



Rep. Christian L. Mitchell

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LRB100 09946 SLF 27131 a

1 AMENDMENT TO SENATE BILL 1843

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1843 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Uniform Peace Officers' Disciplinary Act is  
5 amended by reenacting and changing Section 8 as follows:

6 (50 ILCS 725/8)

7 Sec. 8. Commission on Police Professionalism.

8 (a) Recognizing the need to review performance standards  
9 governing the professionalism of law enforcement agencies and  
10 officers in the 21st century, the General Assembly hereby  
11 creates the Commission on Police Professionalism.

12 (b) The Commission on Police ~~Policing Standards~~ and  
13 Professionalism shall be composed of the following members:

14 (1) one member of the Senate appointed by the President  
15 of the Senate;

16 (2) one member of the Senate appointed by the Senate

1 Minority Leader;

2 (3) one member of the House of Representatives  
3 appointed by the Speaker of the House of Representatives;

4 (4) one member of the House of Representatives  
5 appointed by the House Minority Leader;

6 (5) one active duty law enforcement officer who is a  
7 member of a certified collective bargaining unit appointed  
8 by the Governor;

9 (6) one active duty law enforcement officer who is a  
10 member of a certified collective bargaining unit appointed  
11 by the President of the Senate;

12 (7) one active duty law enforcement officer who is a  
13 member of a certified collective bargaining unit appointed  
14 by the Senate Minority Leader;

15 (8) one active duty law enforcement officer who is a  
16 member of a certified collective bargaining unit appointed  
17 by the Speaker of the House of Representatives;

18 (9) one active duty law enforcement officer who is a  
19 member of a certified collective bargaining unit appointed  
20 by the House Minority Leader;

21 (10) the Director of State Police, or his or her  
22 designee;

23 (11) the Executive Director of the Law Enforcement  
24 Training Standards Board, or his or her designee;

25 (12) the Director of a statewide organization  
26 representing Illinois sheriffs;

1           (13) the Director of a statewide organization  
2 representing Illinois chiefs of police;

3           (14) the Director of a statewide fraternal  
4 organization representing sworn law enforcement officers  
5 in this State;

6           (15) the Director of a benevolent association  
7 representing sworn police officers in this State;

8           (16) the Director of a fraternal organization  
9 representing sworn law enforcement officers within the  
10 City of Chicago; and

11           (17) the Director of a fraternal organization  
12 exclusively representing sworn Illinois State Police  
13 officers.

14           (c) The President of the Senate and the Speaker of the  
15 House of Representatives shall each appoint a joint chairperson  
16 to the Commission. The Law Enforcement Training Standards Board  
17 shall provide administrative support to the Commission.

18           (d) The Commission shall meet regularly to review the  
19 current training and certification process for law enforcement  
20 officers, review the duties of the various types of law  
21 enforcement officers, including auxiliary officers, review the  
22 standards for the issuance of badges, shields, and other police  
23 and agency identification, review officer-involved shooting  
24 investigation policies, review policies and practices  
25 concerning the use of force and misconduct by law enforcement  
26 officers, and examine whether law enforcement officers should

1 be licensed. For the purposes of this subsection (d), "badge"  
2 means an officer's department issued identification number  
3 associated with his or her position as a police officer with  
4 that Department.

5 (e) The Commission shall submit a report of its findings  
6 and legislative recommendations to the General Assembly and  
7 Governor on or before September 30, 2018 ~~March 31, 2016~~.

8 (f) This Section is repealed on December 31, 2018 ~~April 1,~~  
9 ~~2016~~.

10 (g) The General Assembly finds and declares that this  
11 amendatory Act of the 100th General Assembly manifests the  
12 intention of the General Assembly to extend the repeal of this  
13 Section and have this Section continue in effect until December  
14 31, 2018.

15 This Section shall be deemed to have been in continuous  
16 effect since August 12, 2015 (the effective date of Public Act  
17 99-352), and it shall continue to be in effect henceforward  
18 until it is otherwise lawfully repealed. All previously enacted  
19 amendments to this Section taking effect on or after April 1,  
20 2016 are hereby validated. All actions taken in reliance on or  
21 under this Section by the Commission or any other person or  
22 entity are hereby validated.

23 In order to ensure the continuing effectiveness of this  
24 Section, it is set forth in full and reenacted by this  
25 amendatory Act of the 100th General Assembly. This reenactment  
26 is intended as a continuation of this Section. It is not

1 intended to supersede any amendment to this Section that is  
2 enacted by the 100th General Assembly.

3 This Section applies to all actions made on or before the  
4 effective date of this amendatory Act of the 100th General  
5 Assembly.

6 (Source: P.A. 99-352, eff. 8-12-15; 99-494, eff. 12-17-15.)

7 Section 10. The State's Attorneys Appellate Prosecutor's  
8 Act is amended by changing Section 4.01 as follows:

9 (725 ILCS 210/4.01) (from Ch. 14, par. 204.01)

10 Sec. 4.01. (a) The Office and all attorneys employed  
11 thereby may represent the People of the State of Illinois on  
12 appeal in all cases which emanate from a county containing less  
13 than 3,000,000 inhabitants, when requested to do so and at the  
14 direction of the State's Attorney, otherwise responsible for  
15 prosecuting the appeal, and may, with the advice and consent of  
16 the State's Attorney prepare, file and argue such appellate  
17 briefs in the Illinois Appellate Court and, when requested and  
18 authorized to do so by the Attorney General, in the Illinois  
19 Supreme Court.

20 (b) Notwithstanding the population restriction contained  
21 in subsection (a), the ~~The~~ Office may also assist County  
22 State's Attorneys in the discharge of their duties under the  
23 Illinois Controlled Substances Act, the Cannabis Control Act,  
24 the Methamphetamine Control and Community Protection Act, the

1 Drug Asset Forfeiture Procedure Act, the Narcotics Profit  
2 Forfeiture Act, and the Illinois Public Labor Relations Act,  
3 including negotiations conducted on behalf of a county or  
4 pursuant to an intergovernmental agreement as well as in the  
5 trial and appeal of said cases and of tax objections, and the  
6 counties which use services relating to labor relations shall  
7 reimburse the Office on pro-rated shares as determined by the  
8 board based upon the population and number of labor relations  
9 cases of the participating counties. In addition, the Office  
10 and all attorneys employed by the Office may also assist  
11 State's Attorneys in the discharge of their duties in the  
12 prosecution, trial, or hearing on post-conviction of other  
13 cases when requested to do so by, and at the direction of, the  
14 State's Attorney otherwise responsible for the case. In  
15 addition, the Office and all attorneys employed by the Office  
16 may act as Special Prosecutor if duly appointed to do so by a  
17 court having jurisdiction. To be effective, the order  
18 appointing the Office or its attorneys as Special Prosecutor  
19 must (i) identify the case and its subject matter and (ii)  
20 state that the Special Prosecutor serves at the pleasure of the  
21 Attorney General, who may substitute himself or herself as the  
22 Special Prosecutor when, in his or her judgment, the interest  
23 of the people of the State so requires. Within 5 days after  
24 receiving a copy of an order from the court appointing the  
25 Office or any of its attorneys as a Special Prosecutor, the  
26 Office must forward a copy of the order to the Springfield

1 office of the Attorney General.

2 (Source: P.A. 97-1012, eff. 8-17-12.)

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.".