



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB2788

Introduced 2/19/2021, by Rep. Kambium Buckner

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Citizen Safety Act. Defines terms as used in the Act. Provides guidelines for law enforcement use of force and deadly force. Determines when the use of force is prohibited and what actions are prohibited in response to protests and large gatherings. Requires officers to report use of force incidents. Requires officers to intervene if another officer engages in the unlawful use of force. Requires the intervening officer to report the unlawful force. Provides guidelines for the use of military equipment and SWAT team activation and deployment. Provides that law enforcement agencies shall implement policies to comply with the Act. Limits home rule powers.

LRB102 14155 KMF 19507 b

HOME RULE NOTE  
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning public safety.

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  
5 Citizen Safety Act.

6 Section 5. Definitions. As used in this Act:

7 "Chokehold" means the use of any maneuver on a person that  
8 applies pressure to the neck, throat, windpipe, back, chest,  
9 abdomen or carotid artery that may prevent or hinder  
10 breathing, reduce intake of air, or impede the flow of blood or  
11 oxygen to the brain, transport methods and physical restraints  
12 that may create a substantial risk of positional asphyxia.

13 "Deadly force" means any use of force that creates a  
14 substantial risk of causing death or serious bodily injury,  
15 including any use of force that results in death or serious  
16 bodily injury to another, including, but not limited to the  
17 discharge of a firearm or any weapon that, in the manner of its  
18 use, is capable of causing death or serious bodily injury.

19 "Force" means any effort to control, restrain, compel, or  
20 overcome the resistance of another, including the use of  
21 physical force and suggested use of force such as unholstering  
22 or brandishing of a weapon at another person.

23 "Kinetic impact projectiles" means projectiles, including, but

1 not limited to, rubber and plastic bullets, bean bag rounds,  
2 sponge rounds and pellet rounds, that are usually shot from  
3 guns and launchers by law enforcement for crowd control  
4 purposes.

5 "Law enforcement officer" or "officer" means any person  
6 employed by a State, county, or municipality as a policeman,  
7 peace officer, or in some like position involving the  
8 enforcement of the law and protection of public interest at  
9 the risk of the person's life.

10 "Serious bodily injury" means bodily injury that creates a  
11 substantial risk of death or that causes death, serious  
12 permanent disfigurement, or protracted loss or impairment of  
13 the function of any bodily member or organ.

14 Section 10. Use of force.

15 (a) An officer, or any person whom the peace officer has  
16 summoned or directed to assist them, shall apply nonviolent  
17 means to resolve and de-escalate incidents before resorting to  
18 any use of force, and at all times shall limit the use of force  
19 in a manner consistent with the sanctity of human life.

20 (b) An officer may use force only if all other objectively  
21 reasonable non-violent means would be ineffective and there is  
22 a basis for a lawful arrest, or the use of force is necessary  
23 to prevent imminent threat of bodily injury to another person.

24 (c) In determining whether force should be used and, if  
25 necessary, the amount of force appropriate to use, an officer

1 shall consider whether a person's conduct is the result of a  
2 medical condition, mental impairment, developmental  
3 disability, physical limitation, language barrier, drug or  
4 alcohol impairment, or other factor beyond the person's  
5 control.

6 (d) When any force is used, and consistent with  
7 subsections (a) through (c) of this Section, an officer shall:

8 (1) use only the amount of force that is objectively  
9 reasonable, necessary, and proportional under the  
10 circumstances;

11 (2) continue to use de-escalation techniques after  
12 they have initiated a use of force, including by  
13 continually assessing the situation and modifying the use  
14 of force as circumstances change and in ways that are  
15 consistent with the officer's and other persons' safety;

16 (3) immediately reduce the level of force as the  
17 threat diminishes, including by stopping force altogether;

18 (4) ensure that force is used in a manner that that  
19 minimizes injury to others, including the person against  
20 whom force is used and bystanders;

21 (5) ensure that assistance and medical aid are  
22 rendered to any persons who appear or indicate they are  
23 injured by the officer's use of force as soon as safe and  
24 practicable; and

25 (6) give a clear verbal or visual warning of their  
26 intent to use force and provide an objectively reasonable

1 amount of time for the person to comply with the warning,  
2 before using force.

3 (e) Any officer found by a preponderance of the evidence  
4 to have violated a provision of this Section shall be  
5 dismissed from employment, in addition to any criminal or  
6 civil liabilities provided by law.

7 Section 15. Use of deadly force.

8 (a) An officer is justified in using deadly force only  
9 when such force is necessary for either of the following  
10 reasons:

11 (1) to defend against an imminent threat of death or  
12 serious bodily injury to the officer or to another person;  
13 or

14 (2) to apprehend a fleeing person for any felony that  
15 threatened or resulted in death or serious bodily injury,  
16 if the officer reasonably believes that the person will  
17 cause death or serious bodily injury to another unless  
18 deadly force is used.

19 (b) Unless an officer is authorized to use deadly force as  
20 set forth in subsection (a) of this Section, deadly force  
21 shall not be used:

22 (1) against a person who presents a threat only to  
23 themselves or property;

24 (2) against a person suspected of only a minor or  
25 nonviolent offense;

1           (3) in executing a warrant, unless the person on whom  
2           the warrant is being executed presents an imminent threat  
3           of death or serious bodily injury to the officer or to  
4           another person;

5           (4) in order to prevent the destruction of evidence or

6           (5) if the use of deadly force would create a  
7           substantial risk of serious bodily injury to other  
8           persons.

9           (c) If deadly force is used as authorized in this Section,  
10          an officer shall give a clear verbal warning of their intent to  
11          use firearms or other deadly force before using such force,  
12          providing an objectively reasonable amount of time for the  
13          warning to be observed and heeded, unless providing such clear  
14          verbal warning would unduly place an officer or another person  
15          at risk of death or serious bodily injury.

16          (d) Any officer found by a preponderance of the evidence  
17          to have violated a provision of this Section shall be  
18          dismissed from employment, in addition to any criminal or  
19          civil liabilities provided by law.

20          Section 20. Prohibited use of force.

21          (a) An officer shall not use a chokehold, for any purpose,  
22          in the performance of his or her duties.

23          (b) An officer shall not use force as punishment or  
24          retaliation.

1 Section 25. Prohibited action in response to protests and  
2 large gatherings.

3 (a) A law enforcement agency and any person acting on  
4 behalf of the law enforcement agency shall not:

5 (1) discharge kinetic impact projectiles and all other  
6 non-or less-lethal projectiles in a manner that targets  
7 the head, pelvis, or back;

8 (2) discharge kinetic impact projectiles  
9 indiscriminately into a crowd; or

10 (3) use chemical agents or irritants, including pepper  
11 spray and tear gas, prior to issuing an order to disperse  
12 in a sufficient manner to ensure the order is heard and  
13 repeated if necessary, followed by sufficient time and  
14 space to allow compliance with the order.

15 (b) Any officer found by a preponderance of the evidence  
16 to have violated a provision of this Section shall be  
17 dismissed from employment, in addition to any criminal or  
18 civil liabilities provided by law.

19 Section 30. Duty to report use of force.

20 (a) All officers shall have an affirmative duty to report  
21 all use of force incidents, including use of deadly force, to  
22 their law enforcement agency in the manner prescribed by the  
23 agency.

24 (b) No later than the 15th day of each month, a law  
25 enforcement agency shall report to the Department of Illinois

1 State Police the following information:

2 (1) The number of incidents of use of force reported  
3 to the agency during the preceding calendar month. For  
4 each incident of use of force, the agency shall report the  
5 following:

6 (A) the date, time, and location of the use of  
7 force;

8 (B) information about the person subject to use of  
9 force, including gender, age, ethnicity, and race  
10 defined as American Indian or Alaska Native, Asian,  
11 Black or African American, Hispanic or Latino, Native  
12 Hawaiian or Other Pacific Islander, or White;

13 (C) the number of officers that allegedly used, or  
14 were known to use force, on the person;

15 (D) the number, or estimated number, of officers  
16 deployed or present, or both, at the scene;

17 (E) whether the type of force used was (i)  
18 physical contact, (ii) restraint, (iii) use of  
19 non-lethal weapon or firearm, or (iv) lethal weapon or  
20 firearm unholstered or discharged;

21 (F) if the person subjected to the use of force (i)  
22 possessed any weapon or weapons or any tool or tools  
23 capable of inflicting great bodily injury, (ii) acted  
24 in a manner that indicated that they presented an  
25 imminent threat of bodily injury to another person,  
26 and (iii) the person subjected to the use of force



1 attempted to resist restraint, to escape or evade  
2 detention, or to flee;

3 (G) identify any injuries sustained, observed, or  
4 communicated by (i) the person subjected to the use of  
5 force, (ii) any peace officer who used force during  
6 the incident, and (iii) any bystanders to the use of  
7 force incident;

8 (H) identify the number of witnesses, if any, to  
9 the use of force;

10 (I) identify if the officer was wearing a body  
11 camera at the time of the use of force, and whether the  
12 body camera was operational at the time of the use of  
13 force;

14 (J) identify whether the person subjected to the  
15 use of force was arrested, ticketed, or detained  
16 following the use of force; and

17 (K) identify whether the use of force incident was  
18 or is currently subject to an investigation.

19 (2) The number of incidents of unannounced entry into  
20 a residence, with or without a warrant, reported to the  
21 law enforcement agency during the preceding calendar  
22 month. For each incident of unannounced entry into a  
23 residence, the law enforcement agency shall report the  
24 following:

25 (A) the date, time, and location of the use of  
26 unannounced entry;

1 (B) information about the person subjected to the  
2 unannounced entry, including gender, age, ethnicity,  
3 and race defined as American Indian or Alaska Native,  
4 Asian, Black or African American, Hispanic or Latino,  
5 Native Hawaiian or Other Pacific Islander, or White;

6 (C) whether an officer unholstered or discharged a  
7 weapon during the unannounced entry;

8 (D) whether the subject of the warrant was at the  
9 residence; and

10 (E) whether the residence was the correct address  
11 and actually related to the purpose of the warrant  
12 issued.

13 (c) All reports submitted by law enforcement agencies  
14 shall be accessible to the public under the Freedom of  
15 Information Act.

16 (d) No later than January 1, 2022, the Department of  
17 Illinois State Police shall make available to the public a  
18 statewide, searchable database with data collected pursuant to  
19 this Section.

20 (e) Any law enforcement agency that fails to meet its  
21 regular reporting requirements pursuant to this Section is  
22 subject to the suspension of its funding by its appropriating  
23 authority.

24 (f) Any officer who refuses or knowingly fails to provide  
25 truthful information as set forth in this Section shall be  
26 subject to appropriate discipline and, when necessary,

1 criminal prosecution. Nothing in this Section shall prohibit  
2 or discourage prosecution of any other criminal offense  
3 related to the failure to provide truthful information  
4 regarding a use of force, including a higher charge, if  
5 supported by the evidence.

6 Section 35. Duty to intervene and report unlawful use of  
7 force.

8 (a) A peace officer shall have an affirmative duty to  
9 intervene to prevent or stop another peace officer in their  
10 presence from using any unauthorized force or force that  
11 exceeds the degree of force permitted, if any without regard  
12 for chain of command.

13 (b) A peace officer who intervenes as required by this  
14 Section shall report the intervention to the appropriate  
15 person designated by the law enforcement agency in the manner  
16 prescribed by the agency. The report required by this Section  
17 must include, at minimum, the date, time, and place of the  
18 occurrence; the identity, if known, and description of the  
19 participants; and a description of the intervention actions  
20 taken and whether they were successful. In no event shall the  
21 report shall be made more than 5 business days after the  
22 incident.

23 (c) A member of a law enforcement agency shall not  
24 discipline nor retaliate in any way against a peace officer  
25 for intervening as required in this Section or for reporting

1 unconstitutional or unlawful conduct, or for failing to follow  
2 what the officer reasonably believes is an unconstitutional or  
3 unlawful directive

4 (d) Any peace officer who fails to intervene to prevent  
5 the use of unlawful force as set forth in subsection (a) of  
6 this Section or fails to report the intervention as set forth  
7 in subsection (b) of this Section shall be subject to  
8 appropriate discipline. Nothing in this Section shall prohibit  
9 or discourage prosecution of any other criminal offense  
10 related to failure to intervene, including a higher charge, if  
11 supported by the evidence.

12 Section 40. Use of military equipment by police.

13 (a) As used in this Section, "military equipment"  
14 includes, but is not limited to:

15 (1) automatic weapons not generally recognized as  
16 particularly suitable for law enforcement purposes;

17 (2) any weapons that are .30 caliber or greater;

18 (3) silencers;

19 (4) tactical vehicles, including highly mobile  
20 multi-wheeled vehicles, armored vehicles, and  
21 mine-resistant ambush-protected vehicles;

22 (5) drones that include military-grade surveillance  
23 hardware or software;

24 (6) aircraft that are combat configured or combat  
25 coded, or have no established commercial flight

1 application;

2 (7) grenades, similar explosives, and grenade  
3 launchers;

4 (8) chemical incapacitants, including tear gas, and  
5 other chemical agents;

6 (9) Bayonets; and

7 (10) any equipment or technology acquired via the 1033  
8 Program authorized under the National Defense  
9 Authorization Act, the Homeland Security Grant Program,  
10 the Edward Byrne Memorial Justice Assistance Grant (JAG)  
11 Program.

12 (b) No law enforcement agency may apply for or obtain any  
13 military equipment from the federal government, any other  
14 state government, or from any private entity as that term is  
15 defined in the Public-Private Partnerships for Transportation  
16 Act.

17 (c) No law enforcement agency may use any military  
18 equipment.

19 (d) All military equipment obtained by a law enforcement  
20 agency shall no longer be in use 6 months after the effective  
21 date of this Act.

22 (e) The Office of the Illinois Attorney General is hereby  
23 empowered to take all necessary and proper steps to ensure  
24 compliance with this Section.

25 Section 45. SWAT team activation and deployment.

1           (a) As used in this Section, "SWAT Team" means a special  
2 unit composed of two or more peace officers within a law  
3 enforcement agency trained to provide a specialized or  
4 tactical response to incidents that exceed the capabilities of  
5 a standard law enforcement response

6           (b) All law enforcement agencies that have a SWAT Team  
7 shall:

8                 (1) develop and publish a written policy establishing  
9 the circumstances under which the SWAT Team can be  
10 activated or deployed in accordance with subsection (d) of  
11 this Section;

12                 (2) obtain the approval of the commissioner of police,  
13 chief officer of the law enforcement agency, or the  
14 highest-ranking officer of the law enforcement agency  
15 prior to activating or deploying the SWAT Team;

16                 (3) include, in each activation or deployment of the  
17 SWAT Team, a trained crisis negotiator; and

18                 (4) verify that body cameras, if used, are operational  
19 and functioning prior to any SWAT Team activation or  
20 deployment.

21           (c) No law enforcement agency shall activate or deploy a  
22 SWAT Team except in response to dangerous emergency incidents  
23 that present an imminent threat to life, which are limited to  
24 the following incidents:

25                 (1) hostage situations; and

26                 (2) terrorist attacks or threats, including use or

1 threatened use of weapons of mass destruction, chemical,  
2 biological, radiological, nuclear, and explosive (CBRNE)  
3 incidents, and active-shooter incidents.

4 (d) Beginning on January 1, 2022, a law enforcement agency  
5 that maintains a SWAT Team shall submit an annual report that  
6 includes the following information to the Illinois Attorney  
7 General Assembly:

8 (1) the number of times the SWAT Team was activated  
9 and deployed by the law enforcement agency in the previous  
10 month 12 months;

11 (2) the name of the county or county and municipal  
12 corporation and the zip code of the location where the  
13 swat team was deployed for each activation;

14 (3) the reason for each activation and deployment of  
15 the SWAT Team;

16 (4) the legal authority, including type of warrant  
17 executed, if any, for each activation and deployment of  
18 the swat team; and

19 (5) the result of each activation and deployment of  
20 the swat team, including:

21 (A) the number of arrests made, if any;

22 (B) whether property was seized, and if available,  
23 its approximate value;

24 (C) whether a forcible entry was made;

25 (D) whether the subject of the warrant was at the  
26 residence;

1           (E) whether the residence was the correct address  
2           and actually related to the purpose of the warrant  
3           issued;

4           (F) whether a weapon was discharged by a SWAT team  
5           member; and

6           (G) whether a person or domestic animal was  
7           injured or killed by a SWAT team member.

8           Section 50. Home rule and other limitations.

9           (a) A unit of local government may enact ordinances,  
10          rules, regulations, or standards in a manner or to an extent  
11          equal to or greater than provided in this Act. A unit of local  
12          government may not regulate in a manner less restrictive than  
13          that set forth in this Act. This Section is a limitation under  
14          subsection (i) of Section 6 of Article VII of the Illinois  
15          Constitution on the concurrent exercise by home rule units of  
16          powers and functions exercised by the State.

17          (b) Each law enforcement agency shall adopt, revise, and  
18          implement policies, practices, procedures, and all other  
19          measures necessary to achieve compliance with this Act.  
20          Nothing in this Act shall be construed to prevent any law  
21          enforcement agency from establishing more restrictive  
22          limitations on any use of force by peace officers.