

SB4002



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB4002

Introduced 1/4/2021, by Sen. Rachele Crowe

SYNOPSIS AS INTRODUCED:

50 ILCS 705/7
720 ILCS 5/7-5.5

from Ch. 85, par. 507

Amends the Illinois Police Training Act. Provides that the curriculum for probationary police officers and in-service training shall include instruction on the prevention of positional asphyxiation. Amends the Criminal Code of 2012. Provides that a peace officer shall not use prolonged restraint above the shoulders with risk of positional asphyxiation in the performance of his or her duties, unless deadly force is otherwise justified under the Code. Prohibits the use of prolonged restraint above the shoulders with risk of positional asphyxiation in order to prevent the destruction of evidence by ingestion. Effective immediately.

LRB101 21609 HEP 72539 b

A BILL FOR

1 AN ACT concerning police.

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

4 Section 5. The Illinois Police Training Act is amended by
5 changing Section 7 as follows:

6 (50 ILCS 705/7) (from Ch. 85, par. 507)

7 Sec. 7. Rules and standards for schools. The Board shall
8 adopt rules and minimum standards for such schools which shall
9 include, but not be limited to, the following:

10 a. The curriculum for probationary police officers
11 which shall be offered by all certified schools shall
12 include, but not be limited to, courses of procedural
13 justice, arrest and use and control tactics including
14 prevention of positional asphyxiation, search and seizure,
15 including temporary questioning, civil rights, human
16 rights, human relations, cultural competency, including
17 implicit bias and racial and ethnic sensitivity, criminal
18 law, law of criminal procedure, constitutional and proper
19 use of law enforcement authority, vehicle and traffic law
20 including uniform and non-discriminatory enforcement of
21 the Illinois Vehicle Code, traffic control and accident
22 investigation, techniques of obtaining physical evidence,
23 court testimonies, statements, reports, firearms training,

1 training in the use of electronic control devices,
2 including the psychological and physiological effects of
3 the use of those devices on humans, first-aid (including
4 cardiopulmonary resuscitation), training in the
5 administration of opioid antagonists as defined in
6 paragraph (1) of subsection (e) of Section 5-23 of the
7 Substance Use Disorder Act, handling of juvenile
8 offenders, recognition of mental conditions and crises,
9 including, but not limited to, the disease of addiction,
10 which require immediate assistance and response and
11 methods to safeguard and provide assistance to a person in
12 need of mental treatment, recognition of abuse, neglect,
13 financial exploitation, and self-neglect of adults with
14 disabilities and older adults, as defined in Section 2 of
15 the Adult Protective Services Act, crimes against the
16 elderly, law of evidence, the hazards of high-speed police
17 vehicle chases with an emphasis on alternatives to the
18 high-speed chase, and physical training. The curriculum
19 shall include specific training in techniques for
20 immediate response to and investigation of cases of
21 domestic violence and of sexual assault of adults and
22 children, including cultural perceptions and common myths
23 of sexual assault and sexual abuse as well as interview
24 techniques that are age sensitive and are trauma informed,
25 victim centered, and victim sensitive. The curriculum
26 shall include training in techniques designed to promote

1 effective communication at the initial contact with crime
2 victims and ways to comprehensively explain to victims and
3 witnesses their rights under the Rights of Crime Victims
4 and Witnesses Act and the Crime Victims Compensation Act.
5 The curriculum shall also include training in effective
6 recognition of and responses to stress, trauma, and
7 post-traumatic stress experienced by police officers that
8 is consistent with Section 25 of the Illinois Mental Health
9 First Aid Training Act in a peer setting, including
10 recognizing signs and symptoms of work-related cumulative
11 stress, issues that may lead to suicide, and solutions for
12 intervention with peer support resources. The curriculum
13 shall include a block of instruction addressing the
14 mandatory reporting requirements under the Abused and
15 Neglected Child Reporting Act. The curriculum shall also
16 include a block of instruction aimed at identifying and
17 interacting with persons with autism and other
18 developmental or physical disabilities, reducing barriers
19 to reporting crimes against persons with autism, and
20 addressing the unique challenges presented by cases
21 involving victims or witnesses with autism and other
22 developmental disabilities. The curriculum shall include
23 training in the detection and investigation of all forms of
24 human trafficking. The curriculum shall also include
25 instruction in trauma-informed responses designed to
26 ensure the physical safety and well-being of a child of an

1 arrested parent or immediate family member; this
2 instruction must include, but is not limited to: (1)
3 understanding the trauma experienced by the child while
4 maintaining the integrity of the arrest and safety of
5 officers, suspects, and other involved individuals; (2)
6 de-escalation tactics that would include the use of force
7 when reasonably necessary; and (3) inquiring whether a
8 child will require supervision and care. The curriculum for
9 permanent police officers shall include, but not be limited
10 to: (1) refresher and in-service training in any of the
11 courses listed above in this subparagraph, (2) advanced
12 courses in any of the subjects listed above in this
13 subparagraph, (3) training for supervisory personnel, and
14 (4) specialized training in subjects and fields to be
15 selected by the board. The training in the use of
16 electronic control devices shall be conducted for
17 probationary police officers, including University police
18 officers.

19 b. Minimum courses of study, attendance requirements
20 and equipment requirements.

21 c. Minimum requirements for instructors.

22 d. Minimum basic training requirements, which a
23 probationary police officer must satisfactorily complete
24 before being eligible for permanent employment as a local
25 law enforcement officer for a participating local
26 governmental agency. Those requirements shall include

1 training in first aid (including cardiopulmonary
2 resuscitation).

3 e. Minimum basic training requirements, which a
4 probationary county corrections officer must
5 satisfactorily complete before being eligible for
6 permanent employment as a county corrections officer for a
7 participating local governmental agency.

8 f. Minimum basic training requirements which a
9 probationary court security officer must satisfactorily
10 complete before being eligible for permanent employment as
11 a court security officer for a participating local
12 governmental agency. The Board shall establish those
13 training requirements which it considers appropriate for
14 court security officers and shall certify schools to
15 conduct that training.

16 A person hired to serve as a court security officer
17 must obtain from the Board a certificate (i) attesting to
18 his or her successful completion of the training course;
19 (ii) attesting to his or her satisfactory completion of a
20 training program of similar content and number of hours
21 that has been found acceptable by the Board under the
22 provisions of this Act; or (iii) attesting to the Board's
23 determination that the training course is unnecessary
24 because of the person's extensive prior law enforcement
25 experience.

26 Individuals who currently serve as court security

1 officers shall be deemed qualified to continue to serve in
2 that capacity so long as they are certified as provided by
3 this Act within 24 months of June 1, 1997 (the effective
4 date of Public Act 89-685). Failure to be so certified,
5 absent a waiver from the Board, shall cause the officer to
6 forfeit his or her position.

7 All individuals hired as court security officers on or
8 after June 1, 1997 (the effective date of Public Act
9 89-685) shall be certified within 12 months of the date of
10 their hire, unless a waiver has been obtained by the Board,
11 or they shall forfeit their positions.

12 The Sheriff's Merit Commission, if one exists, or the
13 Sheriff's Office if there is no Sheriff's Merit Commission,
14 shall maintain a list of all individuals who have filed
15 applications to become court security officers and who meet
16 the eligibility requirements established under this Act.
17 Either the Sheriff's Merit Commission, or the Sheriff's
18 Office if no Sheriff's Merit Commission exists, shall
19 establish a schedule of reasonable intervals for
20 verification of the applicants' qualifications under this
21 Act and as established by the Board.

22 g. Minimum in-service training requirements, which a
23 police officer must satisfactorily complete every 3 years.
24 Those requirements shall include constitutional and proper
25 use of law enforcement authority, procedural justice,
26 civil rights, human rights, mental health awareness and

1 response, officer wellness, reporting child abuse and
2 neglect, and cultural competency.

3 h. Minimum in-service training requirements, which a
4 police officer must satisfactorily complete at least
5 annually. Those requirements shall include law updates and
6 use of force training which shall include scenario based
7 training and prevention of positional asphyxiation, or
8 similar training approved by the Board.

9 (Source: P.A. 100-121, eff. 1-1-18; 100-247, eff. 1-1-18;
10 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-910, eff.
11 1-1-19; 101-18, eff. 1-1-20; 101-81, eff. 7-12-19; 101-215,
12 eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff. 8-16-19;
13 101-564, eff. 1-1-20; revised 9-10-19.)

14 Section 10. The Criminal Code of 2012 is amended by
15 changing Section 7-5.5 as follows:

16 (720 ILCS 5/7-5.5)

17 Sec. 7-5.5. Prohibited use of force by a peace officer.

18 (a) A peace officer shall not use a chokehold or prolonged
19 restraint above the shoulders with risk of positional
20 asphyxiation in the performance of his or her duties, unless
21 deadly force is justified under this Article ~~7 of this Code~~.

22 (b) A peace officer shall not use a chokehold, prolonged
23 restraint above the shoulders with risk of positional
24 asphyxiation, or any lesser contact with the throat or neck

1 area of another, in order to prevent the destruction of
2 evidence by ingestion.

3 (c) As used in this Section, "chokehold" means applying any
4 direct pressure to the throat, windpipe, or airway of another
5 with the intent to reduce or prevent the intake of air.
6 "Chokehold" does not include any holding involving contact with
7 the neck that is not intended to reduce the intake of air.

8 (d) As used in this Section, "prolonged restraint above the
9 shoulders with risk of positional asphyxiation" means a
10 continued use of a technique used to restrain a person above
11 the shoulders, including the neck or head, in a position that
12 interferes with the person's ability to breathe after the
13 person no longer poses a threat to the officer or any other
14 person.

15 (Source: P.A. 99-352, eff. 1-1-16; 99-642, eff. 7-28-16.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.