



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB5808

Introduced 11/10/2020, by Rep. Mary E. Flowers

#### SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-1-15 new  
30 ILCS 805/8.45 new

Amends the Illinois Municipal Code. Provides that, not later than 90 days after the effective date of the amendatory Act, each municipality which has a police department must begin performing a comprehensive review of current police force deployments, strategies, policies, procedures, and practices, and develop a plan to improve such deployments, strategies, policies, procedures, and practices, for the purposes of addressing the particular needs of the communities served by such police department and promote community engagement to foster trust, fairness, and legitimacy and to address any racial bias and disproportionate policing of communities of color. Requires adoption of a plan and implementation of the plan no later than January 1, 2022. Provides that the minimum requirements of the plan shall include: reorganization of the police department to include community mental health and social service resources within each police department; and reallocation of a portion of a municipality's police department budget by investing in communities, especially marginalized ones, where much of the policing occurs to provide support to the people and services in those marginalized communities. Limits home rule powers. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB101 21624 AWJ 72556 b

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 5. The Illinois Municipal Code is amended by adding  
5 Section 11-1-15 as follows:

6 (65 ILCS 5/11-1-15 new)

7 Sec. 11-1-15. Reallocation of police department funds;  
8 restructure of police departments.

9 (a) Not later than 90 days after the effective date of this  
10 amendatory Act of the 101st General Assembly, each municipality  
11 which has a police department must begin performing a  
12 comprehensive review of current police force deployments,  
13 strategies, policies, procedures, and practices, and develop a  
14 plan to improve such deployments, strategies, policies,  
15 procedures, and practices, for the purposes of addressing the  
16 particular needs of the communities served by such police  
17 department and promote community engagement to foster trust,  
18 fairness, and legitimacy and to address any racial bias and  
19 disproportionate policing of communities of color.

20 Each mayor of a municipality shall convene the chief of  
21 police and stakeholders in the community to develop such plan,  
22 which shall consider evidence-based policing strategies,  
23 including, but not limited to, use of force policies,

1 procedural justice, any studies addressing systemic racial  
2 bias or racial justice in policing, implicit bias awareness  
3 training, de-escalation training and practices, law  
4 enforcement assisted diversion programs, restorative justice  
5 practices, community-based outreach and conflict resolution,  
6 problem-oriented policing, hot spots policing, focused  
7 deterrence, crime prevention through environmental design,  
8 violence prevention and reduction interventions, model  
9 policies, and guidelines and standards promulgated by the  
10 Illinois Law Enforcement Training Standards Board.

11 The municipality, in coordination with its police  
12 department, must also consult with other stakeholders in  
13 creation of the plan, including, but not limited to: membership  
14 and leadership of the local police department; members of the  
15 community, with emphasis in areas with high numbers of police  
16 and community interactions; interested non-profit and  
17 faith-based community groups; the State's Attorney; the Public  
18 Defender; and local elected officials.

19 (b) The municipality must create a plan to adopt based upon  
20 the recommendations resulting from its review and consultation  
21 as provided in subsection (a), including any modifications,  
22 modernizations, and innovations to its policing deployments,  
23 strategies, policies, procedures, and practices, tailored to  
24 the specific needs of the community and general promotion of  
25 improved police department and community relationships based  
26 on trust, fairness, accountability, and transparency and which

1 seek to reduce any racial disparities in policing.

2 The plan shall be offered for public comment to all  
3 citizens in the municipality and, after consideration of such  
4 comments, shall be presented to the city council, which shall  
5 adopt the plan by ordinance or resolution, as appropriate, and  
6 implement the plan no later than January 1, 2022.

7 Each municipality shall submit the adopted plan and  
8 verification of implementation of the plan to the Governor and  
9 the General Assembly by February 1, 2022.

10 Each municipality shall review and revise, as necessary,  
11 the plan at least every 2 years and shall resubmit to the  
12 Governor and General Assembly a copy of the reviewed or updated  
13 plan.

14 (c) Each plan adopted and implemented under this Section  
15 shall, at a minimum, contain the following components:

16 (1) Reallocation of some, but not all, police  
17 department funds within the current police budgeting to  
18 reorganize the police department to include community  
19 mental health and social service resources so first  
20 responders are those who are best equipped to deal with  
21 each situation that requires emergency assistance.  
22 Reallocation shall include, but is not limited to,  
23 reinvesting police department funds into police department  
24 resources for domestic violence and homelessness and to aid  
25 funding of schools, hospitals, housing, and food in  
26 marginalized communities.

1           (2) Within each police department, there must be a  
2           component of mental health and social services, including,  
3           but not limited to:

4                   (A) Ensuring that first responders include mental  
5                   health providers, social workers, victim advocates,  
6                   and other community members in less visible roles.

7                   (B) Ensuring that law and order is abetted through  
8                   education, jobs, and mental health services.

9           (3) Reallocation of a portion of a municipality's  
10           police department budget by investing in communities,  
11           especially marginalized ones, where much of the policing  
12           occurs to provide support to the people and services in  
13           those marginalized communities.

14           (d) A home rule municipality may not adopt a police  
15           department organization or budget in a manner inconsistent with  
16           this Section. This Section is a limitation under subsection (i)  
17           of Section 6 of Article VII of the Illinois Constitution on the  
18           concurrent exercise by home rule units of powers and functions  
19           exercised by the State.

20           (e) The provisions of this Section are notwithstanding any  
21           other provision of law and, to the extent any other provision  
22           of law conflicts with this Section, this Section prevails.

23           Section 90. The State Mandates Act is amended by adding  
24           Section 8.45 as follows:

1 (30 ILCS 805/8.45 new)

2 Sec. 8.45. Exempt mandate. Notwithstanding Sections 6 and 8  
3 of this Act, no reimbursement by the State is required for the  
4 implementation of any mandate created by this amendatory Act of  
5 the 101st General Assembly.

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