



Rep. Lindsey LaPointe

Filed: 4/4/2022

10200HB1321ham001

LRB102 03336 AWJ 38566 a

1 AMENDMENT TO HOUSE BILL 1321

2 AMENDMENT NO. _____. Amend House Bill 1321 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the First
5 Responder Mental Health Grant Program Act.

6 Section 5. Legislative intent.

7 (a) The General Assembly recognizes the difficult nature
8 of the job of first responder, including trauma endured by
9 first responders in the performance of their duties.

10 (b) It is the intent of the General Assembly to ensure that
11 first responders, including police, firefighters, emergency
12 medical technicians, and public safety telecommunicators
13 across this State have full access to supportive and
14 responsive behavioral health services and treatment.

15 (c) The General Assembly recognizes that these services
16 should be responsive to the individual's needs and must be

1 kept confidential.

2 (d) The General Assembly recognizes that the
3 administration and provision of these services both recognize
4 and reduce the historical barrier of stigma and a lack of
5 confidentiality that first responders face when attempting to
6 access behavioral health services and treatment.

7 Section 10. Definitions. In this Act:

8 "Behavioral health" means mental health, health relating
9 to substance use, or both.

10 "Behavioral health care" means services, treatment,
11 medication, and other measures to overcome, mitigate, or
12 prevent a behavioral health issue. These services, treatment,
13 medication, and other measures qualify as "behavioral health
14 care" even if there is no formal diagnosis of a specific
15 condition.

16 "Department" means the Department of Human Services.

17 "First responder" means a law enforcement officer,
18 firefighter, emergency medical services personnel as defined
19 in Section 3.5 of the Emergency Medical Services (EMS) Systems
20 Act, or public safety telecommunicator as defined in Section 2
21 of the Emergency Telephone Systems Act.

22 "Record" means any record kept by a therapist or by an
23 agency in the course of providing behavioral health care to a
24 first responder concerning the first responder and the
25 services provided. "Record" includes the personal notes of the

1 therapist or agency. "Record" includes all records maintained
2 by a court that have been created in connection with, in
3 preparation for, or as a result of the filing of any petition
4 or certificate under Chapter II, Chapter III, or Chapter IV of
5 the Mental Health and Developmental Disabilities Code and
6 includes the petitions, certificates, dispositional reports,
7 treatment plans, and reports of diagnostic evaluations and of
8 hearings under Article VIII of Chapter III or under Article V
9 of Chapter IV of that Code. "Record" does not include
10 information that has been de-identified in accordance with
11 HIPAA, as specified in 45 CFR 164.514. "Record" does not
12 include a reference to the receipt of behavioral health care
13 noted during a patient history and physical or other summary
14 of care.

15 Section 15. First Responder Behavioral Health Grant
16 Program.

17 (a) Subject to appropriation, there is created within the
18 Department of Human Services a First Responder Behavioral
19 Health Grant Program to provide grants to the following
20 recipients:

- 21 (1) units of local government;
- 22 (2) law enforcement agencies;
- 23 (3) fire protection districts;
- 24 (4) school districts;
- 25 (5) public or private hospitals; or

1 (6) ambulance services that employ first responders.

2 (b) There is created a First Responder Behavioral Health
3 Grant Fund in the State treasury that shall be used by the
4 Secretary of Human Services to make grants to the eligible
5 recipients as provided in subsection (a).

6 (c) Recipients eligible for grants under this Section
7 shall use the grants for expenses related to behavioral health
8 care services for first responders, including, but not limited
9 to, telehealth services. An employer may not reduce behavioral
10 health care provided through a first responder's employee
11 benefit package as a result of the receipt of grant funds under
12 this Act.

13 (d) All records, notes, and conclusions by a treatment
14 provider providing behavioral health care to first responders
15 whose employers receive grants under this Act shall not be
16 shared with the employer unless otherwise mandated by law.

17 (e) Applicants seeking grants under this Act shall apply
18 to the Department in a form and manner prescribed by the
19 Department.

20 (f) The Department may adopt any rules necessary to
21 implement this Act.

22 Section 80. The Illinois Police Training Act is amended by
23 changing Section 6 and adding Section 6.8 as follows:

24 (50 ILCS 705/6) (from Ch. 85, par. 506)

1 Sec. 6. Powers and duties of the Board; selection and
2 certification of schools. The Board shall select and certify
3 schools within the State of Illinois for the purpose of
4 providing basic training for probationary law enforcement
5 officers, probationary county corrections officers, and court
6 security officers and of providing advanced or in-service
7 training for permanent law enforcement officers or permanent
8 county corrections officers, which schools may be either
9 publicly or privately owned and operated. In addition, the
10 Board has the following power and duties:

11 a. To require law enforcement agencies to furnish such
12 reports and information as the Board deems necessary to
13 fully implement this Act.

14 b. To establish appropriate mandatory minimum
15 standards relating to the training of probationary local
16 law enforcement officers or probationary county
17 corrections officers, and in-service training of permanent
18 law enforcement officers.

19 c. To provide appropriate certification to those
20 probationary officers who successfully complete the
21 prescribed minimum standard basic training course.

22 d. To review and approve annual training curriculum
23 for county sheriffs.

24 e. To review and approve applicants to ensure that no
25 applicant is admitted to a certified academy unless the
26 applicant is a person of good character and has not been

1 convicted of, found guilty of, entered a plea of guilty
2 to, or entered a plea of nolo contendere to a felony
3 offense, any of the misdemeanors in Sections 11-1.50,
4 11-6, 11-6.5, 11-6.6, 11-9.1, 11-9.1B, 11-14, 11-14.1,
5 11-30, 12-2, 12-3.2, 12-3.4, 12-3.5, 16-1, 17-1, 17-2,
6 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any misdemeanor in
7 violation of any Section of Part E of Title III of the
8 Criminal Code of 1961 or the Criminal Code of 2012, or
9 subsection (a) of Section 17-32 of the Criminal Code of
10 1961 or the Criminal Code of 2012, or Section 5 or 5.2 of
11 the Cannabis Control Act, or a crime involving moral
12 turpitude under the laws of this State or any other state
13 which if committed in this State would be punishable as a
14 felony or a crime of moral turpitude, or any felony or
15 misdemeanor in violation of federal law or the law of any
16 state that is the equivalent of any of the offenses
17 specified therein. The Board may appoint investigators who
18 shall enforce the duties conferred upon the Board by this
19 Act.

20 For purposes of this paragraph e, a person is
21 considered to have been convicted of, found guilty of, or
22 entered a plea of guilty to, plea of nolo contendere to
23 regardless of whether the adjudication of guilt or
24 sentence is withheld or not entered thereon. This includes
25 sentences of supervision, conditional discharge, or first
26 offender probation, or any similar disposition provided

1 for by law.

2 f. To establish statewide minimum standards regarding:
3 (1) psychological screenings of recruit officers hired
4 after the standards go into effect and annual
5 psychological screenings of probationary and permanent
6 officers; and (2) regular, confidential mental health
7 counseling for probationary and permanent police officers
8 in addition to the mental health counseling related to an
9 officer's fitness for duty examinations ~~To establish~~
10 ~~statewide standards for minimum standards regarding~~
11 ~~regular mental health screenings for probationary and~~
12 ~~permanent police officers, ensuring that counseling~~
13 ~~sessions and screenings remain confidential.~~

14 g. To review and ensure all law enforcement officers
15 remain in compliance with this Act, and any administrative
16 rules adopted under this Act.

17 h. To suspend any certificate for a definite period,
18 limit or restrict any certificate, or revoke any
19 certificate.

20 i. The Board and the Panel shall have power to secure
21 by its subpoena and bring before it any person or entity in
22 this State and to take testimony either orally or by
23 deposition or both with the same fees and mileage and in
24 the same manner as prescribed by law in judicial
25 proceedings in civil cases in circuit courts of this
26 State. The Board and the Panel shall also have the power to

1 subpoena the production of documents, papers, files,
2 books, documents, and records, whether in physical or
3 electronic form, in support of the charges and for
4 defense, and in connection with a hearing or
5 investigation.

6 j. The Executive Director, the administrative law
7 judge designated by the Executive Director, and each
8 member of the Board and the Panel shall have the power to
9 administer oaths to witnesses at any hearing that the
10 Board is authorized to conduct under this Act and any
11 other oaths required or authorized to be administered by
12 the Board under this Act.

13 k. In case of the neglect or refusal of any person to
14 obey a subpoena issued by the Board and the Panel, any
15 circuit court, upon application of the Board and the
16 Panel, through the Illinois Attorney General, may order
17 such person to appear before the Board and the Panel give
18 testimony or produce evidence, and any failure to obey
19 such order is punishable by the court as a contempt
20 thereof. This order may be served by personal delivery, by
21 email, or by mail to the address of record or email address
22 of record.

23 l. The Board shall have the power to administer state
24 certification examinations. Any and all records related to
25 these examinations, including, but not limited to, test
26 questions, test formats, digital files, answer responses,

1 answer keys, and scoring information shall be exempt from
2 disclosure.

3 (Source: P.A. 101-187, eff. 1-1-20; 101-652, Article 10,
4 Section 10-143, eff. 7-1-21; 101-652, Article 25, Section
5 25-40, eff. 1-1-22; 102-687, eff. 12-17-21; 102-694, eff.
6 1-7-22.)

7 (50 ILCS 705/6.8 new)

8 Sec. 6.8. Statewide minimum standards; psychological
9 screenings; mental health counseling.

10 (a) The statewide minimum standards established by the
11 Board under paragraph f of Section 6 relating to psychological
12 screenings and mental health counseling shall require, at a
13 minimum, all of the following:

14 (1) The standards shall require a law enforcement
15 agency to perform a psychological screening on each
16 recruit officer hired after the standards are in effect.
17 The screening shall include an examination of personality
18 traits that support resilience to the adverse environment
19 in which law enforcement officers respond. The screening
20 protocols shall focus on assessment tools to assess the
21 overall resiliency of officers so as to take a proactive
22 response to the psychological health of the law
23 enforcement community.

24 (2) The standards shall require a law enforcement
25 agency to conduct a psychological screening of each new

1 recruit officer immediately before and after returning
2 from basic training school. These screenings shall
3 identify the general growth and development of the
4 recruit. If concerns are raised as to the health of the
5 recruit, more specific testing and education on officer
6 resilience shall be recommended.

7 (3) The standards shall require a law enforcement
8 agency to conduct a psychological screening of each
9 probationary and permanent officer at least once annually,
10 and those screenings shall also be used to evaluate the
11 overall mental health of personnel and employees of the
12 agency. These annual screenings shall be general and brief
13 but allow for more detailed questions to be asked if
14 certain metrics specified by the Board are displayed, such
15 as a majority or substantial number of responses
16 indicating the negative impact of lateral trauma, signs of
17 depression or Post-Traumatic Stress Disorder, or other
18 negative outcomes related to the officer's career.

19 (4) The standards shall require a law enforcement
20 agency to keep all psychological screenings confidential.
21 Responses to all screening questions shall remain either
22 anonymous or confidential when conducted internally by the
23 employing law enforcement agency. These screenings shall
24 not be used for any fitness or promotional matters. If an
25 anonymous screening of an officer reveals items of serious
26 concern, the law enforcement agency may not attempt to

1 ascertain the identity of the responding officer.

2 (5) The standards shall require a law enforcement
3 agency to consider partnering with one or more third-party
4 vendors to conduct and follow up on these screenings.
5 Agencies shall also consider partnering with a third-party
6 vendor to provide overall follow up of trends that may be
7 identified by the screening outcomes to improve officer
8 wellness and wellness of the law enforcement agency.

9 (6) The standards shall require a law enforcement
10 agency to make available critical incident stress
11 management counselors or counseling options to
12 probationary and permanent officers and shall require the
13 law enforcement agency to encourage officers to attend
14 sessions with a critical incident stress management
15 counselor and the law enforcement agency shall ensure that
16 there is not any stigma, negative consequences, or added
17 financial burden for an officer attending critical
18 incident stress counseling sessions, either socially or
19 professionally, to the best of the law enforcement
20 agency's ability.

21 (b) Records of psychological screenings and mental health
22 counseling sessions, as well as any portions of documents
23 referencing the psychological screenings or mental health
24 counseling sessions that contain a personally identifiable
25 information of an officer who underwent the screening or
26 counseling session, are exempt from disclosure under the

1 Freedom of Information Act.

2 Section 90. The State Finance Act is amended by adding
3 Section 5.970 as follows:

4 (30 ILCS 105/5.970 new)

5 Sec. 5.970. The First Responder Behavioral Health Grant
6 Fund."