



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3905

Introduced 2/22/2021, by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

720 ILCS 5/7-5.5

If and only if House Bill 3653 of the 101st General Assembly becomes law, amends the Criminal Code of 2012. In a section regarding prohibited use of force by a peace officers, removes provisions prohibiting the discharge of kinetic impact projectiles and all other non-or less-lethal projectiles in a manner that targets the head, pelvis, or back. Effective immediately.

LRB102 16934 RLC 22350 b

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 5. If and only if House Bill 3653 of the 101st
5 General Assembly becomes law, the Criminal Code of 2012 is
6 amended by changing Section 7-5.5 as follows:

7 (720 ILCS 5/7-5.5)

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

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

14 (b) A peace officer, or any person acting on behalf of a
15 peace officer, shall not use a chokehold or restraint above
16 the shoulders with risk of asphyxiation, or any lesser contact
17 with the throat or neck area of another, in order to prevent
18 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.

22 (d) As used in this Section, "restraint above the
23 shoulders with risk of positional asphyxiation" means a use of

1 a technique used to restrain a person above the shoulders,
2 including the neck or head, in a position which interferes
3 with the person's ability to breathe after the person no
4 longer poses a threat to the officer or any other person.

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

7 (i) use force as punishment or retaliation;

8 (ii) (blank) ~~discharge kinetic impact projectiles and~~
9 ~~all other non or less lethal projectiles in a manner that~~
10 ~~targets the head, pelvis, or back;~~

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

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

18 (Source: P.A. 99-352, eff. 1-1-16; 99-642, eff. 7-28-16;
19 10100HB3653enr.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.