



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4519

by Rep. LaShawn K. Ford

SYNOPSIS AS INTRODUCED:

20 ILCS 2610/24 new
50 ILCS 705/7.6 new
725 ILCS 5/103-3.5 new
725 ILCS 5/103-7

from Ch. 38, par. 103-7

Amends the State Police Act and the Illinois Police Training Act. Provides that the Illinois Law Enforcement Training Standards Board shall develop guidelines and training for use by State and local law enforcement officers to address issues related to child safety when a caretaker parent or guardian is arrested. Establishes the minimum guidelines and training that must be included by the Board. Amends the Code of Criminal Procedure of 1963. Provides that if, upon questioning by a peace officer immediately following a person's arrest, the arrested person is identified as a custodial parent or guardian with responsibility for a minor child, the arrested person shall be entitled to make 2 telephone calls, in addition to the telephone calls permitted under the Code, at no expense if the telephone calls are completed to telephone numbers within the local calling area, to a relative or other person for the purpose of arranging for the care of the minor child or children in the parent or guardian's absence. Provides that a public officer or employee who knowingly deprives an arrested person of any right granted by this provision is guilty of a Class A misdemeanor.

LRB095 15727 RLC 41734 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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. The State Police Act is amended by adding
5 Section 24 as follows:

6 (20 ILCS 2610/24 new)

7 Sec. 24. Protocols concerning arrest of caretakers of
8 children. The Director shall adopt the protocols concerning the
9 arrest of caretakers of children as provided in Section 7.6 of
10 the Illinois Police Training Act, which protocols shall be
11 followed by State police officers.

12 Section 10. The Illinois Police Training Act is amended by
13 adding Section 7.6 as follows:

14 (50 ILCS 705/7.6 new)

15 Sec. 7.6. Protocols concerning arrest of caretakers of
16 children.

17 (a) It is the intent of the General Assembly to encourage
18 law enforcement and county child welfare agencies to develop
19 protocols in collaboration with other local entities, which may
20 include local educational, judicial, correctional, and
21 community-based organizations, when appropriate, regarding how

1 to best cooperate in their response to the arrest of a
2 caretaker parent or guardian of a minor child, to ensure the
3 child's safety and well-being.

4 (b) The General Assembly encourages the Illinois Law
5 Enforcement Training Standards Board to apply to the federal
6 government for a statewide training grant with the purpose of
7 enabling the Board to provide training for Illinois law
8 enforcement officers to assist them in developing protocols and
9 adequately addressing issues related to child safety when a
10 caretaker parent or guardian is arrested.

11 (c) The Board shall develop guidelines and training for use
12 by State and local law enforcement officers to address issues
13 related to child safety when a caretaker parent or guardian is
14 arrested.

15 (d) The guidelines and training shall, at a minimum,
16 address the following subjects:

17 (1) procedures to ensure that officers and custodial
18 employees inquire whether an arrestee has minor dependent
19 children without appropriate supervision;

20 (2) authorizing additional telephone calls by
21 arrestees so that they may arrange for the care of minor
22 dependent children;

23 (3) use of county child welfare services, as
24 appropriate, and other similar service providers to assist
25 in the placement of dependent children when the parent or
26 guardian is unable or unwilling to arrange suitable care

1 for the child or children;

2 (4) identification of local government or
3 nongovernmental agencies able to provide appropriate
4 custodial services;

5 (5) temporary supervision of minor children to ensure
6 their safety and well-being; and

7 (6) sample procedures to assist State and local law
8 enforcement agencies to develop ways to ensure the safety
9 and well-being of children when the parent or guardian has
10 been arrested.

11 (e) The Board shall use appropriate subject matter experts,
12 including representatives of law enforcement and county child
13 welfare agencies, in developing the guidelines and training
14 required by this Section.

15 Section 15. The Code of Criminal Procedure of 1963 is
16 amended by changing Section 103-7 and by adding Section 103-3.5
17 as follows:

18 (725 ILCS 5/103-3.5 new)

19 Sec. 103-3.5. Arrestees who are custodial parents or
20 guardians.

21 (a) If, upon questioning by a peace officer immediately
22 following a person's arrest, the arrested person is identified
23 as a custodial parent or guardian with responsibility for a
24 minor child, the arrested person shall be entitled to make 2

1 telephone calls, in addition to the telephone calls permitted
2 under Section 103-3, at no expense if the telephone calls are
3 completed to telephone numbers within the local calling area,
4 to a relative or other person for the purpose of arranging for
5 the care of the minor child or children in the parent or
6 guardian's absence.

7 (b) These telephone calls shall be given immediately upon
8 request, or as soon as practicable.

9 (c) This Section does not abrogate a peace officer's duty
10 to advise a suspect of his or her right to counsel or of any
11 other right.

12 (d) Any public officer or employee who knowingly deprives
13 an arrested person of any right granted by this Section is
14 guilty of a Class A misdemeanor.

15 (725 ILCS 5/103-7) (from Ch. 38, par. 103-7)

16 Sec. 103-7. Posting notice of rights.

17 Every sheriff, chief of police or other person who is in
18 charge of any jail, police station or other building where
19 persons under arrest are held in custody pending investigation,
20 bail or other criminal proceedings, shall post in every room,
21 other than cells, of such buildings where persons are held in
22 custody, in conspicuous places where it may be seen and read by
23 persons in custody and others, a poster, printed in large type,
24 containing a verbatim copy in the English language of the
25 provisions of Sections 103-2, 103-3, 103-3.5, 103-4, 109-1,

1 110-2, 110-4, and sub-parts (a) and (b) of Sections 110-7 and
2 113-3 of this Code. Each person who is in charge of any
3 courthouse or other building in which any trial of an offense
4 is conducted shall post in each room primarily used for such
5 trials and in each room in which defendants are confined or
6 wait, pending trial, in conspicuous places where it may be seen
7 and read by persons in custody and others, a poster, printed in
8 large type, containing a verbatim copy in the English language
9 of the provisions of Sections 103-6, 113-1, 113-4 and 115-1 and
10 of subparts (a) and (b) of Section 113-3 of this Code.
11 (Source: Laws 1965, p. 2622.)