

# HB2737



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB2737

by Rep. Carol Ammons

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/33-3

from Ch. 38, par. 33-3

Amends the Criminal Code of 2012. Provides that an employee of a law enforcement agency commits misconduct when he or she knowingly fails to turn on an officer-worn body camera or turns off an officer-worn body camera when there is a reasonable opportunity to act in a manner that is consistent with the officer-worn body camera policy of the respective law enforcement agency. Provides that a violation is a Class 3 felony and forfeiture of employment. Defines "officer-worn body camera".

LRB100 10706 RLC 20933 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

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 Criminal Code of 2012 is amended by changing  
5 Section 33-3 as follows:

6 (720 ILCS 5/33-3) (from Ch. 38, par. 33-3)

7 Sec. 33-3. Official misconduct.

8 (a) A public officer or employee or special government  
9 agent commits misconduct when, in his official capacity or  
10 capacity as a special government agent, he or she commits any  
11 of the following acts:

12 (1) Intentionally or recklessly fails to perform any  
13 mandatory duty as required by law; or

14 (2) Knowingly performs an act which he knows he is  
15 forbidden by law to perform; or

16 (3) With intent to obtain a personal advantage for  
17 himself or another, he performs an act in excess of his  
18 lawful authority; or

19 (4) Solicits or knowingly accepts for the performance  
20 of any act a fee or reward which he knows is not authorized  
21 by law.

22 (b) An employee of a law enforcement agency commits  
23 misconduct when he or she knowingly fails to turn on an

1 officer-worn body camera or turns off an officer-worn body  
2 camera when there is a reasonable opportunity to act in a  
3 manner that is consistent with the officer-worn body camera  
4 policy of the respective law enforcement agency or when he or  
5 she knowingly uses or communicates, directly or indirectly,  
6 information acquired in the course of employment, with the  
7 intent to obstruct, impede, or prevent the investigation,  
8 apprehension, or prosecution of any criminal offense or person.  
9 Nothing in this subsection (b) shall be construed to impose  
10 liability for communicating to a confidential resource, who is  
11 participating or aiding law enforcement, in an ongoing  
12 investigation.

13 (c) A public officer or employee or special government  
14 agent convicted of violating any provision of this Section  
15 forfeits his or her office or employment or position as a  
16 special government agent. In addition, he or she commits a  
17 Class 3 felony.

18 (d) For purposes of this Section:

19 "Officer-worn body camera" has the meaning ascribed to  
20 it in Section 10-10 of the Law Enforcement Officer-Worn  
21 Body Camera Act.

22 "Special , ~~"special~~ government agent" has the meaning  
23 ascribed to it in subsection (1) of Section 4A-101 of the  
24 Illinois Governmental Ethics Act.

25 (Source: P.A. 98-867, eff. 1-1-15.)