



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3119

by Rep. Lamont J. Robinson, Jr.

SYNOPSIS AS INTRODUCED:

5 ILCS 815/10

Amends the Law Enforcement Criminal Sexual Assault Investigation Act. Provides that no investigator involved in an officer-involved criminal sexual assault investigation may be employed by the law enforcement agency that employs the officer involved in the officer-involved criminal sexual assault, regardless of whether the investigator is employed by the Department of State Police or a municipality with a with a population over 1,000,000. Provides that upon receipt of an allegation or complaint of an officer-involved criminal sexual assault against a law enforcement officer employed by a municipality with a population over 1,000,000, the municipality shall promptly notify the Department of State Police, and the Department of State Police shall investigate. Provides that upon receipt of an allegation or complaint of an officer-involved criminal sexual assault against a law enforcement officer employed by the Department of State Police, the Department of State Police shall promptly notify the State's Attorney of the county in which the alleged offense occurred, and that State's Attorney shall investigate. Provides that upon completion of the investigation of an alleged officer-involved criminal sexual assault, the investigating officer shall, regardless of whether or not consensual sexual relations has been raised as a defense to the allegation or complaint, submit the report on the investigation to the State's Attorney of the county where the alleged sexual assault took place. Effective immediately.

LRB101 07048 RJF 52084 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Law Enforcement Criminal Sexual Assault
5 Investigation Act is amended by changing Section 10 as follows:

6 (5 ILCS 815/10)

7 Sec. 10. Investigation of officer-involved criminal
8 assault; requirements.

9 (a) Each law enforcement agency shall have a written policy
10 regarding the investigation of officer-involved criminal
11 sexual assault that involves a law enforcement officer employed
12 by that law enforcement agency.

13 (b) Each officer-involved criminal sexual assault
14 investigation shall be conducted by at least 2 investigators or
15 an entity comprised of at least 2 investigators, one of whom
16 shall be the lead investigator. The investigators shall have
17 completed a specialized sexual assault and sexual abuse
18 investigation training program approved by the Illinois Law
19 Enforcement Training Standards Board or similar training
20 approved by the Department of State Police. No investigator
21 involved in the investigation may be employed by the law
22 enforcement agency that employs the officer involved in the
23 officer-involved criminal sexual assault, ~~unless the~~

1 ~~investigator is employed by the Department of State Police or a~~
2 ~~municipality with a population over 1,000,000 and is not~~
3 ~~assigned to the same division or unit as the officer involved~~
4 ~~in the criminal sexual assault.~~

5 (c) Upon receipt of an allegation or complaint of an
6 officer-involved criminal sexual assault against a law
7 enforcement officer employed by a municipality with a
8 population over 1,000,000, the municipality shall promptly
9 notify the Department of State Police. The Department of State
10 Police shall investigate incidents of an officer-involved
11 criminal sexual assault by a law enforcement officer employed
12 with a municipality with a population over 1,000,000 an
13 independent agency, created by ordinance of the municipality,
14 tasked with investigating incidents of police misconduct.

15 (d) Upon receipt of an allegation or complaint of an
16 officer-involved criminal sexual assault against a law
17 enforcement officer employed by the Department of State Police,
18 the Department of State Police shall promptly notify the
19 State's Attorney of the county in which the alleged offense
20 occurred. The State's Attorney in the county in which the
21 alleged officer-involved criminal sexual assault occurred
22 shall investigate incidents of officer-involved criminal
23 sexual assault by a law enforcement officer employed with the
24 Department of State Police.

25 (e) Upon completion of the investigation of an alleged
26 officer-involved criminal sexual assault, the investigating

1 officer shall, regardless of whether or not consensual sexual
2 relations has been raised as a defense to the allegation or
3 complaint, submit the report on the investigation to the
4 State's Attorney of the county where the alleged sexual assault
5 took place.

6 (Source: P.A. 100-515, eff. 1-1-18.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.