agency;

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

18 (C) a peace officer; or

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

26 (A) the following facts concerning the death that

1 are in the possession of the law enforcement agency in  
2 charge of the investigation and the correctional  
3 facility where the death occurred ~~including, but not~~  
4 ~~limited to, race, age, and gender,~~ sexual orientation,  
5 and gender identity of the decedent, and a brief  
6 description of causes, contributing factors and the  
7 circumstances surrounding the death;

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

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

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

26 (d) The Illinois Criminal Justice Information Authority

1 shall create a standardized form to be used for the purpose of  
2 collecting information as described in subsection (b). The  
3 information shall comply with this Act and the Federal Death  
4 in Custody Reporting Act of 2013.

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

7 (1) while in the custody of:

8 (A) a law enforcement agency;

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

11 (C) a peace officer; or

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

13 (f) The Illinois Criminal Justice Information Authority  
14 may determine the manner in which the form is transmitted from  
15 a law enforcement agency to the Illinois Criminal Justice  
16 Information Authority. All state agencies that collect similar  
17 records as required under this Act, including Illinois State  
18 Police, Illinois Department of Corrections, and Illinois  
19 Department of Juvenile Justice, shall collaborate with the  
20 Illinois Criminal Justice and Information Authority to collect  
21 the information in this Act.

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

1 under Illinois or federal law.

2 (g-5) The Illinois Criminal Justice Information Authority  
3 shall begin collecting this information by January 1, 2022.  
4 The reports and publications in subsections (h) and below  
5 shall begin by June 1, 2022.

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

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

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

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

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

26 The report shall be submitted to the Governor and General

1 Assembly and made available to the public on the Illinois  
2 Criminal Justice Information Authority's website the first  
3 week of February of each year.

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

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

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

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

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

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

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

25 (k) The family, next of kin, or any other person  
26 reasonably nominated by the decedent as an emergency contact

1 shall be notified as soon as possible in a suitable manner  
2 giving an accurate factual account of the cause of death and  
3 circumstances surrounding the death in custody in accordance  
4 with State and federal law.

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

18 (m) Each department shall assign an employee or employees  
19 to file reports under this Section. It is unlawful for a person  
20 who is required under this Section to investigate a death or  
21 file a report to fail to include in the report facts known or  
22 discovered in the investigation to the Illinois Criminal  
23 Justice Information Authority. A violation of this Section is  
24 a petty offense, with fine not to exceed \$500.

25 (Source: P.A. 101-652, eff. 7-1-21.)

1           Section 95. No acceleration or delay. Except as otherwise  
2 expressly provided in Sections 3, 15, 55, 60, and 65, where  
3 this Act makes changes in a statute that is represented in this  
4 Act by text that is not yet or no longer in effect (for  
5 example, a Section represented by multiple versions), the use  
6 of that text does not accelerate or delay the taking effect of  
7 (i) the changes made by this Act or (ii) provisions derived  
8 from any other Public Act.

9           Section 97. Severability. The provisions of this Act are  
10 severable under Section 1.31 of the Statute on Statutes.

11           Section 99. Effective date. This Act takes effect upon  
12 becoming law.