



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB0643

Introduced 2/8/2021, by Rep. Rita Mayfield

#### SYNOPSIS AS INTRODUCED:

15 ILCS 205/4

from Ch. 14, par. 4

15 ILCS 205/10 new

Amends the Attorney General Act. Provides that if an incident occurs between a police officer, or multiple police officers, and another person in which an apparent excessive amount of force was used and death occurred from that use of force, the matter shall be investigated by the Office of the Attorney General, in place of and instead of an investigation by the State's Attorney of the jurisdiction where the incident occurred. Provides that if, at the conclusion of the investigation, the Attorney General determines that the use of force by a peace officer comprised a criminal act, the Attorney General shall bring appropriate charges and prosecute the case on behalf of the people of the State. Effective immediately.

LRB102 10664 RJF 15993 b

1 AN ACT concerning State government.

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

4 Section 5. The Attorney General Act is amended by changing  
5 Section and by adding Section 10 as follows:

6 (15 ILCS 205/4) (from Ch. 14, par. 4)

7 Sec. 4. The duties of the Attorney General shall be:—

8 First - To appear for and represent the people of the State  
9 before the supreme court in all cases in which the State or the  
10 people of the State are interested.

11 Second - To institute and prosecute all actions and  
12 proceedings in favor of or for the use of the State, which may  
13 be necessary in the execution of the duties of any State  
14 officer.

15 Third - To defend all actions and proceedings against any  
16 State officer, in his official capacity, in any of the courts  
17 of this State or the United States.

18 Fourth - To consult with and advise the several State's  
19 Attorneys in matters relating to the duties of their office;  
20 and when, in his judgment, the interest of the people of the  
21 State requires it, he shall attend the trial of any party  
22 accused of crime, and assist in the prosecution. When the  
23 Attorney General has requested in writing that a State's

1 Attorney initiate court proceedings to enforce any provisions  
2 of the Election Code or to initiate a criminal prosecution  
3 with respect to a violation of the Election Code, and when the  
4 State's Attorney has declined in writing to initiate those  
5 proceedings or prosecutions or when the State's Attorney has  
6 neither initiated the proceedings or prosecutions nor  
7 responded in writing to the Attorney General within 60 days of  
8 the receipt of the request, the Attorney General may,  
9 concurrently with or independently of the State's Attorney,  
10 initiate such proceedings or prosecutions. The Attorney  
11 General may investigate and prosecute any violation of the  
12 Election Code at the request of the State Board of Elections or  
13 a State's Attorney.

14 Fifth - To investigate alleged violations of the statutes  
15 which the Attorney General has a duty to enforce and to conduct  
16 other investigations in connection with assisting in the  
17 prosecution of a criminal offense at the request of a State's  
18 Attorney.

19 Sixth - To consult with and advise the governor and other  
20 State officers, and give, when requested, written opinions  
21 upon all legal or constitutional questions relating to the  
22 duties of such officers respectively.

23 Seventh - To prepare, when necessary, proper drafts for  
24 contracts and other writings relating to subjects in which the  
25 State is interested.

26 Eighth - To give written opinions, when requested by

1 either branch of the general assembly, or any committee  
2 thereof, upon constitutional or legal questions.

3 Ninth - To enforce the proper application of funds  
4 appropriated to the public institutions of the State,  
5 prosecute breaches of trust in the administration of such  
6 funds, and, when necessary, prosecute corporations for failure  
7 or refusal to make the reports required by law.

8 Tenth - To keep, a register of all cases prosecuted or  
9 defended by him, in behalf of the State or its officers, and of  
10 all proceedings had in relation thereto, and to deliver the  
11 same to his successor in office.

12 Eleventh - To keep on file in his office a copy of the  
13 official opinions issued by the Attorney General and deliver  
14 same to his successor.

15 Twelfth - To pay into the State treasury all moneys  
16 received by him for the use of the State.

17 Thirteenth - To attend to and perform any other duty which  
18 may, from time to time, be required of him by law.

19 Fourteenth - To attend, present evidence to and prosecute  
20 indictments returned by each Statewide Grand Jury.

21 Fifteenth - To give written binding and advisory public  
22 access opinions as provided in Section 7 of this Act.

23 Sixteenth - To investigate and prosecute officer-involved  
24 deaths as provided in Section 10 of this Act.

25 (Source: P.A. 95-699, eff. 11-9-07; 96-542, eff. 1-1-10.)

1 (15 ILCS 205/10 new)

2 Sec 10. Officer-involved deaths.

3 (a) If an incident occurs between a police officer, or  
4 multiple police officers, and another person in which an  
5 apparent excessive amount of force was used and death occurred  
6 from that use of force, the matter shall be investigated by the  
7 Office of the Attorney General. The investigation shall be in  
8 place of and instead of an investigation by the State's  
9 Attorney of the jurisdiction where the incident occurred.

10 (b) If, at the conclusion of the investigation, the  
11 Attorney General determines that the use of force by a peace  
12 officer comprised a criminal act, the Attorney General shall  
13 bring appropriate charges and prosecute the case on behalf of  
14 the people of the State.

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