



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB5804

Introduced 4/2/2024, by Rep. Anne Stava-Murray

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1136  
65 ILCS 5/11-1-12

Amends the Counties Code and the Illinois Municipal Code. Provides that a law enforcement officer may not be required to issue a specific number of citations within a designated period of time or be required to meet an arrest quota (rather than a law enforcement officer may not be required to issue a specific number of citations within a designated period of time). Defines "arrest quota". Modifies and adds criterion that may be used to evaluate a law enforcement officer. Provides that a person or exclusive bargaining representative who is or whose members are aggrieved by a violation of the provisions may bring a civil action in an appropriate circuit court for declaratory or injunctive relief with respect to the violation. Provides that, if the person or the exclusive bargaining representative is the prevailing party, the court shall award the prevailing party reasonable attorney's fees and costs and additional relief the court deems appropriate. Provides that enforcement of the provisions in circuit court does not affect a right or remedy available under any other law of this State. Makes other changes.

LRB103 36396 AWJ 66498 b

1 AN ACT concerning local government.

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

4 Section 5. The Counties Code is amended by changing  
5 Section 5-1136 as follows:

6 (55 ILCS 5/5-1136)

7 Sec. 5-1136. Quotas prohibited. A county may not establish  
8 or adopt an order, policy, ordinance, or resolution that would  
9 require a law enforcement officer to issue a specific number  
10 of citations within a designated period of time or require a  
11 law enforcement officer to meet an arrest quota. These  
12 prohibitions do. ~~This prohibition shall~~ not affect the  
13 conditions of any federal or State grants or funds awarded to  
14 the county and used to fund traffic enforcement programs.

15 A county may not, for purposes of evaluating a law  
16 enforcement officer's job performance, compare the number of  
17 citations issued or arrests completed by the law enforcement  
18 officer to the number of citations issued or arrests completed  
19 by any other law enforcement officer who has similar job  
20 duties. Nothing in this Section shall prohibit a county from  
21 evaluating a law enforcement officer based on the law  
22 enforcement officer's points of contact.

23 For the purposes of this Section:

1 (1) "Points of contact" means any quantifiable contact  
2 made in the furtherance of the law enforcement officer's  
3 duties, including, but not limited to, the number of  
4 traffic stops completed, calls for service, pedestrian  
5 stops completed, ~~arrests,~~ written warnings, and crime  
6 prevention measures, including community caretaking, order  
7 maintenance, consensual encounters, foot patrols, and  
8 business checks. "Points of contact" does ~~shall~~ not  
9 include ~~either~~ the issuance of citations, arrests  
10 completed, or the number of citations issued, or the  
11 number of arrests completed by a law enforcement officer.

12 (2) "Law enforcement officer" includes any sheriff,  
13 undersheriff, deputy sheriff, county police officer, or  
14 other person employed by the county as a peace officer.

15 (3) "Arrest quota" means a requirement regarding the  
16 number of arrests completed by a law enforcement officer,  
17 assessing value or points for an arrest for violation of a  
18 rule, petty offense, misdemeanor offense, or felony  
19 offense, or a proportion of those arrests completed  
20 relative to the arrests completed by another law  
21 enforcement officer or group of law enforcement officers.

22 A county may not use citations or arrests as criterion for  
23 law enforcement officers for promotion, demotion, dismissal,  
24 discipline, or the earning of benefits or merit pay provided  
25 by the county. In evaluating the performance of a law  
26 enforcement officer, overall job performance shall be

1 considered and not the volume of citations issued or arrests  
2 completed. An evaluation may include, but is not limited to,  
3 attendance, punctuality, acceptance of feedback, work safety,  
4 self-sufficiency, performance under stress, communication  
5 skills, leadership, investigative skills, de-escalation,  
6 commendations, demeanor, formal training, education, and  
7 professional judgment.

8 A home rule unit may not establish requirements for or  
9 assess the performance of law enforcement officers in a manner  
10 inconsistent with this Section. This Section is a denial and  
11 limitation of home rule powers and functions under subsection  
12 (g) of Section 6 of Article VII of the Illinois Constitution.

13 A person or exclusive bargaining representative who is or  
14 whose members are aggrieved by a violation of this Section may  
15 bring a civil action in an appropriate circuit court for  
16 declaratory or injunctive relief with respect to the  
17 violation. If the person or the exclusive bargaining  
18 representative is the prevailing party, the court shall award  
19 a prevailing party reasonable attorney's fees and costs and  
20 additional relief the court deems appropriate. This paragraph  
21 does not affect a right or remedy available under any other law  
22 of this State.

23 (Source: P.A. 98-650, eff. 1-1-15.)

24 Section 10. The Illinois Municipal Code is amended by  
25 changing Section 11-1-12 as follows:

1 (65 ILCS 5/11-1-12)

2 Sec. 11-1-12. Quotas prohibited. A municipality may not  
3 establish or adopt an order, policy, ordinance, or resolution  
4 that would require a police officer to issue a specific number  
5 of citations within a designated period of time or require a  
6 police officer to meet an arrest quota. These prohibitions do-  
7 ~~This prohibition shall~~ not affect the conditions of any  
8 federal or State grants or funds awarded to the municipality  
9 and used to fund traffic enforcement programs.

10 A municipality may not, for purposes of evaluating a  
11 police officer's job performance, compare the number of  
12 citations issued or arrests completed by the police officer to  
13 the number of citations issued or arrests completed by any  
14 other police officer who has similar job duties. Nothing in  
15 this Section shall prohibit a municipality from evaluating a  
16 police officer based on the police officer's points of  
17 contact.

18 For the purposes of this Section: 7

19 "Arrest quota" means a requirement regarding the number of  
20 arrests completed by a police officer, assessing value or  
21 points for an arrest for violation of a rule, petty offense,  
22 misdemeanor offense, or felony offense, or a proportion of  
23 those arrests completed relative to the arrests completed by  
24 another police officer or group of police officers.

25 "Points ~~points~~ of contact" means any quantifiable contact

1 made in the furtherance of the police officer's duties,  
2 including, but not limited to, the number of traffic stops  
3 completed, calls for service, pedestrian stops completed,  
4 ~~arrests,~~ written warnings, and crime prevention measures,  
5 including community caretaking, order maintenance, consensual  
6 encounters, foot patrols, and business checks. "Points of  
7 contact" does ~~shall~~ not include ~~either~~ the issuance of  
8 citations, arrests completed, ~~or~~ the number of citations  
9 issued, or the number of arrests completed by a police  
10 officer.

11 A municipality may not use citations or arrests as  
12 criterion for police officers for promotion, demotion,  
13 dismissal, discipline, or the earning of benefits or merit pay  
14 provided by the municipality. In evaluating the performance of  
15 a police officer, overall job performance shall be considered  
16 and not the volume of citations issued or arrests completed.  
17 An evaluation may include, but is not limited to, attendance,  
18 punctuality, acceptance of feedback, work safety,  
19 self-sufficiency, performance under stress, communication  
20 skills, leadership, investigative skills, de-escalation,  
21 commendations, demeanor, formal training, education, and  
22 professional judgment.

23 A home rule municipality may not establish requirements  
24 for or assess the performance of police officers in a manner  
25 inconsistent with this Section. This Section is a denial and  
26 limitation of home rule powers and functions under subsection

1 (g) of Section 6 of Article VII of the Illinois Constitution.

2 A person or exclusive bargaining representative who is or  
3 whose members are aggrieved by a violation of this Section may  
4 bring a civil action in an appropriate circuit court for  
5 declaratory or injunctive relief with respect to the  
6 violation. If the person or the exclusive bargaining  
7 representative is the prevailing party, the court shall award  
8 a prevailing party reasonable attorney's fees and costs and  
9 additional relief the court deems appropriate. This paragraph  
10 does not affect a right or remedy available under any other law  
11 of this State.

12 (Source: P.A. 100-1001, eff. 1-1-19.)