



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0270

by Rep. Litesa E. Wallace

SYNOPSIS AS INTRODUCED:

New Act
50 ILCS 705/7.7 new

Creates the Law Enforcement Sexual Assault Investigation Act. Provides that allegations of sexual assault by a police officer while performing his or her duties shall immediately be reported to the police officer's supervisory or command personnel and an independent law enforcement agency. Provides that the independent law enforcement agency shall conduct a formal investigation of the allegations and provide written findings and recommendations to the State's Attorney and police officer's supervisory or command personnel which may be the basis for filing charges seeking the police officer's removal, discharge, or suspension. Limits home rule powers. Amends the Illinois Police Training Act. Provides that the Illinois Law Enforcement Training Standards Board shall adopt written protocols and guidelines for the investigation of law enforcement officers accused of sexual assault.

LRB100 04388 SLF 14394 b

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

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 1. Short title. This Act may be cited as the Law
5 Enforcement Sexual Assault Investigation Act.

6 Section 5. Definitions. As used in this Act:

7 "Formal investigation" has the meaning ascribed to it in
8 Section 2 of the Uniform Peace Officers' Disciplinary Act.

9 "Independent agency" means a law enforcement agency which
10 does not employ the officer accused of sexual assault.

11 "Informal inquiry" has the meaning ascribed to it in
12 Section 2 of the Uniform Peace Officers' Disciplinary Act.

13 "Law enforcement agency" means an agency of the State or of
14 a unit of local of government which is vested by law or
15 ordinance with the duty to maintain public order and to enforce
16 criminal laws.

17 "Police officer" means any person employed by a law
18 enforcement agency of the State, a county, or a municipality as
19 a policeman, peace officer, or in some like position involving
20 the enforcement of the law and protection of public interest at
21 the risk of the person's life.

22 "Sexual assault" has the meaning ascribed to it in Section
23 1a of the Sexual Assault Survivors Emergency Treatment Act.

1 Section 10. Complaints of sexual assault. If a law
2 enforcement agency receives a complaint, or other formal or
3 informal notice, that a police officer has committed a sexual
4 assault while acting in his or her capacity as a police
5 officer, the complaint or notice shall be immediately reported
6 to the police officer's supervisory or command personnel. The
7 complaint or notice of sexual assault shall also be immediately
8 reported to an independent agency under the protocols and
9 guidelines as created by the Illinois Law Enforcement Training
10 Standards Board under Section 7.7 of the Illinois Police
11 Training Act.

12 Section 15. Investigations of sexual assault.

13 (a) After an independent agency has been informed of
14 allegations of a sexual assault by a police officer under
15 Section 10, the independent agency shall proceed with a formal
16 investigation of the police officer based on the allegation.

17 (b) The independent agency shall have all the rights and
18 privileges provided to the law enforcement agency employing the
19 police officer, the internal investigation department of that
20 law enforcement agency, or any other State or federal agency
21 would have in investigating the allegations of sexual assault
22 against the police officer.

23 (c) After the independent agency has concluded its formal
24 investigation, it shall prepare written findings and

1 recommendations and forward those to the police officer's
2 supervisory or command personnel and the State's Attorney with
3 jurisdiction over the police officer's law enforcement agency.
4 The independent agency's written findings and recommendations
5 may be the basis for filing charges seeking the police
6 officer's removal, discharge, or suspension.

7 Section 20. Informal inquiry. Nothing in this Act shall
8 prohibit a police officer's supervisory or command personnel
9 from conducting an informal inquiry of allegations of sexual
10 assault against the police officer unless the informal inquiry
11 would in any way interfere with the formal investigation being
12 conducted by the independent agency.

13 Section 25. Home rule. A home rule unit may not regulate
14 investigations of allegations of sexual assault by a police
15 officer in a manner inconsistent with this Act. This Act is a
16 limitation under subsection (i) of Section 6 of Article VII of
17 the Illinois Constitution on the concurrent exercise by home
18 rule units of powers and functions exercised by the State.

19 Section 900. The Illinois Police Training Act is amended by
20 adding Section 7.7 as follows:

21 (50 ILCS 705/7.7 new)

22 Sec. 7.7. Sexual assault investigations protocols and

1 guidelines. The Board shall adopt written protocols and
2 guidelines for the investigation of law enforcement officers
3 accused of sexual assault. The protocols and guidelines shall,
4 at a minimum, be consistent with the Law Enforcement Sexual
5 Assault Investigation Act.