



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1727

Introduced 2/17/2021, by Rep. Curtis J. Tarver, II

SYNOPSIS AS INTRODUCED:

New Act

Creates the Bad Apples in Law Enforcement Accountability Act of 2021. Provides that a peace officer subjecting another person to the deprivation of individual rights is liable to the person for appropriate relief. Excludes sovereign immunity, statutory immunity, and statutory damages for claims brought under this provision. Provides that qualified immunity is not a defense to liability under this provision. Allows attorney's fees and costs to be awarded to the plaintiff. Provides that civil actions brought under this provision must be commenced within 5 years after the cause of action accrues. Requires units of local government to make public disclosures regarding judgments or settlements awarded under this provision. Determines what information is not required to be disclosed by the unit of local government.

LRB102 14150 KMF 19502 b

1 AN ACT concerning civil law.

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

4 Section 1. Short title. This Act may be cited as the Bad
5 Apples In Law Enforcement Accountability Act of 2021.

6 Section 5. Right of action.

7 (a) A peace officer, as defined in Section 2-13 of the
8 Criminal Code of 2012, who subjects or causes to be subjected,
9 including by failing to intervene, any other person to the
10 deprivation of any individual rights arising under Illinois
11 Constitution, is liable to the injured party for legal or
12 equitable relief or any other appropriate relief.

13 (b) Sovereign immunity, statutory immunities, and
14 statutory limitations on liability, damages, or attorney's
15 fees do not apply to claims brought under this Section. The
16 Local Governmental and Governmental Employees Tort Immunity
17 Act does not apply to claims brought under this Section.

18 (c) Qualified immunity is not a defense to liability under
19 this Section.

20 (d) In any action brought under this Section, a court
21 shall award reasonable attorney's fees and costs to the
22 plaintiff, including expert witness fees and other litigation
23 expenses, if they are a prevailing party as defined in

1 subsection (d) of Section 5 of the Illinois Civil Rights Act of
2 2003. In actions for injunctive relief, a court shall deem a
3 plaintiff to have prevailed if the plaintiff's suit was a
4 substantial factor or significant catalyst in obtaining the
5 results sought by the litigation. When a judgment is entered
6 in favor of a defendant, the court may award reasonable costs
7 and attorney's fees to the defendant for defending claims the
8 court finds frivolous.

9 (e) A civil action under this Section must be commenced
10 within 5 years after the cause of action accrues.

11 Section 10. Reporting of judgments and settlements.

12 (a) Any unit of local government that employs a peace
13 officer who incurs liability under this Act, whether in the
14 form of judgment or settlement entered against the peace
15 officer for claims arising under this Act, shall publicly
16 disclose:

17 (1) the name of any peace officer or peace officers
18 whose actions or conduct led to the judgment or
19 settlement;

20 (2) the amount of the judgment or settlement, and the
21 portion of that judgment or settlement, if any,
22 indemnified by the unit of local government.

23 (3) any internal discipline taken against the peace
24 officer or peace officers whose actions or conduct led to
25 the judgment or settlement; and

1 (4) any criminal charges pursued against the peace
2 officer or peace officers for the actions or conduct that
3 led to the judgment or settlement.

4 (b) The unit of local government shall not disclose the
5 address, social security number, or other unique, non-public
6 personal identifying information of any individual who brings
7 a claim under this Act.