



**ISACo Overview of HB 3653**  
**Omnibus Criminal Justice and Law Enforcement Legislation**  
January 21, 2021

The following is an overview of the content within HB 3653 (Rep. Slaughter, D-Chicago/Sen. Sims, Jr., D-Chicago). Provisions summarized include the page or range of pages where the language can be found as well as the date particular provisions take effect. Those seeking additional details about one or more provisions are encouraged to consult the legislation. This overview is not intended to be a substitute for a careful review of the legislation.

**No Representation Without Population Act**

*Effective January 1, 2025*

*Pages 1-6*

Provides that for purposes of reapportionment and redistricting, the General Assembly shall count each incarcerated person as residing at his or her last known place of residence, rather than at the institution of his or her incarceration. Per floor debate, this change will not impact Local Government Distributive Fund (LGDF) allocations.

**Deaths in Custody Act**

*Effective July 1, 2021*

*Pages 6-12*

Law enforcement agencies will be required to collect information about persons who die in custody of a law enforcement agency, a local or State correction facility or a law enforcement officer. The information must be reported to the Illinois Criminal Justice Information Authority (ICJIA).

## **Constitutional Rights and Remedies**

*Effective July 1, 2021*

*Pages 12-15*

Creates a Task Force on Constitutional Rights and Remedies and charges the Task Force with developing policies and procedures to review and modify constitutional rights and remedies. One of the issues the Task Force will examine is qualified immunity for law enforcement personnel. The Act is repealed on January 1, 2022. Earlier versions of the language proposed restrictions on qualified immunity. The legislation preserves qualified immunity and subjects it to evaluation by the Task Force.

## **Community-Law Enforcement Partnership for Deflection and Substance Use Disorder Treatment Act**

*Effective July 1, 2021*

*Pages 32-43*

Adds language to include “other first responders” to existing references to law enforcement personnel throughout the Act.

Defines “other first responder.”

With respect to planning for deflection programs, requires agreements with participating licensed treatment providers to authorize the release of statistical data to the Illinois Criminal Justice Information Authority (ICJIA) as a condition for receiving certain funds.

Includes specific training requirements for law enforcement agencies or other first responder entities that receive funding for deflection programs.

Adds “or other first responders” to a section exempting law enforcement agencies or peace officers from civil liability.

Allows up to 10 percent of appropriated funds to be expended on activities related to knowledge dissemination, training, technical assistance or other similar activities intended to increase practitioner and public awareness of deflection and/or to support its implementation.

Prioritizes funding for deflection programs for communities impacted by the war on drugs, communities that have a police/community relations issue and communities that have a disproportionate lack of access to mental health and drug treatment.

Includes naloxone and related supplies necessary for overdose reversal and treatments necessary to prevent gaps in service delivery between linkage and coverage by other funding sources when otherwise non-reimbursable to the activities eligible for funding under the Act.

**The Attorney General Act**

*Effective July 1, 2021*

*Pages 43-47*

Allows the Attorney General to commence a civil action to obtain appropriate equitable and declaratory relief against any government authority engaging in a pattern or practice of conduct by officers that deprives any person of rights, privileges or immunities secured or protected by the Constitution or federal/state laws. Creates a five-year statute of limitations on initiating such civil actions. Allows for civil penalties not to exceed \$25,000 per violation and not to exceed \$50,000 for other civil rights violations within 5 years of the occurrence of the violation that is the basis for the complaint.

**Public Officer Prohibited Activities Act**

*Effective July 1, 2021*

*Pages 59-63*

Prohibits local governments, their agents or another employee from retaliating against an employee or contractor who: 1) reports on an improper governmental action; 2) cooperates with an investigation into an improper governmental action; or 3) testifies in a proceeding or prosecution arising out of an improper governmental action. Requires an employee to make written reports of improper governmental action to the appropriate auditing official. The auditing official must establish a written process and procedures for managing complaints. Defines "improper governmental action." Establishes penalties against abusers for violations and measures that can be taken to remedy victims or retaliation.

**Local Records Act**

*Effective January 1, 2023*

*Pages 64-66*

Requires that all public records and non-public records related to complaints, investigations and adjudications of police misconduct shall be permanently retained and may not be destroyed.

**Illinois Police Training Act**

*Effective July 1, 2021*

*Pages 66-78*

Requires the Law Enforcement Training and Standards Board (ILETSB) to develop statewide minimum standards regarding regular mental health screenings for probationary and permanent police officers.

ILETSB is required to develop standards for in-service training consisting of at least 30 hours of specified training every three years.

ILETBSB is required to develop standards for certified training programs in crisis intervention of at least 40 hours. These training programs will be a collaboration between law enforcement professionals, mental health providers, families and consumer advocates.

Requires the curriculum for probationary police officers to include: 1) at least 12 hours of hands-on, scenario-based role-playing; 2) at least six hours of instruction on the use of force techniques, including the use of de-escalation techniques to prevent or reduce the need for force whenever safe and feasible; 3) specific training on officer safety techniques, including cover, concealment and time; and 4) at least six hours of training focused on high-risk traffic stops.

Additional annual minimum in-service training requirements for law enforcement officers would include emergency medical response training and certification, crisis intervention training and officer wellness and mental health.

### **Law Enforcement Officer-Worn Body Camera Act**

*Phased-In Based Upon Population*

*Pages 78-89*

Mandates the use of officer-worn body cameras with a phase-in based upon population. Earlier versions of the amendment included language that would have penalized local governments for non-compliance by reducing their LGDF (income tax share) distribution. This legislation does not include this penalty but gives compliant local governments preference for grant funding under the Law Enforcement Camera Grant Act.

Law enforcement agencies must report to ILETBSB on or before May 1 of each year on the use of the cameras.

### **Uniform Crime Reporting Act**

*Effective July 1, 2021*

*Pages 89-93*

Requires local law enforcement agencies to report incident statistics to the Department of State Police on a monthly basis.

Beginning on July 1, 2021, requires local law enforcement agencies to report on any incident where a law enforcement officer was dispatched to deal with a person experiencing a mental health crisis or incident. Also requires reporting on any action resulting in the death or serious bodily injury of a person or the discharge of a firearm at or in the direction of a person. (Page 103)

Earlier versions of the amendment included language that would have penalized local governments for non-compliance by reducing their LGDF (income tax share) distribution. This legislation does not include this penalty but gives compliant local governments preference for grant funding under the Law Enforcement Camera Grant Act.

### **Uniform Peace Officers' Disciplinary Act**

*Effective July 1, 2021*

*Pages 93-95*

Removes the requirement that an officer shall be informed about the names of all complainants prior to an administrative proceeding.

Removes the requirement that the officer under investigation shall be informed in writing of the name, rank and unit or command of the officer in charge of the investigation.

Removes the requirement that a person filing a complaint against an officer must have a sworn affidavit or any other legal documentation. This provision applies to collective bargaining contracts entered into following the effective date of the law.

### **The Police and Community Relations Improvement Act**

*Effective January 1, 2023*

*Pages 95-96*

Allows a person to file notice of an anonymous complaint to ILETSB of the conduct the person believes a law enforcement officer has committed. ILETSB shall accept notice and investigate any allegations from individuals notwithstanding any other provision of state law or any collective bargaining agreement.

### **Illinois Counties Code**

*Effective July 1, 2021*

*Pages 96-113*

Adds a section entitled, "Military Equipment Surplus Program" and prohibits a sheriff's department from requesting or receiving specified equipment from any military equipment surplus program or purchasing such equipment. Includes a similar provision within the Illinois Municipal Code.

### **Illinois Vehicle Code**

*Effective July 1, 2021*

*Page 141-248*

Requires, as soon as practicable and no later than July 1, 2021, the Illinois Secretary of State to rescind the suspension, cancellation or prohibition of renewal of a person's driver's license that has been suspended, canceled or whose renewal has been prohibited before the effective date of this amendatory Act of the 101<sup>st</sup> General Assembly due to the person having failed to pay any fine or penalty for traffic violations, automated traffic law enforcement system violations or abandoned vehicle fees as delineated by statute.

## **Criminal Code of 2012**

*Effective July 1, 2021*

*Pages 272-307*

In a section authorizing the use of force when making arrests, adds a qualifier that the use is only allowed “based on the totality of the circumstances.”

Establishes protocols that must be followed prior to the use of force and restricts the use of force unless certain conditions are met. These conditions are specified in the language.

Law enforcement agencies are encouraged to adopt and develop policies designed to protect individuals with physical, mental health, developmental or intellectual disabilities who are significantly more likely to experience greater levels of physical force during police interactions.

Prohibits peace officers from using a restraint above the shoulders that carries risk of asphyxiation for the arrestee.

Prohibits the use of force as punishment or retaliation.

Prohibits peace officers from discharging kinetic impact projectiles and all other non-or less-lethal projectiles in a manner that targets the head, pelvis or back. Prohibits their discharge into a crowd and prohibits use of chemical agents prior to issuing an order for a crowd to disperse.

Adds language establishing a duty for law enforcement officers to render aid and medical assistance when a person is injured, including as a result of a use of force.

Adds language establishing a duty for law enforcement officers to intervene to stop another law enforcement officer from using unauthorized force.

The new law includes provisions concerning official misconduct of an officer and describes instances of behavior considered to be misconduct. Makes misconduct a Class 3 felony.

## **Code of Criminal Procedure of 1963**

*Effective January 1, 2023 Unless Otherwise Indicated*

*Pages 307-448*

Includes a provision removing the requirement of posting monetary bail. (This provision takes effect on January 1, 2023.

Defines “pretrial release” as having the meaning ascribed to bail in Section 9 of Article I of the Illinois Constitution that is non-monetary.

Establishes conditions under which pretrial release can be revoked or denied and provisions for release without the need to appear before a judge.

Identifies offenses that allow for or deny pretrial release.

Establishes a presumption that a defendant is entitled to release on personal recognizance as long as certain requirements are met.

Requires that persons in custody shall be treated without unreasonable delay if need for medical treatment is apparent. (Effective January 1, 2021)

Vests individuals with a right to three phone calls within three hours of being taken into custody and allows them access to their personal cell phone. (Effective January 1, 2021)

Permits no-knock warrants if body-worn cameras are in use or the interaction is otherwise recorded and requires measures to plan for the presence of children or vulnerable people on-site and allows for an internal investigation if a warrant is executed at an incorrect address. (Effective January 1, 2021)

Establishes that a victim's safety will be considered in determining a defendant's release and conditions of release. Removes provisions denying or fixing the amount of bail.

Allows authorized authorities to grant pretrial release based on a uniform form created by the Illinois Supreme Court for certain cases. Removes references to bail or bond in favor of the term "pretrial release."

### **Open Meetings Act**

*Effective January 1, 2022*

*Pages 612-620*

Exempts from the Open Meetings Act (OMA) deliberations of the Illinois Law Enforcement Training Standards Board, the Certification Review Panel and the Illinois State Police Merit Board regarding certification and decertification.

### **Freedom of Information Act**

*Effective January 1, 2022*

*Pages 620-651*

Exempts records contained in the Officer Professional Conduct Database under Section 9.4 of the Illinois Police Training Act, except to the extent authorized under that Section. This includes the documents supplied to the Illinois Law Enforcement Training Standards Board from the Illinois State Police and Illinois State Police Merit Board.

Adds members of the Certification Review Panel under the Illinois Police Training Act as employees subject to the Freedom of Information Act (FOIA).

**Illinois Police Training Act**

*Effective January 1, 2022*

*Pages 670-762*

Defines “full-time law enforcement officer,” “governmental agency,” “state governmental agency,” and “panel.”

Establishes the composition of the Law Enforcement Training and Standards Board.

Creates the Illinois Law Enforcement Certification Review Panel and establishes its membership, processes and duties regarding the certification and de-certification of law enforcement officers.

Authorizes the Board to immediately suspend a law enforcement officer’s certification in specified situations.

Prohibits an employing agency from granting an individual status as a law enforcement officer unless the individual was granted an active law enforcement officer certification by the Board.

Law enforcement officers must submit a verification form confirming compliance with the Act.

**The Counties Code**

*Effective July 1, 2021*

*Pages 762-763*

Amends a section regarding the qualifications for a sheriff by requiring that the individual possess a certificate attesting to his or her successful completion of the Minimum Standards Basic Law Enforcement Training Course as prescribed by the Illinois Law Enforcement Training Standards Board or a substantially similar training program of another state or the federal government.