

1 AN ACT concerning criminal law.

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

4 Section 3. The Illinois Public Labor Relations Act is
5 amended by changing Section 14 as follows:

6 (5 ILCS 315/14) (from Ch. 48, par. 1614)

7 (Text of Section before amendment by P.A. 101-652)

8 Sec. 14. Security employee, peace officer and fire fighter
9 disputes.

10 (a) In the case of collective bargaining agreements
11 involving units of security employees of a public employer,
12 Peace Officer Units, or units of fire fighters or paramedics,
13 and in the case of disputes under Section 18, unless the
14 parties mutually agree to some other time limit, mediation
15 shall commence 30 days prior to the expiration date of such
16 agreement or at such later time as the mediation services
17 chosen under subsection (b) of Section 12 can be provided to
18 the parties. In the case of negotiations for an initial
19 collective bargaining agreement, mediation shall commence upon
20 15 days notice from either party or at such later time as the
21 mediation services chosen pursuant to subsection (b) of
22 Section 12 can be provided to the parties. In mediation under
23 this Section, if either party requests the use of mediation

1 services from the Federal Mediation and Conciliation Service,
2 the other party shall either join in such request or bear the
3 additional cost of mediation services from another source. The
4 mediator shall have a duty to keep the Board informed on the
5 progress of the mediation. If any dispute has not been
6 resolved within 15 days after the first meeting of the parties
7 and the mediator, or within such other time limit as may be
8 mutually agreed upon by the parties, either the exclusive
9 representative or employer may request of the other, in
10 writing, arbitration, and shall submit a copy of the request
11 to the Board.

12 (b) Within 10 days after such a request for arbitration
13 has been made, the employer shall choose a delegate and the
14 employees' exclusive representative shall choose a delegate to
15 a panel of arbitration as provided in this Section. The
16 employer and employees shall forthwith advise the other and
17 the Board of their selections.

18 (c) Within 7 days after the request of either party, the
19 parties shall request a panel of impartial arbitrators from
20 which they shall select the neutral chairman according to the
21 procedures provided in this Section. If the parties have
22 agreed to a contract that contains a grievance resolution
23 procedure as provided in Section 8, the chairman shall be
24 selected using their agreed contract procedure unless they
25 mutually agree to another procedure. If the parties fail to
26 notify the Board of their selection of neutral chairman within

1 7 days after receipt of the list of impartial arbitrators, the
2 Board shall appoint, at random, a neutral chairman from the
3 list. In the absence of an agreed contract procedure for
4 selecting an impartial arbitrator, either party may request a
5 panel from the Board. Within 7 days of the request of either
6 party, the Board shall select from the Public Employees Labor
7 Mediation Roster 7 persons who are on the labor arbitration
8 panels of either the American Arbitration Association or the
9 Federal Mediation and Conciliation Service, or who are members
10 of the National Academy of Arbitrators, as nominees for
11 impartial arbitrator of the arbitration panel. The parties may
12 select an individual on the list provided by the Board or any
13 other individual mutually agreed upon by the parties. Within 7
14 days following the receipt of the list, the parties shall
15 notify the Board of the person they have selected. Unless the
16 parties agree on an alternate selection procedure, they shall
17 alternatively strike one name from the list provided by the
18 Board until only one name remains. A coin toss shall determine
19 which party shall strike the first name. If the parties fail to
20 notify the Board in a timely manner of their selection for
21 neutral chairman, the Board shall appoint a neutral chairman
22 from the Illinois Public Employees Mediation/Arbitration
23 Roster.

24 (d) The chairman shall call a hearing to begin within 15
25 days and give reasonable notice of the time and place of the
26 hearing. The hearing shall be held at the offices of the Board

1 or at such other location as the Board deems appropriate. The
2 chairman shall preside over the hearing and shall take
3 testimony. Any oral or documentary evidence and other data
4 deemed relevant by the arbitration panel may be received in
5 evidence. The proceedings shall be informal. Technical rules
6 of evidence shall not apply and the competency of the evidence
7 shall not thereby be deemed impaired. A verbatim record of the
8 proceedings shall be made and the arbitrator shall arrange for
9 the necessary recording service. Transcripts may be ordered at
10 the expense of the party ordering them, but the transcripts
11 shall not be necessary for a decision by the arbitration
12 panel. The expense of the proceedings, including a fee for the
13 chairman, shall be borne equally by each of the parties to the
14 dispute. The delegates, if public officers or employees, shall
15 continue on the payroll of the public employer without loss of
16 pay. The hearing conducted by the arbitration panel may be
17 adjourned from time to time, but unless otherwise agreed by
18 the parties, shall be concluded within 30 days of the time of
19 its commencement. Majority actions and rulings shall
20 constitute the actions and rulings of the arbitration panel.
21 Arbitration proceedings under this Section shall not be
22 interrupted or terminated by reason of any unfair labor
23 practice charge filed by either party at any time.

24 (e) The arbitration panel may administer oaths, require
25 the attendance of witnesses, and the production of such books,
26 papers, contracts, agreements and documents as may be deemed

1 by it material to a just determination of the issues in
2 dispute, and for such purpose may issue subpoenas. If any
3 person refuses to obey a subpoena, or refuses to be sworn or to
4 testify, or if any witness, party or attorney is guilty of any
5 contempt while in attendance at any hearing, the arbitration
6 panel may, or the attorney general if requested shall, invoke
7 the aid of any circuit court within the jurisdiction in which
8 the hearing is being held, which court shall issue an
9 appropriate order. Any failure to obey the order may be
10 punished by the court as contempt.

11 (f) At any time before the rendering of an award, the
12 chairman of the arbitration panel, if he is of the opinion that
13 it would be useful or beneficial to do so, may remand the
14 dispute to the parties for further collective bargaining for a
15 period not to exceed 2 weeks. If the dispute is remanded for
16 further collective bargaining the time provisions of this Act
17 shall be extended for a time period equal to that of the
18 remand. The chairman of the panel of arbitration shall notify
19 the Board of the remand.

20 (g) At or before the conclusion of the hearing held
21 pursuant to subsection (d), the arbitration panel shall
22 identify the economic issues in dispute, and direct each of
23 the parties to submit, within such time limit as the panel
24 shall prescribe, to the arbitration panel and to each other
25 its last offer of settlement on each economic issue. The
26 determination of the arbitration panel as to the issues in

1 dispute and as to which of these issues are economic shall be
2 conclusive. The arbitration panel, within 30 days after the
3 conclusion of the hearing, or such further additional periods
4 to which the parties may agree, shall make written findings of
5 fact and promulgate a written opinion and shall mail or
6 otherwise deliver a true copy thereof to the parties and their
7 representatives and to the Board. As to each economic issue,
8 the arbitration panel shall adopt the last offer of settlement
9 which, in the opinion of the arbitration panel, more nearly
10 complies with the applicable factors prescribed in subsection
11 (h). The findings, opinions and order as to all other issues
12 shall be based upon the applicable factors prescribed in
13 subsection (h).

14 (h) Where there is no agreement between the parties, or
15 where there is an agreement but the parties have begun
16 negotiations or discussions looking to a new agreement or
17 amendment of the existing agreement, and wage rates or other
18 conditions of employment under the proposed new or amended
19 agreement are in dispute, the arbitration panel shall base its
20 findings, opinions and order upon the following factors, as
21 applicable:

22 (1) The lawful authority of the employer.

23 (2) Stipulations of the parties.

24 (3) The interests and welfare of the public and the
25 financial ability of the unit of government to meet those
26 costs.

1 (4) Comparison of the wages, hours and conditions of
2 employment of the employees involved in the arbitration
3 proceeding with the wages, hours and conditions of
4 employment of other employees performing similar services
5 and with other employees generally:

6 (A) In public employment in comparable
7 communities.

8 (B) In private employment in comparable
9 communities.

10 (5) The average consumer prices for goods and
11 services, commonly known as the cost of living.

12 (6) The overall compensation presently received by the
13 employees, including direct wage compensation, vacations,
14 holidays and other excused time, insurance and pensions,
15 medical and hospitalization benefits, the continuity and
16 stability of employment and all other benefits received.

17 (7) Changes in any of the foregoing circumstances
18 during the pendency of the arbitration proceedings.

19 (8) Such other factors, not confined to the foregoing,
20 which are normally or traditionally taken into
21 consideration in the determination of wages, hours and
22 conditions of employment through voluntary collective
23 bargaining, mediation, fact-finding, arbitration or
24 otherwise between the parties, in the public service or in
25 private employment.

26 (i) In the case of peace officers, the arbitration

1 decision shall be limited to wages, hours, and conditions of
2 employment (which may include residency requirements in
3 municipalities with a population under 1,000,000, but those
4 residency requirements shall not allow residency outside of
5 Illinois) and shall not include the following: i) residency
6 requirements in municipalities with a population of at least
7 1,000,000; ii) the type of equipment, other than uniforms,
8 issued or used; iii) manning; iv) the total number of
9 employees employed by the department; v) mutual aid and
10 assistance agreements to other units of government; and vi)
11 the criterion pursuant to which force, including deadly force,
12 can be used; provided, nothing herein shall preclude an
13 arbitration decision regarding equipment or manning levels if
14 such decision is based on a finding that the equipment or
15 manning considerations in a specific work assignment involve a
16 serious risk to the safety of a peace officer beyond that which
17 is inherent in the normal performance of police duties.
18 Limitation of the terms of the arbitration decision pursuant
19 to this subsection shall not be construed to limit the factors
20 upon which the decision may be based, as set forth in
21 subsection (h).

22 In the case of fire fighter, and fire department or fire
23 district paramedic matters, the arbitration decision shall be
24 limited to wages, hours, and conditions of employment
25 (including manning and also including residency requirements
26 in municipalities with a population under 1,000,000, but those

1 residency requirements shall not allow residency outside of
2 Illinois) and shall not include the following matters: i)
3 residency requirements in municipalities with a population of
4 at least 1,000,000; ii) the type of equipment (other than
5 uniforms and fire fighter turnout gear) issued or used; iii)
6 the total number of employees employed by the department; iv)
7 mutual aid and assistance agreements to other units of
8 government; and v) the criterion pursuant to which force,
9 including deadly force, can be used; provided, however,
10 nothing herein shall preclude an arbitration decision
11 regarding equipment levels if such decision is based on a
12 finding that the equipment considerations in a specific work
13 assignment involve a serious risk to the safety of a fire
14 fighter beyond that which is inherent in the normal
15 performance of fire fighter duties. Limitation of the terms of
16 the arbitration decision pursuant to this subsection shall not
17 be construed to limit the facts upon which the decision may be
18 based, as set forth in subsection (h).

19 The changes to this subsection (i) made by Public Act
20 90-385 (relating to residency requirements) do not apply to
21 persons who are employed by a combined department that
22 performs both police and firefighting services; these persons
23 shall be governed by the provisions of this subsection (i)
24 relating to peace officers, as they existed before the
25 amendment by Public Act 90-385.

26 To preserve historical bargaining rights, this subsection

1 shall not apply to any provision of a fire fighter collective
2 bargaining agreement in effect and applicable on the effective
3 date of this Act; provided, however, nothing herein shall
4 preclude arbitration with respect to any such provision.

5 (j) Arbitration procedures shall be deemed to be initiated
6 by the filing of a letter requesting mediation as required
7 under subsection (a) of this Section. The commencement of a
8 new municipal fiscal year after the initiation of arbitration
9 procedures under this Act, but before the arbitration
10 decision, or its enforcement, shall not be deemed to render a
11 dispute moot, or to otherwise impair the jurisdiction or
12 authority of the arbitration panel or its decision. Increases
13 in rates of compensation awarded by the arbitration panel may
14 be effective only at the start of the fiscal year next
15 commencing after the date of the arbitration award. If a new
16 fiscal year has commenced either since the initiation of
17 arbitration procedures under this Act or since any mutually
18 agreed extension of the statutorily required period of
19 mediation under this Act by the parties to the labor dispute
20 causing a delay in the initiation of arbitration, the
21 foregoing limitations shall be inapplicable, and such awarded
22 increases may be retroactive to the commencement of the fiscal
23 year, any other statute or charter provisions to the contrary,
24 notwithstanding. At any time the parties, by stipulation, may
25 amend or modify an award of arbitration.

26 (k) Orders of the arbitration panel shall be reviewable,

1 upon appropriate petition by either the public employer or the
2 exclusive bargaining representative, by the circuit court for
3 the county in which the dispute arose or in which a majority of
4 the affected employees reside, but only for reasons that the
5 arbitration panel was without or exceeded its statutory
6 authority; the order is arbitrary, or capricious; or the order
7 was procured by fraud, collusion or other similar and unlawful
8 means. Such petitions for review must be filed with the
9 appropriate circuit court within 90 days following the
10 issuance of the arbitration order. The pendency of such
11 proceeding for review shall not automatically stay the order
12 of the arbitration panel. The party against whom the final
13 decision of any such court shall be adverse, if such court
14 finds such appeal or petition to be frivolous, shall pay
15 reasonable attorneys' fees and costs to the successful party
16 as determined by said court in its discretion. If said court's
17 decision affirms the award of money, such award, if
18 retroactive, shall bear interest at the rate of 12 percent per
19 annum from the effective retroactive date.

20 (1) During the pendency of proceedings before the
21 arbitration panel, existing wages, hours, and other conditions
22 of employment shall not be changed by action of either party
23 without the consent of the other but a party may so consent
24 without prejudice to his rights or position under this Act.
25 The proceedings are deemed to be pending before the
26 arbitration panel upon the initiation of arbitration

1 procedures under this Act.

2 (m) Security officers of public employers, and Peace
3 Officers, Fire Fighters and fire department and fire
4 protection district paramedics, covered by this Section may
5 not withhold services, nor may public employers lock out or
6 prevent such employees from performing services at any time.

7 (n) All of the terms decided upon by the arbitration panel
8 shall be included in an agreement to be submitted to the public
9 employer's governing body for ratification and adoption by
10 law, ordinance or the equivalent appropriate means.

11 The governing body shall review each term decided by the
12 arbitration panel. If the governing body fails to reject one
13 or more terms of the arbitration panel's decision by a 3/5 vote
14 of those duly elected and qualified members of the governing
15 body, within 20 days of issuance, or in the case of
16 firefighters employed by a state university, at the next
17 regularly scheduled meeting of the governing body after
18 issuance, such term or terms shall become a part of the
19 collective bargaining agreement of the parties. If the
20 governing body affirmatively rejects one or more terms of the
21 arbitration panel's decision, it must provide reasons for such
22 rejection with respect to each term so rejected, within 20
23 days of such rejection and the parties shall return to the
24 arbitration panel for further proceedings and issuance of a
25 supplemental decision with respect to the rejected terms. Any
26 supplemental decision by an arbitration panel or other

1 decision maker agreed to by the parties shall be submitted to
2 the governing body for ratification and adoption in accordance
3 with the procedures and voting requirements set forth in this
4 Section. The voting requirements of this subsection shall
5 apply to all disputes submitted to arbitration pursuant to
6 this Section notwithstanding any contrary voting requirements
7 contained in any existing collective bargaining agreement
8 between the parties.

9 (o) If the governing body of the employer votes to reject
10 the panel's decision, the parties shall return to the panel
11 within 30 days from the issuance of the reasons for rejection
12 for further proceedings and issuance of a supplemental
13 decision. All reasonable costs of such supplemental proceeding
14 including the exclusive representative's reasonable attorney's
15 fees, as established by the Board, shall be paid by the
16 employer.

17 (p) Notwithstanding the provisions of this Section the
18 employer and exclusive representative may agree to submit
19 unresolved disputes concerning wages, hours, terms and
20 conditions of employment to an alternative form of impasse
21 resolution.

22 (Source: P.A. 98-535, eff. 1-1-14; 98-1151, eff. 1-7-15.)

23 (Text of Section after amendment by P.A. 101-652)

24 Sec. 14. Security employee, peace officer and fire fighter
25 disputes.

1 (a) In the case of collective bargaining agreements
2 involving units of security employees of a public employer,
3 Peace Officer Units, or units of fire fighters or paramedics,
4 and in the case of disputes under Section 18, unless the
5 parties mutually agree to some other time limit, mediation
6 shall commence 30 days prior to the expiration date of such
7 agreement or at such later time as the mediation services
8 chosen under subsection (b) of Section 12 can be provided to
9 the parties. In the case of negotiations for an initial
10 collective bargaining agreement, mediation shall commence upon
11 15 days notice from either party or at such later time as the
12 mediation services chosen pursuant to subsection (b) of
13 Section 12 can be provided to the parties. In mediation under
14 this Section, if either party requests the use of mediation
15 services from the Federal Mediation and Conciliation Service,
16 the other party shall either join in such request or bear the
17 additional cost of mediation services from another source. The
18 mediator shall have a duty to keep the Board informed on the
19 progress of the mediation. If any dispute has not been
20 resolved within 15 days after the first meeting of the parties
21 and the mediator, or within such other time limit as may be
22 mutually agreed upon by the parties, either the exclusive
23 representative or employer may request of the other, in
24 writing, arbitration, and shall submit a copy of the request
25 to the Board.

26 (b) Within 10 days after such a request for arbitration

1 has been made, the employer shall choose a delegate and the
2 employees' exclusive representative shall choose a delegate to
3 a panel of arbitration as provided in this Section. The
4 employer and employees shall forthwith advise the other and
5 the Board of their selections.

6 (c) Within 7 days after the request of either party, the
7 parties shall request a panel of impartial arbitrators from
8 which they shall select the neutral chairman according to the
9 procedures provided in this Section. If the parties have
10 agreed to a contract that contains a grievance resolution
11 procedure as provided in Section 8, the chairman shall be
12 selected using their agreed contract procedure unless they
13 mutually agree to another procedure. If the parties fail to
14 notify the Board of their selection of neutral chairman within
15 7 days after receipt of the list of impartial arbitrators, the
16 Board shall appoint, at random, a neutral chairman from the
17 list. In the absence of an agreed contract procedure for
18 selecting an impartial arbitrator, either party may request a
19 panel from the Board. Within 7 days of the request of either
20 party, the Board shall select from the Public Employees Labor
21 Mediation Roster 7 persons who are on the labor arbitration
22 panels of either the American Arbitration Association or the
23 Federal Mediation and Conciliation Service, or who are members
24 of the National Academy of Arbitrators, as nominees for
25 impartial arbitrator of the arbitration panel. The parties may
26 select an individual on the list provided by the Board or any

1 other individual mutually agreed upon by the parties. Within 7
2 days following the receipt of the list, the parties shall
3 notify the Board of the person they have selected. Unless the
4 parties agree on an alternate selection procedure, they shall
5 alternatively strike one name from the list provided by the
6 Board until only one name remains. A coin toss shall determine
7 which party shall strike the first name. If the parties fail to
8 notify the Board in a timely manner of their selection for
9 neutral chairman, the Board shall appoint a neutral chairman
10 from the Illinois Public Employees Mediation/Arbitration
11 Roster.

12 (d) The chairman shall call a hearing to begin within 15
13 days and give reasonable notice of the time and place of the
14 hearing. The hearing shall be held at the offices of the Board
15 or at such other location as the Board deems appropriate. The
16 chairman shall preside over the hearing and shall take
17 testimony. Any oral or documentary evidence and other data
18 deemed relevant by the arbitration panel may be received in
19 evidence. The proceedings shall be informal. Technical rules
20 of evidence shall not apply and the competency of the evidence
21 shall not thereby be deemed impaired. A verbatim record of the
22 proceedings shall be made and the arbitrator shall arrange for
23 the necessary recording service. Transcripts may be ordered at
24 the expense of the party ordering them, but the transcripts
25 shall not be necessary for a decision by the arbitration
26 panel. The expense of the proceedings, including a fee for the

1 chairman, shall be borne equally by each of the parties to the
2 dispute. The delegates, if public officers or employees, shall
3 continue on the payroll of the public employer without loss of
4 pay. The hearing conducted by the arbitration panel may be
5 adjourned from time to time, but unless otherwise agreed by
6 the parties, shall be concluded within 30 days of the time of
7 its commencement. Majority actions and rulings shall
8 constitute the actions and rulings of the arbitration panel.
9 Arbitration proceedings under this Section shall not be
10 interrupted or terminated by reason of any unfair labor
11 practice charge filed by either party at any time.

12 (e) The arbitration panel may administer oaths, require
13 the attendance of witnesses, and the production of such books,
14 papers, contracts, agreements and documents as may be deemed
15 by it material to a just determination of the issues in
16 dispute, and for such purpose may issue subpoenas. If any
17 person refuses to obey a subpoena, or refuses to be sworn or to
18 testify, or if any witness, party or attorney is guilty of any
19 contempt while in attendance at any hearing, the arbitration
20 panel may, or the attorney general if requested shall, invoke
21 the aid of any circuit court within the jurisdiction in which
22 the hearing is being held, which court shall issue an
23 appropriate order. Any failure to obey the order may be
24 punished by the court as contempt.

25 (f) At any time before the rendering of an award, the
26 chairman of the arbitration panel, if he is of the opinion that

1 it would be useful or beneficial to do so, may remand the
2 dispute to the parties for further collective bargaining for a
3 period not to exceed 2 weeks. If the dispute is remanded for
4 further collective bargaining the time provisions of this Act
5 shall be extended for a time period equal to that of the
6 remand. The chairman of the panel of arbitration shall notify
7 the Board of the remand.

8 (g) At or before the conclusion of the hearing held
9 pursuant to subsection (d), the arbitration panel shall
10 identify the economic issues in dispute, and direct each of
11 the parties to submit, within such time limit as the panel
12 shall prescribe, to the arbitration panel and to each other
13 its last offer of settlement on each economic issue. The
14 determination of the arbitration panel as to the issues in
15 dispute and as to which of these issues are economic shall be
16 conclusive. The arbitration panel, within 30 days after the
17 conclusion of the hearing, or such further additional periods
18 to which the parties may agree, shall make written findings of
19 fact and promulgate a written opinion and shall mail or
20 otherwise deliver a true copy thereof to the parties and their
21 representatives and to the Board. As to each economic issue,
22 the arbitration panel shall adopt the last offer of settlement
23 which, in the opinion of the arbitration panel, more nearly
24 complies with the applicable factors prescribed in subsection
25 (h). The findings, opinions and order as to all other issues
26 shall be based upon the applicable factors prescribed in

1 subsection (h).

2 (h) Where there is no agreement between the parties, or
3 where there is an agreement but the parties have begun
4 negotiations or discussions looking to a new agreement or
5 amendment of the existing agreement, and wage rates or other
6 conditions of employment under the proposed new or amended
7 agreement are in dispute, the arbitration panel shall base its
8 findings, opinions and order upon the following factors, as
9 applicable:

10 (1) The lawful authority of the employer.

11 (2) Stipulations of the parties.

12 (3) The interests and welfare of the public and the
13 financial ability of the unit of government to meet those
14 costs.

15 (4) Comparison of the wages, hours and conditions of
16 employment of the employees involved in the arbitration
17 proceeding with the wages, hours and conditions of
18 employment of other employees performing similar services
19 and with other employees generally:

20 (A) In public employment in comparable
21 communities.

22 (B) In private employment in comparable
23 communities.

24 (5) The average consumer prices for goods and
25 services, commonly known as the cost of living.

26 (6) The overall compensation presently received by the

1 employees, including direct wage compensation, vacations,
2 holidays and other excused time, insurance and pensions,
3 medical and hospitalization benefits, the continuity and
4 stability of employment and all other benefits received.

5 (7) Changes in any of the foregoing circumstances
6 during the pendency of the arbitration proceedings.

7 (8) Such other factors, not confined to the foregoing,
8 which are normally or traditionally taken into
9 consideration in the determination of wages, hours and
10 conditions of employment through voluntary collective
11 bargaining, mediation, fact-finding, arbitration or
12 otherwise between the parties, in the public service or in
13 private employment.

14 (i) In the case of peace officers, the arbitration
15 decision shall be limited to wages, hours, and conditions of
16 employment (which may include residency requirements in
17 municipalities with a population under 100,000, but those
18 residency requirements shall not allow residency outside of
19 Illinois) and shall not include the following: i) residency
20 requirements in municipalities with a population of at least
21 100,000; ii) the type of equipment, other than uniforms,
22 issued or used; iii) manning; iv) the total number of
23 employees employed by the department; v) mutual aid and
24 assistance agreements to other units of government; and vi)
25 the criterion pursuant to which force, including deadly force,
26 can be used; provided, nothing herein shall preclude an

1 arbitration decision regarding equipment or manning levels if
2 such decision is based on a finding that the equipment or
3 manning considerations in a specific work assignment involve a
4 serious risk to the safety of a peace officer beyond that which
5 is inherent in the normal performance of police duties.
6 Limitation of the terms of the arbitration decision pursuant
7 to this subsection shall not be construed to limit the factors
8 upon which the decision may be based, as set forth in
9 subsection (h).

10 In the case of fire fighter, and fire department or fire
11 district paramedic matters, the arbitration decision shall be
12 limited to wages, hours, and conditions of employment
13 (including manning and also including residency requirements
14 in municipalities with a population under 1,000,000, but those
15 residency requirements shall not allow residency outside of
16 Illinois) and shall not include the following matters: i)
17 residency requirements in municipalities with a population of
18 at least 1,000,000; ii) the type of equipment (other than
19 uniforms and fire fighter turnout gear) issued or used; iii)
20 the total number of employees employed by the department; iv)
21 mutual aid and assistance agreements to other units of
22 government; and v) the criterion pursuant to which force,
23 including deadly force, can be used; provided, however,
24 nothing herein shall preclude an arbitration decision
25 regarding equipment levels if such decision is based on a
26 finding that the equipment considerations in a specific work

1 assignment involve a serious risk to the safety of a fire
2 fighter beyond that which is inherent in the normal
3 performance of fire fighter duties. Limitation of the terms of
4 the arbitration decision pursuant to this subsection shall not
5 be construed to limit the facts upon which the decision may be
6 based, as set forth in subsection (h).

7 The changes to this subsection (i) made by Public Act
8 90-385 (relating to residency requirements) do not apply to
9 persons who are employed by a combined department that
10 performs both police and firefighting services; these persons
11 shall be governed by the provisions of this subsection (i)
12 relating to peace officers, as they existed before the
13 amendment by Public Act 90-385.

14 To preserve historical bargaining rights, this subsection
15 shall not apply to any provision of a fire fighter collective
16 bargaining agreement in effect and applicable on the effective
17 date of this Act; provided, however, nothing herein shall
18 preclude arbitration with respect to any such provision.

19 (j) Arbitration procedures shall be deemed to be initiated
20 by the filing of a letter requesting mediation as required
21 under subsection (a) of this Section. The commencement of a
22 new municipal fiscal year after the initiation of arbitration
23 procedures under this Act, but before the arbitration
24 decision, or its enforcement, shall not be deemed to render a
25 dispute moot, or to otherwise impair the jurisdiction or
26 authority of the arbitration panel or its decision. Increases

1 in rates of compensation awarded by the arbitration panel may
2 be effective only at the start of the fiscal year next
3 commencing after the date of the arbitration award. If a new
4 fiscal year has commenced either since the initiation of
5 arbitration procedures under this Act or since any mutually
6 agreed extension of the statutorily required period of
7 mediation under this Act by the parties to the labor dispute
8 causing a delay in the initiation of arbitration, the
9 foregoing limitations shall be inapplicable, and such awarded
10 increases may be retroactive to the commencement of the fiscal
11 year, any other statute or charter provisions to the contrary,
12 notwithstanding. At any time the parties, by stipulation, may
13 amend or modify an award of arbitration.

14 (k) Orders of the arbitration panel shall be reviewable,
15 upon appropriate petition by either the public employer or the
16 exclusive bargaining representative, by the circuit court for
17 the county in which the dispute arose or in which a majority of
18 the affected employees reside, but only for reasons that the
19 arbitration panel was without or exceeded its statutory
20 authority; the order is arbitrary, or capricious; or the order
21 was procured by fraud, collusion or other similar and unlawful
22 means. Such petitions for review must be filed with the
23 appropriate circuit court within 90 days following the
24 issuance of the arbitration order. The pendency of such
25 proceeding for review shall not automatically stay the order
26 of the arbitration panel. The party against whom the final

1 decision of any such court shall be adverse, if such court
2 finds such appeal or petition to be frivolous, shall pay
3 reasonable attorneys' fees and costs to the successful party
4 as determined by said court in its discretion. If said court's
5 decision affirms the award of money, such award, if
6 retroactive, shall bear interest at the rate of 12 percent per
7 annum from the effective retroactive date.

8 (l) During the pendency of proceedings before the
9 arbitration panel, existing wages, hours, and other conditions
10 of employment shall not be changed by action of either party
11 without the consent of the other but a party may so consent
12 without prejudice to his rights or position under this Act.
13 The proceedings are deemed to be pending before the
14 arbitration panel upon the initiation of arbitration
15 procedures under this Act.

16 (m) Security officers of public employers, and Peace
17 Officers, Fire Fighters and fire department and fire
18 protection district paramedics, covered by this Section may
19 not withhold services, nor may public employers lock out or
20 prevent such employees from performing services at any time.

21 (n) All of the terms decided upon by the arbitration panel
22 shall be included in an agreement to be submitted to the public
23 employer's governing body for ratification and adoption by
24 law, ordinance or the equivalent appropriate means.

25 The governing body shall review each term decided by the
26 arbitration panel. If the governing body fails to reject one

1 or more terms of the arbitration panel's decision by a 3/5 vote
2 of those duly elected and qualified members of the governing
3 body, within 20 days of issuance, or in the case of
4 firefighters employed by a state university, at the next
5 regularly scheduled meeting of the governing body after
6 issuance, such term or terms shall become a part of the
7 collective bargaining agreement of the parties. If the
8 governing body affirmatively rejects one or more terms of the
9 arbitration panel's decision, it must provide reasons for such
10 rejection with respect to each term so rejected, within 20
11 days of such rejection and the parties shall return to the
12 arbitration panel for further proceedings and issuance of a
13 supplemental decision with respect to the rejected terms. Any
14 supplemental decision by an arbitration panel or other
15 decision maker agreed to by the parties shall be submitted to
16 the governing body for ratification and adoption in accordance
17 with the procedures and voting requirements set forth in this
18 Section. The voting requirements of this subsection shall
19 apply to all disputes submitted to arbitration pursuant to
20 this Section notwithstanding any contrary voting requirements
21 contained in any existing collective bargaining agreement
22 between the parties.

23 (o) If the governing body of the employer votes to reject
24 the panel's decision, the parties shall return to the panel
25 within 30 days from the issuance of the reasons for rejection
26 for further proceedings and issuance of a supplemental

1 decision. All reasonable costs of such supplemental proceeding
2 including the exclusive representative's reasonable attorney's
3 fees, as established by the Board, shall be paid by the
4 employer.

5 (p) Notwithstanding the provisions of this Section the
6 employer and exclusive representative may agree to submit
7 unresolved disputes concerning wages, hours, terms and
8 conditions of employment to an alternative form of impasse
9 resolution.

10 The amendatory changes to this Section made by Public Act
11 101-652 take effect July 1, 2022.

12 (Source: P.A. 101-652, eff. 7-1-21.)

13 Section 5. The State Police Act is amended by changing
14 Section 17c as follows:

15 (20 ILCS 2610/17c)

16 Sec. 17c. Military equipment surplus program.

17 (a) For purposes of this Section:

18 "Bayonet" means a large knife designed to be attached to
19 the muzzle of a rifle, shotgun, or long gun for the purpose of
20 hand-to-hand combat.

21 "Grenade launcher" means a firearm or firearm accessory
22 used ~~designed~~ to launch fragmentary ~~small~~ explosive rounds
23 designed to inflict death or cause great bodily harm
24 projectiles.

1 "Military equipment surplus program" means any federal or
2 State program allowing a law enforcement agency to obtain
3 surplus military equipment including, but not limit to, any
4 program organized under Section 1122 of the National Defense
5 Authorization Act for Fiscal Year 1994 (Pub. L. 103-160) or
6 Section 1033 of the National Defense Authorization Act for
7 Fiscal Year 1997 (Pub. L. 104-201), or any program established
8 under 10 U.S.C. 2576a.

9 "Tracked armored vehicle" means a vehicle that provides
10 ballistic protection to its occupants and utilizes a tracked
11 system instead installed of wheels for forward motion, not
12 including vehicles listed in the Authorized Equipment List as
13 published by the Federal Emergency Management Agency.

14 "Weaponized aircraft, vessel, or vehicle" means any
15 aircraft, vessel, or vehicle with weapons installed.

16 (b) The Illinois State Police shall not request or receive
17 from any military equipment surplus program nor purchase or
18 otherwise utilize the following equipment:

- 19 (1) tracked armored vehicles;
- 20 (2) weaponized aircraft, vessels, or vehicles;
- 21 (3) firearms of .50-caliber or higher;
- 22 (4) ammunition of .50-caliber or higher;
- 23 (5) grenade launchers; or
- 24 (6) bayonets.

25 (c) If the Illinois State Police request other property
26 not prohibited by this Section from a military equipment

1 surplus program, the Illinois State Police shall publish
2 notice of the request on a publicly accessible website
3 maintained by the Illinois State Police within 14 days after
4 the request.

5 (Source: P.A. 101-652, eff. 7-1-21.)

6 Section 10. The Task Force on Constitutional Rights and
7 Remedies Act is amended by changing Sections 4-10 and 4-15 as
8 follows:

9 (20 ILCS 5165/4-10)

10 (This Section may contain text from a Public Act with a
11 delayed effective date)

12 (Section scheduled to be repealed on January 1, 2022)

13 Sec. 4-10. Task Force Members.

14 (a) The Task Force on Constitutional Rights and Remedies
15 shall be comprised of the following members:

16 (1) The president of statewide association
17 representing trial lawyers or his or her designee, the
18 executive director of a statewide association advocating
19 for the advancement of civil liberties or his or her
20 designee, a representative representing statewide labor,
21 all appointed by the Governor.

22 (2) Four members of the public appointed, one
23 appointed by each the Speaker of the House of
24 Representatives, Minority Leader of the House of

1 Representatives, Minority Leader of the House of
2 Representatives, President of the Senate, Minority Leader
3 of the Senate.

4 (3) The president of a statewide bar association or
5 his or her designee, the executive director of a statewide
6 association representing county sheriffs or his or her
7 designee, the executive director of a statewide
8 association representing chiefs of police or his or her
9 designee, a representative of the Chicago Police
10 Department, all appointed by the Governor.

11 (4) The Director of the Illinois State Police or his
12 or her designee.

13 (5) The Attorney General, or his or her designee.

14 (6) A retired judge appointed by the Governor.

15 (7) one State Representative, appointed by the Speaker
16 of the House of Representatives; one State Representative,
17 appointed by the Minority Leader of the House of
18 Representatives; one State Senator, appointed by the
19 President of the Senate; one State Senator, appointed by
20 the Minority Leader of the Senate.

21 (b) The members of the Task Force shall serve without
22 compensation.

23 (c) The Illinois Criminal Justice Information Authority
24 shall provide administrative and technical support to the Task
25 Force and be responsible for administering its operations,
26 ~~appointing a chairperson,~~ and ensuring that the requirements

1 of the Task Force are met. The President of the Senate and the
2 Speaker of the House of Representatives shall appoint
3 co-chairpersons for the Task Force. The Task Force shall have
4 all appointments made within 30 days of the effective date of
5 this amendatory Act of the 101st General Assembly.

6 (Source: P.A. 101-652, eff. 7-1-21.)

7 (20 ILCS 5165/4-15)

8 (This Section may contain text from a Public Act with a
9 delayed effective date)

10 (Section scheduled to be repealed on January 1, 2022)

11 Sec. 4-15. Meetings; report.

12 (a) The Task Force shall meet at least 3 times with the
13 first meeting occurring within 60 days after the effective
14 date of this amendatory Act of the 101st General Assembly.

15 (b) The Task Force shall review available research, best
16 practices, and effective interventions to formulate
17 recommendations.

18 (c) The Task Force shall produce a report detailing the
19 Task Force's findings and recommendations and needed
20 resources. The Task Force shall submit a report of its
21 findings and recommendations to the General Assembly and the
22 Governor by October 31 ~~May 1~~, 2021.

23 (Source: P.A. 101-652, eff. 7-1-21.)

24 Section 15. The Illinois Police Training Act is amended by

1 changing Sections 7, 8.1, 10.6, and 10.17 as follows:

2 (50 ILCS 705/7) (from Ch. 85, par. 507)

3 (Text of Section before amendment by P.A. 101-652)

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

7 a. The curriculum for probationary police officers
8 which shall be offered by all certified schools shall
9 include, but not be limited to, courses of procedural
10 justice, arrest and use and control tactics, search and
11 seizure, including temporary questioning, civil rights,
12 human rights, human relations, cultural competency,
13 including implicit bias and racial and ethnic sensitivity,
14 criminal law, law of criminal procedure, constitutional
15 and proper use of law enforcement authority, vehicle and
16 traffic law including uniform and non-discriminatory
17 enforcement of the Illinois Vehicle Code, traffic control
18 and accident investigation, techniques of obtaining
19 physical evidence, court testimonies, statements, reports,
20 firearms training, training in the use of electronic
21 control devices, including the psychological and
22 physiological effects of the use of those devices on
23 humans, first-aid (including cardiopulmonary
24 resuscitation), training in the administration of opioid
25 antagonists as defined in paragraph (1) of subsection (e)

1 of Section 5-23 of the Substance Use Disorder Act,
2 handling of juvenile offenders, recognition of mental
3 conditions and crises, including, but not limited to, the
4 disease of addiction, which require immediate assistance
5 and response and methods to safeguard and provide
6 assistance to a person in need of mental treatment,
7 recognition of abuse, neglect, financial exploitation, and
8 self-neglect of adults with disabilities and older adults,
9 as defined in Section 2 of the Adult Protective Services
10 Act, crimes against the elderly, law of evidence, the
11 hazards of high-speed police vehicle chases with an
12 emphasis on alternatives to the high-speed chase, and
13 physical training. The curriculum shall include specific
14 training in techniques for immediate response to and
15 investigation of cases of domestic violence and of sexual
16 assault of adults and children, including cultural
17 perceptions and common myths of sexual assault and sexual
18 abuse as well as interview techniques that are age
19 sensitive and are trauma informed, victim centered, and
20 victim sensitive. The curriculum shall include training in
21 techniques designed to promote effective communication at
22 the initial contact with crime victims and ways to
23 comprehensively explain to victims and witnesses their
24 rights under the Rights of Crime Victims and Witnesses Act
25 and the Crime Victims Compensation Act. The curriculum
26 shall also include training in effective recognition of

1 and responses to stress, trauma, and post-traumatic stress
2 experienced by police officers that is consistent with
3 Section 25 of the Illinois Mental Health First Aid
4 Training Act in a peer setting, including recognizing
5 signs and symptoms of work-related cumulative stress,
6 issues that may lead to suicide, and solutions for
7 intervention with peer support resources. The curriculum
8 shall include a block of instruction addressing the
9 mandatory reporting requirements under the Abused and
10 Neglected Child Reporting Act. The curriculum shall also
11 include a block of instruction aimed at identifying and
12 interacting with persons with autism and other
13 developmental or physical disabilities, reducing barriers
14 to reporting crimes against persons with autism, and
15 addressing the unique challenges presented by cases
16 involving victims or witnesses with autism and other
17 developmental disabilities. The curriculum shall include
18 training in the detection and investigation of all forms
19 of human trafficking. The curriculum shall also include
20 instruction in trauma-informed responses designed to
21 ensure the physical safety and well-being of a child of an
22 arrested parent or immediate family member; this
23 instruction must include, but is not limited to: (1)
24 understanding the trauma experienced by the child while
25 maintaining the integrity of the arrest and safety of
26 officers, suspects, and other involved individuals; (2)

1 de-escalation tactics that would include the use of force
2 when reasonably necessary; and (3) inquiring whether a
3 child will require supervision and care. The curriculum
4 for permanent police officers shall include, but not be
5 limited to: (1) refresher and in-service training in any
6 of the courses listed above in this subparagraph, (2)
7 advanced courses in any of the subjects listed above in
8 this subparagraph, (3) training for supervisory personnel,
9 and (4) specialized training in subjects and fields to be
10 selected by the board. The training in the use of
11 electronic control devices shall be conducted for
12 probationary police officers, including University police
13 officers.

14 b. Minimum courses of study, attendance requirements
15 and equipment requirements.

16 c. Minimum requirements for instructors.

17 d. Minimum basic training requirements, which a
18 probationary police officer must satisfactorily complete
19 before being eligible for permanent employment as a local
20 law enforcement officer for a participating local
21 governmental agency. Those requirements shall include
22 training in first aid (including cardiopulmonary
23 resuscitation).

24 e. Minimum basic training requirements, which a
25 probationary county corrections officer must
26 satisfactorily complete before being eligible for

1 permanent employment as a county corrections officer for a
2 participating local governmental agency.

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

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

21 Individuals who currently serve as court security
22 officers shall be deemed qualified to continue to serve in
23 that capacity so long as they are certified as provided by
24 this Act within 24 months of June 1, 1997 (the effective
25 date of Public Act 89-685). Failure to be so certified,
26 absent a waiver from the Board, shall cause the officer to

1 forfeit his or her position.

2 All individuals hired as court security officers on or
3 after June 1, 1997 (the effective date of Public Act
4 89-685) shall be certified within 12 months of the date of
5 their hire, unless a waiver has been obtained by the
6 Board, or they shall forfeit their positions.

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

17 g. Minimum in-service training requirements, which a
18 police officer must satisfactorily complete every 3 years.
19 Those requirements shall include constitutional and proper
20 use of law enforcement authority, procedural justice,
21 civil rights, human rights, mental health awareness and
22 response, officer wellness, reporting child abuse and
23 neglect, and cultural competency.

24 h. Minimum in-service training requirements, which a
25 police officer must satisfactorily complete at least
26 annually. Those requirements shall include law updates and

1 use of force training which shall include scenario based
2 training, or similar training approved by the Board.

3 (Source: P.A. 100-121, eff. 1-1-18; 100-247, eff. 1-1-18;
4 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-910, eff.
5 1-1-19; 101-18, eff. 1-1-20; 101-81, eff. 7-12-19; 101-215,
6 eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff. 8-16-19;
7 101-564, eff. 1-1-20; revised 9-10-19.)

8 (Text of Section after amendment by P.A. 101-652, Article
9 10, Section 10-143 but before amendment by P.A. 101-652,
10 Article 25, Section 25-40)

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

14 a. The curriculum for probationary police officers
15 which shall be offered by all certified schools shall
16 include, but not be limited to, courses of procedural
17 justice, arrest and use and control tactics, search and
18 seizure, including temporary questioning, civil rights,
19 human rights, human relations, cultural competency,
20 including implicit bias and racial and ethnic sensitivity,
21 criminal law, law of criminal procedure, constitutional
22 and proper use of law enforcement authority, crisis
23 intervention training, vehicle and traffic law including
24 uniform and non-discriminatory enforcement of the Illinois
25 Vehicle Code, traffic control and accident investigation,

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

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

1 instruction in trauma-informed responses designed to
2 ensure the physical safety and well-being of a child of an
3 arrested parent or immediate family member; this
4 instruction must include, but is not limited to: (1)
5 understanding the trauma experienced by the child while
6 maintaining the integrity of the arrest and safety of
7 officers, suspects, and other involved individuals; (2)
8 de-escalation tactics that would include the use of force
9 when reasonably necessary; and (3) inquiring whether a
10 child will require supervision and care. The curriculum
11 for probationary police officers shall include: (1) at
12 least 12 hours of hands-on, scenario-based role-playing;
13 (2) at least 6 hours of instruction on use of force
14 techniques, including the use of de-escalation techniques
15 to prevent or reduce the need for force whenever safe and
16 feasible; (3) specific training on officer safety
17 techniques, including cover, concealment, and time; and
18 (4) at least 6 hours of training focused on high-risk
19 traffic stops. The curriculum for permanent police
20 officers shall include, but not be limited to: (1)
21 refresher and in-service training in any of the courses
22 listed above in this subparagraph, (2) advanced courses in
23 any of the subjects listed above in this subparagraph, (3)
24 training for supervisory personnel, and (4) specialized
25 training in subjects and fields to be selected by the
26 board. The training in the use of electronic control

1 devices shall be conducted for probationary police
2 officers, including University police officers.

3 b. Minimum courses of study, attendance requirements
4 and equipment requirements.

5 c. Minimum requirements for instructors.

6 d. Minimum basic training requirements, which a
7 probationary police officer must satisfactorily complete
8 before being eligible for permanent employment as a local
9 law enforcement officer for a participating local
10 governmental agency. Those requirements shall include
11 training in first aid (including cardiopulmonary
12 resuscitation).

13 e. Minimum basic training requirements, which a
14 probationary county corrections officer must
15 satisfactorily complete before being eligible for
16 permanent employment as a county corrections officer for a
17 participating local governmental agency.

18 f. Minimum basic training requirements which a
19 probationary court security officer must satisfactorily
20 complete before being eligible for permanent employment as
21 a court security officer for a participating local
22 governmental agency. The Board shall establish those
23 training requirements which it considers appropriate for
24 court security officers and shall certify schools to
25 conduct that training.

26 A person hired to serve as a court security officer

1 must obtain from the Board a certificate (i) attesting to
2 his or her successful completion of the training course;
3 (ii) attesting to his or her satisfactory completion of a
4 training program of similar content and number of hours
5 that has been found acceptable by the Board under the
6 provisions of this Act; or (iii) attesting to the Board's
7 determination that the training course is unnecessary
8 because of the person's extensive prior law enforcement
9 experience.

10 Individuals who currently serve as court security
11 officers shall be deemed qualified to continue to serve in
12 that capacity so long as they are certified as provided by
13 this Act within 24 months of June 1, 1997 (the effective
14 date of Public Act 89-685). Failure to be so certified,
15 absent a waiver from the Board, shall cause the officer to
16 forfeit his or her position.

17 All individuals hired as court security officers on or
18 after June 1, 1997 (the effective date of Public Act
19 89-685) shall be certified within 12 months of the date of
20 their hire, unless a waiver has been obtained by the
21 Board, or they shall forfeit their positions.

22 The Sheriff's Merit Commission, if one exists, or the
23 Sheriff's Office if there is no Sheriff's Merit
24 Commission, shall maintain a list of all individuals who
25 have filed applications to become court security officers
26 and who meet the eligibility requirements established

1 under this Act. Either the Sheriff's Merit Commission, or
2 the Sheriff's Office if no Sheriff's Merit Commission
3 exists, shall establish a schedule of reasonable intervals
4 for verification of the applicants' qualifications under
5 this Act and as established by the Board.

6 g. Minimum in-service training requirements, which a
7 police officer must satisfactorily complete every 3 years.
8 Those requirements shall include constitutional and proper
9 use of law enforcement authority, procedural justice,
10 civil rights, human rights, reporting child abuse and
11 neglect, and cultural competency, including implicit bias
12 and racial and ethnic sensitivity. These trainings shall
13 consist of at least 30 hours of training every 3 years.

14 h. Minimum in-service training requirements, which a
15 police officer must satisfactorily complete at least
16 annually. Those requirements shall include law updates,
17 emergency medical response training and certification,
18 crisis intervention training, and officer wellness and
19 mental health.

20 i. Minimum in-service training requirements as set
21 forth in Section 10.6.

22 The amendatory changes to this Section made by Public Act
23 101-652 shall take effect January 1, 2022.

24 (Source: P.A. 100-121, eff. 1-1-18; 100-247, eff. 1-1-18;
25 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-910, eff.
26 1-1-19; 101-18, eff. 1-1-20; 101-81, eff. 7-12-19; 101-215,

1 eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff. 8-16-19;
2 101-564, eff. 1-1-20; P.A. 101-652, Article 10, Section
3 10-143, eff. 7-1-21.)

4 (Text of Section after amendment by P.A. 101-652, Article
5 25, Section 25-40)

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

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

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

1 rights under the Rights of Crime Victims and Witnesses Act
2 and the Crime Victims Compensation Act. The curriculum
3 shall also include training in effective recognition of
4 and responses to stress, trauma, and post-traumatic stress
5 experienced by law enforcement officers that is consistent
6 with Section 25 of the Illinois Mental Health First Aid
7 Training Act in a peer setting, including recognizing
8 signs and symptoms of work-related cumulative stress,
9 issues that may lead to suicide, and solutions for
10 intervention with peer support resources. The curriculum
11 shall include a block of instruction addressing the
12 mandatory reporting requirements under the Abused and
13 Neglected Child Reporting Act. The curriculum shall also
14 include a block of instruction aimed at identifying and
15 interacting with persons with autism and other
16 developmental or physical disabilities, reducing barriers
17 to reporting crimes against persons with autism, and
18 addressing the unique challenges presented by cases
19 involving victims or witnesses with autism and other
20 developmental disabilities. The curriculum shall include
21 training in the detection and investigation of all forms
22 of human trafficking. The curriculum shall also include
23 instruction in trauma-informed responses designed to
24 ensure the physical safety and well-being of a child of an
25 arrested parent or immediate family member; this
26 instruction must include, but is not limited to: (1)

1 understanding the trauma experienced by the child while
2 maintaining the integrity of the arrest and safety of
3 officers, suspects, and other involved individuals; (2)
4 de-escalation tactics that would include the use of force
5 when reasonably necessary; and (3) inquiring whether a
6 child will require supervision and care. The curriculum
7 for probationary law enforcement ~~police~~ officers shall
8 include: (1) at least 12 hours of hands-on, scenario-based
9 role-playing; (2) at least 6 hours of instruction on use
10 of force techniques, including the use of de-escalation
11 techniques to prevent or reduce the need for force
12 whenever safe and feasible; (3) specific training on
13 officer safety techniques, including cover, concealment,
14 and time; and (4) at least 6 hours of training focused on
15 high-risk traffic stops. The curriculum for permanent law
16 enforcement officers shall include, but not be limited to:
17 (1) refresher and in-service training in any of the
18 courses listed above in this subparagraph, (2) advanced
19 courses in any of the subjects listed above in this
20 subparagraph, (3) training for supervisory personnel, and
21 (4) specialized training in subjects and fields to be
22 selected by the board. The training in the use of
23 electronic control devices shall be conducted for
24 probationary law enforcement officers, including
25 University police officers.

26 b. Minimum courses of study, attendance requirements

1 and equipment requirements.

2 c. Minimum requirements for instructors.

3 d. Minimum basic training requirements, which a
4 probationary law enforcement officer must satisfactorily
5 complete before being eligible for permanent employment as
6 a local law enforcement officer for a participating local
7 governmental or State ~~state~~ governmental agency. Those
8 requirements shall include training in first aid
9 (including cardiopulmonary resuscitation).

10 e. Minimum basic training requirements, which a
11 probationary county corrections officer must
12 satisfactorily complete before being eligible for
13 permanent employment as a county corrections officer for a
14 participating local governmental agency.

15 f. Minimum basic training requirements which a
16 probationary court security officer must satisfactorily
17 complete before being eligible for permanent employment as
18 a court security officer for a participating local
19 governmental agency. The Board shall establish those
20 training requirements which it considers appropriate for
21 court security officers and shall certify schools to
22 conduct that training.

23 A person hired to serve as a court security officer
24 must obtain from the Board a certificate (i) attesting to
25 the officer's successful completion of the training
26 course; (ii) attesting to the officer's satisfactory

1 completion of a training program of similar content and
2 number of hours that has been found acceptable by the
3 Board under the provisions of this Act; or (iii) attesting
4 to the Board's determination that the training course is
5 unnecessary because of the person's extensive prior law
6 enforcement experience.

7 Individuals who currently serve as court security
8 officers shall be deemed qualified to continue to serve in
9 that capacity so long as they are certified as provided by
10 this Act within 24 months of June 1, 1997 (the effective
11 date of Public Act 89-685). Failure to be so certified,
12 absent a waiver from the Board, shall cause the officer to
13 forfeit his or her position.

14 All individuals hired as court security officers on or
15 after June 1, 1997 (the effective date of Public Act
16 89-685) shall be certified within 12 months of the date of
17 their hire, unless a waiver has been obtained by the
18 Board, or they shall forfeit their positions.

19 The Sheriff's Merit Commission, if one exists, or the
20 Sheriff's Office if there is no Sheriff's Merit
21 Commission, shall maintain a list of all individuals who
22 have filed applications to become court security officers
23 and who meet the eligibility requirements established
24 under this Act. Either the Sheriff's Merit Commission, or
25 the Sheriff's Office if no Sheriff's Merit Commission
26 exists, shall establish a schedule of reasonable intervals

1 for verification of the applicants' qualifications under
2 this Act and as established by the Board.

3 g. Minimum in-service training requirements, which a
4 law enforcement officer must satisfactorily complete every
5 3 years. Those requirements shall include constitutional
6 and proper use of law enforcement authority, procedural
7 justice, civil rights, human rights, reporting child abuse
8 and neglect, and cultural competency, including implicit
9 bias and racial and ethnic sensitivity. These trainings
10 shall consist of at least 30 hours of training every 3
11 years.

12 h. Minimum in-service training requirements, which a
13 law enforcement officer must satisfactorily complete at
14 least annually. Those requirements shall include law
15 updates, emergency medical response training and
16 certification, crisis intervention training, and officer
17 wellness and mental health.

18 i. Minimum in-service training requirements as set
19 forth in Section 10.6.

20 The amendatory changes to this Section made by Public Act
21 101-652 shall take effect January 1, 2022.

22 (Source: P.A. 100-121, eff. 1-1-18; 100-247, eff. 1-1-18;
23 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-910, eff.
24 1-1-19; 101-18, eff. 1-1-20; 101-81, eff. 7-12-19; 101-215,
25 eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff. 8-16-19;
26 101-564, eff. 1-1-20; P.A. 101-652, Article 10, Section

1 10-143, eff. 7-1-21; 101-652, Article 25, Section 25-40, eff.
2 1-1-22; revised 4-26-21.)

3 (50 ILCS 705/8.1) (from Ch. 85, par. 508.1)

4 (Text of Section before amendment by P.A. 101-652)

5 Sec. 8.1. Full-time police and county corrections
6 officers.

7 (a) After January 1, 1976, no person shall receive a
8 permanent appointment as a law enforcement officer as defined
9 in this Act nor shall any person receive, after the effective
10 date of this amendatory Act of 1984, a permanent appointment
11 as a county corrections officer unless that person has been
12 awarded, within 6 months of his or her initial full-time
13 employment, a certificate attesting to his or her successful
14 completion of the Minimum Standards Basic Law Enforcement and
15 County Correctional Training Course as prescribed by the
16 Board; or has been awarded a certificate attesting to his or
17 her satisfactory completion of a training program of similar
18 content and number of hours and which course has been found
19 acceptable by the Board under the provisions of this Act; or by
20 reason of extensive prior law enforcement or county
21 corrections experience the basic training requirement is
22 determined by the Board to be illogical and unreasonable.

23 If such training is required and not completed within the
24 applicable 6 months, then the officer must forfeit his or her
25 position, or the employing agency must obtain a waiver from

1 the Board extending the period for compliance. Such waiver
2 shall be issued only for good and justifiable reasons, and in
3 no case shall extend more than 90 days beyond the initial 6
4 months. Any hiring agency that fails to train a law
5 enforcement officer within this period shall be prohibited
6 from employing this individual in a law enforcement capacity
7 for one year from the date training was to be completed. If an
8 agency again fails to train the individual a second time, the
9 agency shall be permanently barred from employing this
10 individual in a law enforcement capacity.

11 (b) No provision of this Section shall be construed to
12 mean that a law enforcement officer employed by a local
13 governmental agency at the time of the effective date of this
14 amendatory Act, either as a probationary police officer or as
15 a permanent police officer, shall require certification under
16 the provisions of this Section. No provision of this Section
17 shall be construed to mean that a county corrections officer
18 employed by a local governmental agency at the time of the
19 effective date of this amendatory Act of 1984, either as a
20 probationary county corrections or as a permanent county
21 corrections officer, shall require certification under the
22 provisions of this Section. No provision of this Section shall
23 be construed to apply to certification of elected county
24 sheriffs.

25 (c) This Section does not apply to part-time police
26 officers or probationary part-time police officers.

1 (Source: P.A. 101-187, eff. 1-1-20.)

2 (Text of Section after amendment by P.A. 101-652)

3 Sec. 8.1. Full-time law enforcement and county corrections
4 officers.

5 (a) No person shall receive a permanent appointment as a
6 law enforcement officer or a permanent appointment as a county
7 corrections officer unless that person has been awarded,
8 within 6 months of the officer's initial full-time employment,
9 a certificate attesting to the officer's successful completion
10 of the Minimum Standards Basic Law Enforcement or County
11 Correctional Training Course as prescribed by the Board; or
12 has been awarded a certificate attesting to the officer's
13 satisfactory completion of a training program of similar
14 content and number of hours and which course has been found
15 acceptable by the Board under the provisions of this Act; or a
16 training waiver by reason of extensive prior law enforcement
17 or county corrections experience the basic training
18 requirement is determined by the Board to be illogical and
19 unreasonable.

20 If such training is required and not completed within the
21 applicable 6 months, then the officer must forfeit the
22 officer's position, or the employing agency must obtain a
23 waiver from the Board extending the period for compliance.
24 Such waiver shall be issued only for good and justifiable
25 reasons, and in no case shall extend more than 90 days beyond

1 the initial 6 months. Any hiring agency that fails to train a
2 law enforcement officer within this period shall be prohibited
3 from employing this individual in a law enforcement capacity
4 for one year from the date training was to be completed. If an
5 agency again fails to train the individual a second time, the
6 agency shall be permanently barred from employing this
7 individual in a law enforcement capacity.

8 An individual who is not certified by the Board or whose
9 certified status is inactive shall not function as a law
10 enforcement officer, be assigned the duties of a law
11 enforcement officer by an employing agency, or be authorized
12 to carry firearms under the authority of the employer, except
13 as otherwise authorized to carry a firearm under State or
14 federal law. Sheriffs who are elected as of the effective date
15 of this Amendatory Act of the 101st General Assembly, are
16 exempt from the requirement of certified status. Failure to be
17 certified in accordance with this Act shall cause the officer
18 to forfeit the officer's position.

19 An employing agency may not grant a person status as a law
20 enforcement officer unless the person has been granted an
21 active law enforcement officer certification by the Board.

22 (b) Inactive status. A person who has an inactive law
23 enforcement officer certification has no law enforcement
24 authority.

25 (1) A law enforcement officer's certification becomes
26 inactive upon termination, resignation, retirement, or

1 separation from the officer's employing governmental
2 agency for any reason. The Board shall re-activate a
3 certification upon written application from the law
4 enforcement officer's governmental agency that shows the
5 law enforcement officer: (i) has accepted a full-time law
6 enforcement position with that governmental agency, (ii)
7 is not the subject of a decertification proceeding, and
8 (iii) meets all other criteria for re-activation required
9 by the Board. The Board may also establish special
10 training requirements to be completed as a condition for
11 re-activation.

12 A law enforcement officer who is refused reactivation
13 under this Section may request a hearing in accordance
14 with the hearing procedures as outlined in subsection (h)
15 of Section 6.3 of this Act.

16 The Board may refuse to re-activate the certification
17 of a law enforcement officer who was involuntarily
18 terminated for good cause by his or her governmental
19 agency for conduct subject to decertification under this
20 Act or resigned or retired after receiving notice of a
21 governmental agency's investigation.

22 (2) A law enforcement officer who is currently
23 certified can place his or her certificate on inactive
24 status by sending a written request to the Board. A law
25 enforcement officer whose certificate has been placed on
26 inactive status shall not function as a law enforcement

1 officer until the officer has completed any requirements
2 for reactivating the certificate as required by the Board.
3 A request for inactive status in this subsection shall be
4 in writing, accompanied by verifying documentation, and
5 shall be submitted to the Board with a copy to the chief
6 administrator of the law enforcement officer's
7 governmental agency.

8 (3) Certification that has become inactive under
9 paragraph (2) of this subsection (b), shall be reactivated
10 by written notice from the law enforcement officer's
11 agency upon a showing that the law enforcement officer is:
12 (i) employed in a full-time law enforcement position with
13 the same governmental agency (ii) not the subject of a
14 decertification proceeding, and (iii) meets all other
15 criteria for re-activation required by the Board.

16 (4) Notwithstanding paragraph (3) of this subsection
17 (b), a law enforcement officer whose certification has
18 become inactive under paragraph (2) may have the officer's
19 governmental agency submit a request for a waiver of
20 training requirements to the Board. A grant of a waiver is
21 within the discretion of the Board. Within 7 days of
22 receiving a request for a waiver under this section, the
23 Board shall notify the law enforcement officer and the
24 chief administrator of the law enforcement officer's
25 governmental agency, whether the request has been granted,
26 denied, or if the Board will take additional time for

1 information. A law enforcement officer whose request for a
2 waiver under this subsection is denied is entitled to
3 appeal the denial to the Board within 20 days of the waiver
4 being denied.

5 (c) No provision of this Section shall be construed to
6 mean that a county corrections officer employed by a
7 governmental agency at the time of the effective date of this
8 amendatory Act, either as a probationary county corrections or
9 as a permanent county corrections officer, shall require
10 certification under the provisions of this Section. No
11 provision of this Section shall be construed to apply to
12 certification of elected county sheriffs.

13 (d) Within 14 days, a law enforcement officer shall report
14 to the Board: (1) any name change; (2) any change in
15 employment; or (3) the filing of any criminal indictment or
16 charges against the officer alleging that the officer
17 committed any offense as enumerated in Section 6.1 of this
18 Act.

19 (e) All law enforcement officers must report the
20 completion of the training requirements required in this Act
21 in compliance with Section 8.4 of this Act.

22 (e-1) Each employing governmental agency shall allow and
23 provide an opportunity for a law enforcement officer to
24 complete the mandated requirements in this Act. All mandated
25 training will be provided for at no cost to the employees.
26 Employees shall be paid for all time spent attending mandated

1 training.

2 (f) This Section does not apply to part-time law
3 enforcement officers or probationary part-time law enforcement
4 officers.

5 (Source: P.A. 101-187, eff. 1-1-20; 101-652, eff. 1-1-22.)

6 (50 ILCS 705/10.6)

7 (This Section may contain text from a Public Act with a
8 delayed effective date)

9 Sec. 10.6. Mandatory training to be completed every 3
10 years. The Board shall adopt rules and minimum standards for
11 in-service training requirements as set forth in this Section.
12 The training shall provide officers with knowledge of policies
13 and laws regulating the use of force; equip officers with
14 tactics and skills, including de-escalation techniques, to
15 prevent or reduce the need to use force or, when force must be
16 used, to use force that is objectively reasonable, necessary,
17 and proportional under the totality of the circumstances; and
18 ensure appropriate supervision and accountability. The
19 training ~~shall consist of at least 30 hours of training every 3~~
20 ~~years and~~ shall include:

21 (1) At least 12 hours of hands-on, scenario-based
22 role-playing.

23 (2) At least 6 hours of instruction on use of force
24 techniques, including the use of de-escalation techniques
25 to prevent or reduce the need for force whenever safe and

1 feasible.

2 (3) Specific training on the law concerning stops,
3 searches, and the use of force under the Fourth Amendment
4 to the United States Constitution.

5 (4) Specific training on officer safety techniques,
6 including cover, concealment, and time.

7 (5) At least 6 hours of training focused on high-risk
8 traffic stops.

9 This Section takes effect January 1, 2022.

10 (Source: P.A. 101-652, eff. 7-1-21.)

11 (50 ILCS 705/10.17)

12 (Text of Section before amendment by P.A. 101-652)

13 Sec. 10.17. Crisis intervention team training; mental
14 health awareness training.

15 (a) The Illinois Law Enforcement Training Standards Board
16 shall develop and approve a standard curriculum for certified
17 training programs in crisis intervention addressing
18 specialized policing responses to people with mental
19 illnesses. The Board shall conduct Crisis Intervention Team
20 (CIT) training programs that train officers to identify signs
21 and symptoms of mental illness, to de-escalate situations
22 involving individuals who appear to have a mental illness, and
23 connect that person in crisis to treatment. Officers who have
24 successfully completed this program shall be issued a
25 certificate attesting to their attendance of a Crisis

1 Intervention Team (CIT) training program.

2 (b) The Board shall create an introductory course
3 incorporating adult learning models that provides law
4 enforcement officers with an awareness of mental health issues
5 including a history of the mental health system, types of
6 mental health illness including signs and symptoms of mental
7 illness and common treatments and medications, and the
8 potential interactions law enforcement officers may have on a
9 regular basis with these individuals, their families, and
10 service providers including de-escalating a potential crisis
11 situation. This course, in addition to other traditional
12 learning settings, may be made available in an electronic
13 format.

14 (Source: P.A. 99-261, eff. 1-1-16; 99-642, eff. 7-28-16;
15 100-247, eff. 1-1-18.)

16 (Text of Section after amendment by P.A. 101-652)

17 Sec. 10.17. Crisis intervention team training; mental
18 health awareness training.

19 (a) The Illinois Law Enforcement Training Standards Board
20 shall develop and approve a standard curriculum for certified
21 training programs in crisis intervention, including a
22 specialty certification course of at least 40 hours,
23 addressing specialized policing responses to people with
24 mental illnesses. The Board shall conduct Crisis Intervention
25 Team (CIT) training programs that train officers to identify

1 signs and symptoms of mental illness, to de-escalate
2 situations involving individuals who appear to have a mental
3 illness, and connect that person in crisis to treatment.
4 Crisis Intervention Team (CIT) training programs shall be a
5 collaboration between law enforcement professionals, mental
6 health providers, families, and consumer advocates and must
7 minimally include the following components: (1) basic
8 information about mental illnesses and how to recognize them;
9 (2) information about mental health laws and resources; (3)
10 learning from family members of individuals with mental
11 illness and their experiences; and (4) verbal de-escalation
12 training and role-plays. Officers who have successfully
13 completed this program shall be issued a certificate attesting
14 to their attendance of a Crisis Intervention Team (CIT)
15 training program.

16 (b) The Board shall create an introductory course
17 incorporating adult learning models that provides law
18 enforcement officers with an awareness of mental health issues
19 including a history of the mental health system, types of
20 mental health illness including signs and symptoms of mental
21 illness and common treatments and medications, and the
22 potential interactions law enforcement officers may have on a
23 regular basis with these individuals, their families, and
24 service providers including de-escalating a potential crisis
25 situation. This course, in addition to other traditional
26 learning settings, may be made available in an electronic

1 format.

2 The amendatory changes to this Section made by Public Act
3 101-652 shall take effect January 1, 2022.

4 (Source: P.A. 100-247, eff. 1-1-18; 101-652, eff. 7-1-21.)

5 Section 25. The Law Enforcement Officer-Worn Body Camera
6 Act is amended by changing Sections 10-15 and 10-20 as
7 follows:

8 (50 ILCS 706/10-15)

9 (Text of Section before amendment by P.A. 101-652)

10 Sec. 10-15. Applicability. Any law enforcement agency
11 which employs the use of officer-worn body cameras is subject
12 to the provisions of this Act, whether or not the agency
13 receives or has received monies from the Law Enforcement
14 Camera Grant Fund.

15 (Source: P.A. 99-352, eff. 1-1-16.)

16 (Text of Section after amendment by P.A. 101-652)

17 Sec. 10-15. Applicability.

18 (a) All law enforcement agencies must employ the use of
19 officer-worn body cameras in accordance with the provisions of
20 this Act, whether or not the agency receives or has received
21 monies from the Law Enforcement Camera Grant Fund.

22 (b) All law enforcement agencies must implement the use of
23 body cameras for all law enforcement officers, according to

1 the following schedule:

2 (1) for municipalities and counties with populations
3 of 500,000 or more, body cameras shall be implemented by
4 January 1, 2022;

5 (2) for municipalities and counties with populations
6 of 100,000 or more but under 500,000, body cameras shall
7 be implemented by January 1, 2023;

8 (3) for municipalities and counties with populations
9 of 50,000 or more but under 100,000, body cameras shall be
10 implemented by January 1, 2024;

11 (4) for municipalities and counties under 50,000, body
12 cameras shall be implemented by January 1, 2025; and

13 (5) for all State agencies with law enforcement
14 officers and other remaining law enforcement agencies ~~the~~
15 ~~Department of State Police~~, body cameras shall be
16 implemented by January 1, 2025.

17 (c) A law enforcement agency's compliance with the
18 requirements under this Section shall receive preference by
19 the Illinois Law Enforcement Training Standards Board in
20 awarding grant funding under the Law Enforcement Camera Grant
21 Act.

22 (d) This Section does not apply to court security
23 officers, State's Attorney investigators, and Attorney General
24 investigators.

25 (Source: P.A. 101-652, eff. 7-1-21.)

1 (50 ILCS 706/10-20)

2 (Text of Section before amendment by P.A. 101-652)

3 Sec. 10-20. Requirements.

4 (a) The Board shall develop basic guidelines for the use
5 of officer-worn body cameras by law enforcement agencies. The
6 guidelines developed by the Board shall be the basis for the
7 written policy which must be adopted by each law enforcement
8 agency which employs the use of officer-worn body cameras. The
9 written policy adopted by the law enforcement agency must
10 include, at a minimum, all of the following:

11 (1) Cameras must be equipped with pre-event recording,
12 capable of recording at least the 30 seconds prior to
13 camera activation, unless the officer-worn body camera was
14 purchased and acquired by the law enforcement agency prior
15 to July 1, 2015.

16 (2) Cameras must be capable of recording for a period
17 of 10 hours or more, unless the officer-worn body camera
18 was purchased and acquired by the law enforcement agency
19 prior to July 1, 2015.

20 (3) Cameras must be turned on at all times when the
21 officer is in uniform and is responding to calls for
22 service or engaged in any law enforcement-related
23 encounter or activity, that occurs while the officer is on
24 duty.

25 (A) If exigent circumstances exist which prevent
26 the camera from being turned on, the camera must be

1 turned on as soon as practicable.

2 (B) Officer-worn body cameras may be turned off
3 when the officer is inside of a patrol car which is
4 equipped with a functioning in-car camera; however,
5 the officer must turn on the camera upon exiting the
6 patrol vehicle for law enforcement-related encounters.

7 (4) Cameras must be turned off when:

8 (A) the victim of a crime requests that the camera
9 be turned off, and unless impractical or impossible,
10 that request is made on the recording;

11 (B) a witness of a crime or a community member who
12 wishes to report a crime requests that the camera be
13 turned off, and unless impractical or impossible that
14 request is made on the recording; or

15 (C) the officer is interacting with a confidential
16 informant used by the law enforcement agency.

17 However, an officer may continue to record or resume
18 recording a victim or a witness, if exigent circumstances
19 exist, or if the officer has reasonable articulable
20 suspicion that a victim or witness, or confidential
21 informant has committed or is in the process of committing
22 a crime. Under these circumstances, and unless impractical
23 or impossible, the officer must indicate on the recording
24 the reason for continuing to record despite the request of
25 the victim or witness.

26 (4.5) Cameras may be turned off when the officer is

1 engaged in community caretaking functions. However, the
2 camera must be turned on when the officer has reason to
3 believe that the person on whose behalf the officer is
4 performing a community caretaking function has committed
5 or is in the process of committing a crime. If exigent
6 circumstances exist which prevent the camera from being
7 turned on, the camera must be turned on as soon as
8 practicable.

9 (5) The officer must provide notice of recording to
10 any person if the person has a reasonable expectation of
11 privacy and proof of notice must be evident in the
12 recording. If exigent circumstances exist which prevent
13 the officer from providing notice, notice must be provided
14 as soon as practicable.

15 (6) For the purposes of redaction, labeling, or
16 duplicating recordings, access to camera recordings shall
17 be restricted to only those personnel responsible for
18 those purposes. The recording officer and his or her
19 supervisor may access and review recordings prior to
20 completing incident reports or other documentation,
21 provided that the officer or his or her supervisor
22 discloses that fact in the report or documentation.

23 (7) Recordings made on officer-worn cameras must be
24 retained by the law enforcement agency or by the camera
25 vendor used by the agency, on a recording medium for a
26 period of 90 days.

1 (A) Under no circumstances shall any recording
2 made with an officer-worn body camera be altered,
3 erased, or destroyed prior to the expiration of the
4 90-day storage period.

5 (B) Following the 90-day storage period, any and
6 all recordings made with an officer-worn body camera
7 must be destroyed, unless any encounter captured on
8 the recording has been flagged. An encounter is deemed
9 to be flagged when:

10 (i) a formal or informal complaint has been
11 filed;

12 (ii) the officer discharged his or her firearm
13 or used force during the encounter;

14 (iii) death or great bodily harm occurred to
15 any person in the recording;

16 (iv) the encounter resulted in a detention or
17 an arrest, excluding traffic stops which resulted
18 in only a minor traffic offense or business
19 offense;

20 (v) the officer is the subject of an internal
21 investigation or otherwise being investigated for
22 possible misconduct;

23 (vi) the supervisor of the officer,
24 prosecutor, defendant, or court determines that
25 the encounter has evidentiary value in a criminal
26 prosecution; or

1 (vii) the recording officer requests that the
2 video be flagged for official purposes related to
3 his or her official duties.

4 (C) Under no circumstances shall any recording
5 made with an officer-worn body camera relating to a
6 flagged encounter be altered or destroyed prior to 2
7 years after the recording was flagged. If the flagged
8 recording was used in a criminal, civil, or
9 administrative proceeding, the recording shall not be
10 destroyed except upon a final disposition and order
11 from the court.

12 (8) Following the 90-day storage period, recordings
13 may be retained if a supervisor at the law enforcement
14 agency designates the recording for training purposes. If
15 the recording is designated for training purposes, the
16 recordings may be viewed by officers, in the presence of a
17 supervisor or training instructor, for the purposes of
18 instruction, training, or ensuring compliance with agency
19 policies.

20 (9) Recordings shall not be used to discipline law
21 enforcement officers unless:

22 (A) a formal or informal complaint of misconduct
23 has been made;

24 (B) a use of force incident has occurred;

25 (C) the encounter on the recording could result in
26 a formal investigation under the Uniform Peace

1 Officers' Disciplinary Act; or

2 (D) as corroboration of other evidence of
3 misconduct.

4 Nothing in this paragraph (9) shall be construed to
5 limit or prohibit a law enforcement officer from being
6 subject to an action that does not amount to discipline.

7 (10) The law enforcement agency shall ensure proper
8 care and maintenance of officer-worn body cameras. Upon
9 becoming aware, officers must as soon as practical
10 document and notify the appropriate supervisor of any
11 technical difficulties, failures, or problems with the
12 officer-worn body camera or associated equipment. Upon
13 receiving notice, the appropriate supervisor shall make
14 every reasonable effort to correct and repair any of the
15 officer-worn body camera equipment.

16 (11) No officer may hinder or prohibit any person, not
17 a law enforcement officer, from recording a law
18 enforcement officer in the performance of his or her
19 duties in a public place or when the officer has no
20 reasonable expectation of privacy. The law enforcement
21 agency's written policy shall indicate the potential
22 criminal penalties, as well as any departmental
23 discipline, which may result from unlawful confiscation or
24 destruction of the recording medium of a person who is not
25 a law enforcement officer. However, an officer may take
26 reasonable action to maintain safety and control, secure

1 crime scenes and accident sites, protect the integrity and
2 confidentiality of investigations, and protect the public
3 safety and order.

4 (b) Recordings made with the use of an officer-worn body
5 camera are not subject to disclosure under the Freedom of
6 Information Act, except that:

7 (1) if the subject of the encounter has a reasonable
8 expectation of privacy, at the time of the recording, any
9 recording which is flagged, due to the filing of a
10 complaint, discharge of a firearm, use of force, arrest or
11 detention, or resulting death or bodily harm, shall be
12 disclosed in accordance with the Freedom of Information
13 Act if:

14 (A) the subject of the encounter captured on the
15 recording is a victim or witness; and

16 (B) the law enforcement agency obtains written
17 permission of the subject or the subject's legal
18 representative;

19 (2) except as provided in paragraph (1) of this
20 subsection (b), any recording which is flagged due to the
21 filing of a complaint, discharge of a firearm, use of
22 force, arrest or detention, or resulting death or bodily
23 harm shall be disclosed in accordance with the Freedom of
24 Information Act; and

25 (3) upon request, the law enforcement agency shall
26 disclose, in accordance with the Freedom of Information

1 Act, the recording to the subject of the encounter
2 captured on the recording or to the subject's attorney, or
3 the officer or his or her legal representative.

4 For the purposes of paragraph (1) of this subsection (b),
5 the subject of the encounter does not have a reasonable
6 expectation of privacy if the subject was arrested as a result
7 of the encounter. For purposes of subparagraph (A) of
8 paragraph (1) of this subsection (b), "witness" does not
9 include a person who is a victim or who was arrested as a
10 result of the encounter.

11 Only recordings or portions of recordings responsive to
12 the request shall be available for inspection or reproduction.
13 Any recording disclosed under the Freedom of Information Act
14 shall be redacted to remove identification of any person that
15 appears on the recording and is not the officer, a subject of
16 the encounter, or directly involved in the encounter. Nothing
17 in this subsection (b) shall require the disclosure of any
18 recording or portion of any recording which would be exempt
19 from disclosure under the Freedom of Information Act.

20 (c) Nothing in this Section shall limit access to a camera
21 recording for the purposes of complying with Supreme Court
22 rules or the rules of evidence.

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

24 (Text of Section after amendment by P.A. 101-652)

25 Sec. 10-20. Requirements.

1 (a) The Board shall develop basic guidelines for the use
2 of officer-worn body cameras by law enforcement agencies. The
3 guidelines developed by the Board shall be the basis for the
4 written policy which must be adopted by each law enforcement
5 agency which employs the use of officer-worn body cameras. The
6 written policy adopted by the law enforcement agency must
7 include, at a minimum, all of the following:

8 (1) Cameras must be equipped with pre-event recording,
9 capable of recording at least the 30 seconds prior to
10 camera activation, unless the officer-worn body camera was
11 purchased and acquired by the law enforcement agency prior
12 to July 1, 2015.

13 (2) Cameras must be capable of recording for a period
14 of 10 hours or more, unless the officer-worn body camera
15 was purchased and acquired by the law enforcement agency
16 prior to July 1, 2015.

17 (3) Cameras must be turned on at all times when the
18 officer is in uniform and is responding to calls for
19 service or engaged in any law enforcement-related
20 encounter or activity, that occurs while the officer is on
21 duty.

22 (A) If exigent circumstances exist which prevent
23 the camera from being turned on, the camera must be
24 turned on as soon as practicable.

25 (B) Officer-worn body cameras may be turned off
26 when the officer is inside of a patrol car which is

1 equipped with a functioning in-car camera; however,
2 the officer must turn on the camera upon exiting the
3 patrol vehicle for law enforcement-related encounters.

4 (C) Officer-worn body cameras may be turned off
5 when the officer is inside a correctional facility or
6 courthouse which is equipped with a functioning camera
7 system.

8 (4) Cameras must be turned off when:

9 (A) the victim of a crime requests that the camera
10 be turned off, and unless impractical or impossible,
11 that request is made on the recording;

12 (B) a witness of a crime or a community member who
13 wishes to report a crime requests that the camera be
14 turned off, and unless impractical or impossible that
15 request is made on the recording; ~~or~~

16 (C) the officer is interacting with a confidential
17 informant used by the law enforcement agency; or ~~or~~

18 (D) an officer of the Department of Revenue enters
19 a Department of Revenue facility or conducts an
20 interview during which return information will be
21 discussed or visible.

22 However, an officer may continue to record or resume
23 recording a victim or a witness, if exigent circumstances
24 exist, or if the officer has reasonable articulable
25 suspicion that a victim or witness, or confidential
26 informant has committed or is in the process of committing

1 a crime. Under these circumstances, and unless impractical
2 or impossible, the officer must indicate on the recording
3 the reason for continuing to record despite the request of
4 the victim or witness.

5 (4.5) Cameras may be turned off when the officer is
6 engaged in community caretaking functions. However, the
7 camera must be turned on when the officer has reason to
8 believe that the person on whose behalf the officer is
9 performing a community caretaking function has committed
10 or is in the process of committing a crime. If exigent
11 circumstances exist which prevent the camera from being
12 turned on, the camera must be turned on as soon as
13 practicable.

14 (5) The officer must provide notice of recording to
15 any person if the person has a reasonable expectation of
16 privacy and proof of notice must be evident in the
17 recording. If exigent circumstances exist which prevent
18 the officer from providing notice, notice must be provided
19 as soon as practicable.

20 (6) (A) For the purposes of redaction, labeling, or
21 duplicating recordings, access to camera recordings shall
22 be restricted to only those personnel responsible for
23 those purposes. The recording officer or his or her
24 supervisor may not redact, label, duplicate or otherwise
25 alter the recording officer's camera recordings. Except as
26 otherwise provided in this Section, the recording officer

1 and his or her supervisor ~~of the recording officer~~ may
2 access and review recordings prior to completing incident
3 reports or other documentation, provided that the
4 supervisor discloses that fact in the report or
5 documentation.

6 (i) A law enforcement officer shall not have
7 access to or review his or her body-worn camera
8 recordings or the body-worn camera recordings of
9 another officer prior to completing incident reports
10 or other documentation when the officer:

11 (a) has been involved in or is a witness to an
12 officer-involved shooting, use of deadly force
13 incident, or use of force incidents resulting in
14 great bodily harm;

15 (b) is ordered to write a report in response
16 to or during the investigation of a misconduct
17 complaint against the officer.

18 (ii) If the officer subject to subparagraph (i)
19 prepares a report, any report shall be prepared
20 without viewing body-worn camera recordings, and
21 subject to supervisor's approval, officers may file
22 amendatory reports after viewing body-worn camera
23 recordings. Supplemental reports under this provision
24 shall also contain documentation regarding access to
25 the video footage.

26 (B) The recording officer's assigned field

1 training officer may access and review recordings for
2 training purposes. Any detective or investigator
3 directly involved in the investigation of a matter may
4 access and review recordings which pertain to that
5 investigation but may not have access to delete or
6 alter such recordings.

7 (7) Recordings made on officer-worn cameras must be
8 retained by the law enforcement agency or by the camera
9 vendor used by the agency, on a recording medium for a
10 period of 90 days.

11 (A) Under no circumstances shall any recording,
12 except for a non-law enforcement related activity or
13 encounter, made with an officer-worn body camera be
14 altered, erased, or destroyed prior to the expiration
15 of the 90-day storage period. In the event any
16 recording made with an officer-worn body camera is
17 altered, erased, or destroyed prior to the expiration
18 of the 90-day storage period, the law enforcement
19 agency shall maintain, for a period of one year, a
20 written record including (i) the name of the
21 individual who made such alteration, erasure, or
22 destruction, and (ii) the reason for any such
23 alteration, erasure, or destruction.

24 (B) Following the 90-day storage period, any and
25 all recordings made with an officer-worn body camera
26 must be destroyed, unless any encounter captured on

1 the recording has been flagged. An encounter is deemed
2 to be flagged when:

3 (i) a formal or informal complaint has been
4 filed;

5 (ii) the officer discharged his or her firearm
6 or used force during the encounter;

7 (iii) death or great bodily harm occurred to
8 any person in the recording;

9 (iv) the encounter resulted in a detention or
10 an arrest, excluding traffic stops which resulted
11 in only a minor traffic offense or business
12 offense;

13 (v) the officer is the subject of an internal
14 investigation or otherwise being investigated for
15 possible misconduct;

16 (vi) the supervisor of the officer,
17 prosecutor, defendant, or court determines that
18 the encounter has evidentiary value in a criminal
19 prosecution; or

20 (vii) the recording officer requests that the
21 video be flagged for official purposes related to
22 his or her official duties.

23 (C) Under no circumstances shall any recording
24 made with an officer-worn body camera relating to a
25 flagged encounter be altered or destroyed prior to 2
26 years after the recording was flagged. If the flagged

1 recording was used in a criminal, civil, or
2 administrative proceeding, the recording shall not be
3 destroyed except upon a final disposition and order
4 from the court.

5 (8) Following the 90-day storage period, recordings
6 may be retained if a supervisor at the law enforcement
7 agency designates the recording for training purposes. If
8 the recording is designated for training purposes, the
9 recordings may be viewed by officers, in the presence of a
10 supervisor or training instructor, for the purposes of
11 instruction, training, or ensuring compliance with agency
12 policies.

13 (9) Recordings shall not be used to discipline law
14 enforcement officers unless:

15 (A) a formal or informal complaint of misconduct
16 has been made;

17 (B) a use of force incident has occurred;

18 (C) the encounter on the recording could result in
19 a formal investigation under the Uniform Peace
20 Officers' Disciplinary Act; or

21 (D) as corroboration of other evidence of
22 misconduct.

23 Nothing in this paragraph (9) shall be construed to
24 limit or prohibit a law enforcement officer from being
25 subject to an action that does not amount to discipline.

26 (10) The law enforcement agency shall ensure proper

1 care and maintenance of officer-worn body cameras. Upon
2 becoming aware, officers must as soon as practical
3 document and notify the appropriate supervisor of any
4 technical difficulties, failures, or problems with the
5 officer-worn body camera or associated equipment. Upon
6 receiving notice, the appropriate supervisor shall make
7 every reasonable effort to correct and repair any of the
8 officer-worn body camera equipment.

9 (11) No officer may hinder or prohibit any person, not
10 a law enforcement officer, from recording a law
11 enforcement officer in the performance of his or her
12 duties in a public place or when the officer has no
13 reasonable expectation of privacy. The law enforcement
14 agency's written policy shall indicate the potential
15 criminal penalties, as well as any departmental
16 discipline, which may result from unlawful confiscation or
17 destruction of the recording medium of a person who is not
18 a law enforcement officer. However, an officer may take
19 reasonable action to maintain safety and control, secure
20 crime scenes and accident sites, protect the integrity and
21 confidentiality of investigations, and protect the public
22 safety and order.

23 (b) Recordings made with the use of an officer-worn body
24 camera are not subject to disclosure under the Freedom of
25 Information Act, except that:

26 (1) if the subject of the encounter has a reasonable

1 expectation of privacy, at the time of the recording, any
2 recording which is flagged, due to the filing of a
3 complaint, discharge of a firearm, use of force, arrest or
4 detention, or resulting death or bodily harm, shall be
5 disclosed in accordance with the Freedom of Information
6 Act if:

7 (A) the subject of the encounter captured on the
8 recording is a victim or witness; and

9 (B) the law enforcement agency obtains written
10 permission of the subject or the subject's legal
11 representative;

12 (2) except as provided in paragraph (1) of this
13 subsection (b), any recording which is flagged due to the
14 filing of a complaint, discharge of a firearm, use of
15 force, arrest or detention, or resulting death or bodily
16 harm shall be disclosed in accordance with the Freedom of
17 Information Act; and

18 (3) upon request, the law enforcement agency shall
19 disclose, in accordance with the Freedom of Information
20 Act, the recording to the subject of the encounter
21 captured on the recording or to the subject's attorney, or
22 the officer or his or her legal representative.

23 For the purposes of paragraph (1) of this subsection (b),
24 the subject of the encounter does not have a reasonable
25 expectation of privacy if the subject was arrested as a result
26 of the encounter. For purposes of subparagraph (A) of

1 paragraph (1) of this subsection (b), "witness" does not
2 include a person who is a victim or who was arrested as a
3 result of the encounter.

4 Only recordings or portions of recordings responsive to
5 the request shall be available for inspection or reproduction.
6 Any recording disclosed under the Freedom of Information Act
7 shall be redacted to remove identification of any person that
8 appears on the recording and is not the officer, a subject of
9 the encounter, or directly involved in the encounter. Nothing
10 in this subsection (b) shall require the disclosure of any
11 recording or portion of any recording which would be exempt
12 from disclosure under the Freedom of Information Act.

13 (c) Nothing in this Section shall limit access to a camera
14 recording for the purposes of complying with Supreme Court
15 rules or the rules of evidence.

16 (Source: P.A. 101-652, eff. 7-1-21.)

17 Section 30 The Uniform Crime Reporting Act is amended by
18 changing Section 5-12 as follows:

19 (50 ILCS 709/5-12)

20 (Text of Section before amendment by P.A. 101-652)

21 Sec. 5-12. Monthly reporting. All law enforcement agencies
22 shall submit to the Department of State Police on a monthly
23 basis the following:

24 (1) beginning January 1, 2016, a report on any

1 arrest-related death that shall include information
2 regarding the deceased, the officer, any weapon used by
3 the officer or the deceased, and the circumstances of the
4 incident. The Department shall submit on a quarterly basis
5 all information collected under this paragraph (1) to the
6 Illinois Criminal Justice Information Authority,
7 contingent upon updated federal guidelines regarding the
8 Uniform Crime Reporting Program;

9 (2) beginning January 1, 2017, a report on any
10 instance when a law enforcement officer discharges his or
11 her firearm causing a non-fatal injury to a person, during
12 the performance of his or her official duties or in the
13 line of duty;

14 (3) a report of incident-based information on hate
15 crimes including information describing the offense,
16 location of the offense, type of victim, offender, and
17 bias motivation. If no hate crime incidents occurred
18 during a reporting month, the law enforcement agency must
19 submit a no incident record, as required by the
20 Department;

21 (4) a report on any incident of an alleged commission
22 of a domestic crime, that shall include information
23 regarding the victim, offender, date and time of the
24 incident, any injury inflicted, any weapons involved in
25 the commission of the offense, and the relationship
26 between the victim and the offender;

1 (5) data on an index of offenses selected by the
2 Department based on the seriousness of the offense,
3 frequency of occurrence of the offense, and likelihood of
4 being reported to law enforcement. The data shall include
5 the number of index crime offenses committed and number of
6 associated arrests; and

7 (6) data on offenses and incidents reported by schools
8 to local law enforcement. The data shall include offenses
9 defined as an attack against school personnel,
10 intimidation offenses, drug incidents, and incidents
11 involving weapons.

12 (Source: P.A. 99-352, eff. 1-1-16.)

13 (Text of Section after amendment by P.A. 101-652)

14 Sec. 5-12. Monthly reporting. All law enforcement agencies
15 shall submit to the Department of State Police on a monthly
16 basis the following:

17 (1) beginning January 1, 2016, a report on any
18 arrest-related death that shall include information
19 regarding the deceased, the officer, any weapon used by
20 the officer or the deceased, and the circumstances of the
21 incident. The Department shall submit on a quarterly basis
22 all information collected under this paragraph (1) to the
23 Illinois Criminal Justice Information Authority,
24 contingent upon updated federal guidelines regarding the
25 Uniform Crime Reporting Program;

1 (2) beginning January 1, 2017, a report on any
2 instance when a law enforcement officer discharges his or
3 her firearm causing a non-fatal injury to a person, during
4 the performance of his or her official duties or in the
5 line of duty;

6 (3) a report of incident-based information on hate
7 crimes including information describing the offense,
8 location of the offense, type of victim, offender, and
9 bias motivation. If no hate crime incidents occurred
10 during a reporting month, the law enforcement agency must
11 submit a no incident record, as required by the
12 Department;

13 (4) a report on any incident of an alleged commission
14 of a domestic crime, that shall include information
15 regarding the victim, offender, date and time of the
16 incident, any injury inflicted, any weapons involved in
17 the commission of the offense, and the relationship
18 between the victim and the offender;

19 (5) data on an index of offenses selected by the
20 Department based on the seriousness of the offense,
21 frequency of occurrence of the offense, and likelihood of
22 being reported to law enforcement. The data shall include
23 the number of index crime offenses committed and number of
24 associated arrests;

25 (6) data on offenses and incidents reported by schools
26 to local law enforcement. The data shall include offenses

1 defined as an attack against school personnel,
2 intimidation offenses, drug incidents, and incidents
3 involving weapons;

4 (7) beginning on July 1, 2021, a report on incidents
5 ~~any incident~~ where a law enforcement officer was
6 dispatched to deal with a person experiencing a mental
7 health crisis or incident. The report shall include the
8 number of incidents, the level of law enforcement response
9 and the outcome of each incident. For purposes of this
10 Section, a "mental health crisis" is when a person's
11 behavior puts them at risk of hurting themselves or others
12 or prevents them from being able to care for themselves;

13 (8) beginning on July 1, 2021, a report on use of
14 force, including any action that resulted in the death or
15 serious bodily injury of a person or the discharge of a
16 firearm at or in the direction of a person. The report
17 shall include information required by the Department,
18 pursuant to Section 5-11 of this Act.

19 (Source: P.A. 101-652, eff. 7-1-21.)

20 Section 35. The Counties Code is amended by changing
21 Sections 3-6041 and 3-15003.8 as follows:

22 (55 ILCS 5/3-6041)

23 (This Section may contain text from a Public Act with a
24 delayed effective date)

1 Sec. 3-6041. Military equipment surplus program.

2 (a) For purposes of this Section:

3 "Bayonet" means a large knife designed to be attached to
4 the muzzle of a rifle, shotgun, or long gun for the purpose of
5 hand-to-hand combat.

6 "Grenade launcher" means a firearm or firearm accessory
7 used ~~designed~~ to launch fragmentary ~~small~~ explosive rounds
8 designed to inflict death or cause great bodily harm
9 projectiles.

10 "Military equipment surplus program" means any federal or
11 State program allowing a law enforcement agency to obtain
12 surplus military equipment including, but not limited to, any
13 program organized under Section 1122 of the National Defense
14 Authorization Act for Fiscal Year 1994 (Pub. L. 103-160) or
15 Section 1033 of the National Defense Authorization Act for
16 Fiscal Year 1997 (Pub. L. 104-201) or any program established
17 under 10 U.S.C. 2576a.

18 "Tracked armored vehicle" means a vehicle that provides
19 ballistic protection to its occupants and utilizes a tracked
20 system instead ~~installed~~ of wheels for forward motion not
21 including vehicles listed in the Authorized Equipment List as
22 published by the Federal Emergency Management Agency.

23 "Weaponized aircraft, vessel, or vehicle" means any
24 aircraft, vessel, or vehicle with weapons installed.

25 (b) A sheriff's department shall not request or receive
26 from any military equipment surplus program nor purchase or

1 otherwise utilize the following equipment:

- 2 (1) tracked armored vehicles;
- 3 (2) weaponized aircraft, vessels, or vehicles;
- 4 (3) firearms of .50-caliber or higher;
- 5 (4) ammunition of .50-caliber or higher;
- 6 (5) grenade launchers; or
- 7 (6) bayonets.

8 (c) A home rule county may not regulate the acquisition of
9 equipment in a manner inconsistent with this Section. This
10 Section is a limitation under subsection (i) of Section 6 of
11 Article VII of the Illinois Constitution on the concurrent
12 exercise by home rule counties of powers and functions
13 exercised by the State.

14 (d) If the sheriff requests property from a military
15 equipment surplus program, the sheriff shall publish notice of
16 the request on a publicly accessible website maintained by the
17 sheriff or the county within 14 days after the request.

18 (Source: P.A. 101-652, eff. 7-1-21.)

19 (55 ILCS 5/3-15003.8)

20 (This Section may contain text from a Public Act with a
21 delayed effective date)

22 Sec. 3-15003.8. Educational programming ~~programing~~ for
23 pregnant prisoners. The Illinois Department of Public Health
24 shall provide the county department of corrections with
25 educational programming relating to pregnancy and parenting

1 and the county department of corrections shall provide the
2 programming to pregnant prisoners ~~A county department of~~
3 ~~corrections shall develop and provide to each pregnant~~
4 ~~prisoner educational programming relating to pregnancy and~~
5 ~~parenting~~. The programming must include instruction regarding:

6 (1) appropriate prenatal care and hygiene;

7 (2) the effects of prenatal exposure to alcohol and
8 drugs on a developing fetus;

9 (3) parenting skills; and

10 (4) medical and mental health issues applicable to
11 children.

12 (Source: P.A. 101-652, eff. 7-1-21.)

13 Section 40. The Illinois Municipal Code is amended by
14 changing Section 11-5.1-2 as follows:

15 (65 ILCS 5/11-5.1-2)

16 (This Section may contain text from a Public Act with a
17 delayed effective date)

18 Sec. 11-5.1-2. Military equipment surplus program.

19 (a) For purposes of this Section:

20 "Bayonet" means large knives designed to be attached to
21 the muzzle of a rifle, shotgun, or long gun for the purposes of
22 hand-to-hand combat.

23 "Grenade launcher" means a firearm or firearm accessory
24 used ~~designed~~ to launch fragmentary ~~small~~ explosive rounds

1 designed to inflict death or cause great bodily harm
2 projectiles.

3 "Military equipment surplus program" means any federal or
4 state program allowing a law enforcement agency to obtain
5 surplus military equipment including, but not limit to, any
6 program organized under Section 1122 of the National Defense
7 Authorization Act for Fiscal Year 1994 (Pub. L. 103-160) or
8 Section 1033 of the National Defense Authorization Act for
9 Fiscal Year 1997 (Pub. L. 104-201) or any program established
10 by the United States Department of Defense under 10 U.S.C.
11 2576a.

12 "Tracked armored vehicle" means a vehicle that provides
13 ballistic protection to its occupants and utilizes a tracked
14 system instead ~~installed~~ of wheels for forward motion not
15 including vehicles listed in the Authorized Equipment List as
16 published by the Federal Emergency Management Agency.

17 "Weaponized aircraft, vessels, or vehicles" means any
18 aircraft, vessel, or vehicle with weapons installed.

19 (b) A police department shall not request or receive from
20 any military equipment surplus program nor purchase or
21 otherwise utilize the following equipment:

- 22 (1) tracked armored vehicles;
- 23 (2) weaponized aircraft, vessels, or vehicles;
- 24 (3) firearms of .50-caliber or higher;
- 25 (4) ammunition of .50-caliber or higher;
- 26 (5) grenade launchers, grenades, or similar

1 explosives; or

2 (6) bayonets.

3 (c) A home rule municipality may not regulate the
4 acquisition of equipment in a manner inconsistent with this
5 Section. This Section is a limitation under subsection (i) of
6 Section 6 of Article VII of the Illinois Constitution on the
7 concurrent exercise by home rule municipalities of powers and
8 functions exercised by the State.

9 (d) If a police department requests other property not
10 prohibited from a military equipment surplus program, the
11 police department shall publish notice of the request on a
12 publicly accessible website maintained by the police
13 department or the municipality within 14 days after the
14 request.

15 (Source: P.A. 101-652, eff. 7-1-21.)

16 (65 ILCS 5/1-2-12.1 rep.)

17 Section 45. The Illinois Municipal Code is amended by
18 repealing Section 1-2-12.1. This Section is effective January
19 1, 2023.

20 Section 50. The Criminal Code of 2012 is amended by
21 changing Sections 7-5, 7-5.5, 7-15, 7-16, 31-1, and 33-9 as
22 follows:

23 (720 ILCS 5/7-5) (from Ch. 38, par. 7-5)

1 (Text of Section before amendment by P.A. 101-652)

2 Sec. 7-5. Peace officer's use of force in making arrest.

3 (a) A peace officer, or any person whom he has summoned or
4 directed to assist him, need not retreat or desist from
5 efforts to make a lawful arrest because of resistance or
6 threatened resistance to the arrest. He is justified in the
7 use of any force which he reasonably believes to be necessary
8 to effect the arrest and of any force which he reasonably
9 believes to be necessary to defend himself or another from
10 bodily harm while making the arrest. However, he is justified
11 in using force likely to cause death or great bodily harm only
12 when he reasonably believes that such force is necessary to
13 prevent death or great bodily harm to himself or such other
14 person, or when he reasonably believes both that:

15 (1) Such force is necessary to prevent the arrest from
16 being defeated by resistance or escape; and

17 (2) The person to be arrested has committed or
18 attempted a forcible felony which involves the infliction
19 or threatened infliction of great bodily harm or is
20 attempting to escape by use of a deadly weapon, or
21 otherwise indicates that he will endanger human life or
22 inflict great bodily harm unless arrested without delay.

23 (b) A peace officer making an arrest pursuant to an
24 invalid warrant is justified in the use of any force which he
25 would be justified in using if the warrant were valid, unless
26 he knows that the warrant is invalid.

1 (Source: P.A. 84-1426.)

2 (Text of Section after amendment by P.A. 101-652)

3 Sec. 7-5. Peace officer's use of force in making arrest.

4 (a) A peace officer, or any person whom he has summoned or
5 directed to assist him, need not retreat or desist from
6 efforts to make a lawful arrest because of resistance or
7 threatened resistance to the arrest. He is justified in the
8 use of any force which he reasonably believes, based on the
9 totality of the circumstances, to be necessary to effect the
10 arrest and of any force which he reasonably believes, based on
11 the totality of the circumstances, to be necessary to defend
12 himself or another from bodily harm while making the arrest.
13 However, he is justified in using force likely to cause death
14 or great bodily harm only when: (i) he reasonably believes,
15 based on the totality of the circumstances, that such force is
16 necessary to prevent death or great bodily harm to himself or
17 such other person;~~7~~ or (ii) when he reasonably believes, based
18 on the totality of the circumstances, both that:

19 (1) Such force is necessary to prevent the arrest from
20 being defeated by resistance or escape; ~~the officer~~
21 ~~reasonably believes that the person to be arrested cannot~~
22 ~~be apprehended at a later date,~~ and the officer reasonably
23 believes that the person to be arrested is likely to cause
24 great bodily harm to another; and

25 (2) The person to be arrested ~~just~~ committed or

1 attempted a forcible felony which involves the infliction
2 or threatened infliction of great bodily harm or is
3 attempting to escape by use of a deadly weapon, or
4 otherwise indicates that he will endanger human life or
5 inflict great bodily harm unless arrested without delay.

6 As used in this subsection, "retreat" does not mean
7 tactical repositioning or other de-escalation tactics.

8 A peace officer is not justified in using force likely to
9 cause death or great bodily harm when there is no longer an
10 imminent threat of great bodily harm to the officer or
11 another.

12 (a-5) Where feasible, a peace officer shall, prior to the
13 use of force, make reasonable efforts to identify himself or
14 herself as a peace officer and to warn that deadly force may be
15 used, ~~unless the officer has reasonable grounds to believe~~
16 ~~that the person is aware of those facts.~~

17 (a-10) A peace officer shall not use deadly force against
18 a person based on the danger that the person poses to himself
19 or herself if an reasonable officer would believe the person
20 does not pose an imminent threat of death or great bodily harm
21 ~~serious bodily injury~~ to the peace officer or to another
22 person.

23 (a-15) A peace officer shall not use deadly force against
24 a person who is suspected of committing a property offense,
25 unless that offense is terrorism or unless deadly force is
26 otherwise authorized by law.

1 (b) A peace officer making an arrest pursuant to an
2 invalid warrant is justified in the use of any force which he
3 would be justified in using if the warrant were valid, unless
4 he knows that the warrant is invalid.

5 (c) The authority to use physical force conferred on peace
6 officers by this Article is a serious responsibility that
7 shall be exercised judiciously and with respect for human
8 rights and dignity and for the sanctity of every human life.

9 (d) Peace officers shall use deadly force only when
10 reasonably necessary in defense of human life. In determining
11 whether deadly force is reasonably necessary, officers shall
12 evaluate each situation in light of the totality of particular
13 circumstances of each case including but not limited to the
14 proximity in time of the use of force to the commission of a
15 forcible felony, and the reasonable feasibility of safely
16 apprehending a subject at a later time, and shall use other
17 available resources and techniques, if reasonably safe and
18 feasible to a reasonable officer.

19 (e) The decision by a peace officer to use force shall be
20 evaluated carefully and thoroughly, in a manner that reflects
21 the gravity of that authority and the serious consequences of
22 the use of force by peace officers, in order to ensure that
23 officers use force consistent with law and agency policies.

24 (f) The decision by a peace officer to use force shall be
25 evaluated from the perspective of a reasonable officer in the
26 same situation, based on the totality of the circumstances

1 known to or perceived by the officer at the time of the
2 decision, rather than with the benefit of hindsight, and that
3 the totality of the circumstances shall account for occasions
4 when officers may be forced to make quick judgments about
5 using force.

6 (g) Law enforcement agencies are encouraged to adopt and
7 develop policies designed to protect individuals with
8 physical, mental health, developmental, or intellectual
9 disabilities, or individuals who are significantly more likely
10 to experience greater levels of physical force during police
11 interactions, as these disabilities may affect the ability of
12 a person to understand or comply with commands from peace
13 officers.

14 (h) As used in this Section:

15 (1) "Deadly force" means any use of force that creates
16 a substantial risk of causing death or great bodily harm
17 ~~serious bodily injury~~, including, but not limited to, the
18 discharge of a firearm.

19 (2) A threat of death or serious bodily injury is
20 "imminent" when, based on the totality of the
21 circumstances, a reasonable officer in the same situation
22 would believe that a person has the present ability,
23 opportunity, and apparent intent to immediately cause
24 death or great bodily harm ~~serious bodily injury~~ to the
25 peace officer or another person. An imminent harm is not
26 merely a fear of future harm, no matter how great the fear

1 and no matter how great the likelihood of the harm, but is
2 one that, from appearances, must be instantly confronted
3 and addressed.

4 (3) "Totality of the circumstances" means all facts
5 known to the peace officer at the time, or that would be
6 known to a reasonable officer in the same situation,
7 including the conduct of the officer and the subject
8 leading up to the use of deadly force.

9 (Source: P.A. 101-652, eff. 7-1-21.)

10 (720 ILCS 5/7-5.5)

11 (Text of Section before amendment by P.A. 101-652)

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

13 (a) A peace officer shall not use a chokehold in the
14 performance of his or her duties, unless deadly force is
15 justified under Article 7 of this Code.

16 (b) A peace officer shall not use a chokehold, or any
17 lesser contact with the throat or neck area of another, in
18 order to prevent the destruction of evidence by ingestion.

19 (c) As used in this Section, "chokehold" means applying
20 any direct pressure to the throat, windpipe, or airway of
21 another ~~with the intent to reduce or prevent the intake of air.~~

22 "Chokehold" does not include any holding involving contact
23 with the neck that is not intended to reduce the intake of air
24 such as a headlock where the only pressure applied is to the
25 head.

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

2 (Text of Section after amendment by P.A. 101-652)

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

4 (a) A peace officer, or any other person acting under the
5 color of law ~~on behalf of a peace officer~~, shall not use a
6 chokehold or restraint above the shoulders with risk of
7 asphyxiation in the performance of his or her duties, unless
8 deadly force is justified under Article 7 of this Code.

9 (b) A peace officer, or any other person acting under the
10 color of law ~~on behalf of a peace officer~~, shall not use a
11 chokehold or restraint above the shoulders with risk of
12 asphyxiation, or any lesser contact with the throat or neck
13 area of another, in order to prevent the destruction of
14 evidence by ingestion.

15 (c) As used in this Section, "chokehold" means applying
16 any direct pressure to the throat, windpipe, or airway of
17 another. "Chokehold" does not include any holding involving
18 contact with the neck that is not intended to reduce the intake
19 of air such as a headlock where the only pressure applied is to
20 the head.

21 (d) As used in this Section, "restraint above the
22 shoulders with risk of positional asphyxiation" means a use of
23 a technique used to restrain a person above the shoulders,
24 including the neck or head, in a position which interferes
25 with the person's ability to breathe after the person no

1 longer poses a threat to the officer or any other person.

2 (e) A peace officer, or any other person acting under the
3 color of law ~~on behalf of a peace officer~~, shall not:

4 (i) use force as punishment or retaliation;

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

8 (iii) discharge conducted electrical weapons in a
9 manner that targets the head, chest, neck, groin, or
10 anterior pelvis;

11 (iv) ~~(iii)~~ discharge firearms or kinetic impact
12 projectiles indiscriminately into a crowd; ~~or~~

13 (v) ~~(iv)~~ use chemical agents or irritants for crowd
14 control, including pepper spray and tear gas, prior to
15 issuing an order to disperse in a sufficient manner to
16 allow for ~~ensure~~ the order to be ~~is~~ heard and repeated if
17 necessary, followed by sufficient time and space to allow
18 compliance with the order unless providing such time and
19 space would unduly place an officer or another person at
20 risk of death or great bodily harm; ~~or~~

21 (vi) use chemical agents or irritants, including
22 pepper spray and tear gas, prior to issuing an order in a
23 sufficient manner to ensure the order is heard, and
24 repeated if necessary, to allow compliance with the order
25 unless providing such time and space would unduly place an
26 officer or another person at risk of death or great bodily

1 harm.

2 (Source: P.A. 101-652, eff. 7-1-21.)

3 (720 ILCS 5/7-15)

4 (This Section may contain text from a Public Act with a
5 delayed effective date)

6 Sec. 7-15. Duty to render aid. It is the policy of the
7 State of Illinois that all law enforcement officers must, as
8 soon as reasonably practical, determine if a person is
9 injured, whether as a result of a use of force or otherwise,
10 and render medical aid and assistance consistent with training
11 and request emergency medical assistance if necessary. "Render
12 medical aid and assistance" includes, but is not limited to,
13 (i) performing emergency life-saving procedures such as
14 cardiopulmonary resuscitation or the administration of an
15 automated external defibrillator; and (ii) ~~the carrying, or~~
16 the making of arrangements for the carrying~~7~~ of such person to
17 a physician, surgeon, or hospital for medical or surgical
18 treatment if it is apparent that treatment is necessary, or if
19 such carrying is requested by the injured person.

20 (Source: P.A. 101-652, eff. 7-1-21.)

21 (720 ILCS 5/7-16)

22 (This Section may contain text from a Public Act with a
23 delayed effective date)

24 Sec. 7-16. Duty to intervene.

1 (a) A peace officer, or any other person acting under the
2 color of law who has an opportunity to intervene ~~on behalf of a~~
3 ~~peace officer~~, shall have an affirmative duty to intervene to
4 prevent or stop another peace officer in his or her presence
5 from using any unauthorized force or force that exceeds the
6 degree of force permitted, if any, without regard for chain of
7 command.

8 (b) A peace officer, or any other person acting under the
9 color of law ~~on behalf of a peace officer~~, who intervenes as
10 required by this Section shall report the intervention to the
11 person designated/identified by the law enforcement entity in
12 a manner prescribed by the agency. The report required by this
13 Section must include the date, time, and place of the
14 occurrence; the identity, if known, and description of the
15 participants; and a description of the intervention actions
16 taken and whether they were successful. In no event shall the
17 report be submitted more than 5 days after the incident.

18 (c) A member of a law enforcement agency shall not
19 discipline nor retaliate in any way against a peace officer
20 for intervening as required in this Section or for reporting
21 unconstitutional or unlawful conduct, or for failing to follow
22 what the officer reasonably believes is an unconstitutional or
23 unlawful directive.

24 (Source: P.A. 101-652, eff. 7-1-21.)

25 (720 ILCS 5/31-1) (from Ch. 38, par. 31-1)

1 (Text of Section before amendment by P.A. 101-652)

2 Sec. 31-1. Resisting or obstructing a peace officer,
3 firefighter, or correctional institution employee.

4 (a) A person who knowingly resists or obstructs the
5 performance by one known to the person to be a peace officer,
6 firefighter, or correctional institution employee of any
7 authorized act within his or her official capacity commits a
8 Class A misdemeanor.

9 (a-5) In addition to any other sentence that may be
10 imposed, a court shall order any person convicted of resisting
11 or obstructing a peace officer, firefighter, or correctional
12 institution employee to be sentenced to a minimum of 48
13 consecutive hours of imprisonment or ordered to perform
14 community service for not less than 100 hours as may be
15 determined by the court. The person shall not be eligible for
16 probation in order to reduce the sentence of imprisonment or
17 community service.

18 (a-7) A person convicted for a violation of this Section
19 whose violation was the proximate cause of an injury to a peace
20 officer, firefighter, or correctional institution employee is
21 guilty of a Class 4 felony.

22 (b) For purposes of this Section, "correctional
23 institution employee" means any person employed to supervise
24 and control inmates incarcerated in a penitentiary, State
25 farm, reformatory, prison, jail, house of correction, police
26 detention area, half-way house, or other institution or place

1 for the incarceration or custody of persons under sentence for
2 offenses or awaiting trial or sentence for offenses, under
3 arrest for an offense, a violation of probation, a violation
4 of parole, a violation of aftercare release, a violation of
5 mandatory supervised release, or awaiting a bail setting
6 hearing or preliminary hearing, or who are sexually dangerous
7 persons or who are sexually violent persons; and "firefighter"
8 means any individual, either as an employee or volunteer, of a
9 regularly constituted fire department of a municipality or
10 fire protection district who performs fire fighting duties,
11 including, but not limited to, the fire chief, assistant fire
12 chief, captain, engineer, driver, ladder person, hose person,
13 pipe person, and any other member of a regularly constituted
14 fire department. "Firefighter" also means a person employed by
15 the Office of the State Fire Marshal to conduct arson
16 investigations.

17 (c) It is an affirmative defense to a violation of this
18 Section if a person resists or obstructs the performance of
19 one known by the person to be a firefighter by returning to or
20 remaining in a dwelling, residence, building, or other
21 structure to rescue or to attempt to rescue any person.

22 (Source: P.A. 98-558, eff. 1-1-14.)

23 (Text of Section after amendment by P.A. 101-652)

24 Sec. 31-1. Resisting or obstructing a peace officer,
25 firefighter, or correctional institution employee.

1 (a) A person who knowingly:

2 (1) resists arrest, or

3 (2) obstructs the performance by one known to the
4 person to be a peace officer, firefighter, or correctional
5 institution employee of any authorized act within his or
6 her official capacity commits a Class A misdemeanor.

7 (a-5) In addition to any other sentence that may be
8 imposed, a court shall order any person convicted of resisting
9 or obstructing a peace officer, firefighter, or correctional
10 institution employee to be sentenced to a minimum of 48
11 consecutive hours of imprisonment or ordered to perform
12 community service for not less than 100 hours as may be
13 determined by the court. The person shall not be eligible for
14 probation in order to reduce the sentence of imprisonment or
15 community service.

16 (a-7) A person convicted for a violation of this Section
17 whose violation was the proximate cause of an injury to a peace
18 officer, firefighter, or correctional institution employee is
19 guilty of a Class 4 felony.

20 (b) For purposes of this Section, "correctional
21 institution employee" means any person employed to supervise
22 and control inmates incarcerated in a penitentiary, State
23 farm, reformatory, prison, jail, house of correction, police
24 detention area, half-way house, or other institution or place
25 for the incarceration or custody of persons under sentence for
26 offenses or awaiting trial or sentence for offenses, under

1 arrest for an offense, a violation of probation, a violation
2 of parole, a violation of aftercare release, a violation of
3 mandatory supervised release, or awaiting a hearing or
4 preliminary hearing on setting the conditions of pretrial
5 release, or who are sexually dangerous persons or who are
6 sexually violent persons; and "firefighter" means any
7 individual, either as an employee or volunteer, of a regularly
8 constituted fire department of a municipality or fire
9 protection district who performs fire fighting duties,
10 including, but not limited to, the fire chief, assistant fire
11 chief, captain, engineer, driver, ladder person, hose person,
12 pipe person, and any other member of a regularly constituted
13 fire department. "Firefighter" also means a person employed by
14 the Office of the State Fire Marshal to conduct arson
15 investigations.

16 (c) It is an affirmative defense to a violation of this
17 Section if a person resists or obstructs the performance of
18 one known by the person to be a firefighter by returning to or
19 remaining in a dwelling, residence, building, or other
20 structure to rescue or to attempt to rescue any person.

21 (d) A person shall not be subject to arrest for resisting
22 arrest under this Section unless there is an underlying
23 offense for which the person was initially subject to arrest.

24 (Source: P.A. 101-652, eff. 1-1-23.)

1 (This Section may contain text from a Public Act with a
2 delayed effective date)

3 Sec. 33-9. Law enforcement misconduct.

4 (a) A law enforcement officer or a person acting under
5 color of law ~~on behalf of a law enforcement officer~~ commits law
6 enforcement misconduct when, in the performance of his or her
7 official duties with intent to prevent the apprehension or
8 obstruct the prosecution or defense of any person, he or she
9 ~~knowingly and intentionally~~:

10 (1) knowingly and intentionally misrepresents or fails
11 to provide material facts describing an incident in any
12 report or during any investigations regarding the law
13 enforcement employee's conduct;

14 (2) knowingly and intentionally withholds any
15 knowledge of the material misrepresentations of another
16 law enforcement officer from the law enforcement
17 employee's supervisor, investigator, or other person or
18 entity tasked with holding the law enforcement officer
19 accountable; or

20 (3) knowingly and intentionally fails to comply with
21 paragraphs (3), (5), (6), and (7) of subsection (a) of
22 Section 10-20 of the Law Enforcement Officer-Worn Body
23 Camera Act. State law or their department policy requiring
24 ~~the use of officer worn body cameras.~~

25 (b) Sentence. Law enforcement misconduct is a Class 3
26 felony.

1 (Source: P.A. 101-652, eff. 7-1-21.)

2 Section 55. The Code of Criminal Procedure of 1963 is
3 amended by changing Sections 103-3, 108-8, and 110-5 as
4 follows:

5 (725 ILCS 5/103-3) (from Ch. 38, par. 103-3)

6 (Text of Section before amendment by P.A. 101-652)

7 Sec. 103-3. Right to communicate with attorney and family;
8 transfers.

9 (a) Persons who are arrested shall have the right to
10 communicate with an attorney of their choice and a member of
11 their family by making a reasonable number of telephone calls
12 or in any other reasonable manner. Such communication shall be
13 permitted within a reasonable time after arrival at the first
14 place of custody.

15 (b) In the event the accused is transferred to a new place
16 of custody his right to communicate with an attorney and a
17 member of his family is renewed.

18 (Source: Laws 1963, p. 2836.)

19 (Text of Section after amendment by P.A. 101-652)

20 Sec. 103-3. Right to communicate with attorney and family;
21 transfers.

22 (a) (Blank).

23 (a-5) Persons who are in police custody have the right to

1 communicate free of charge with an attorney of their choice
2 and members of their family as soon as possible upon being
3 taken into police custody, but no later than three hours after
4 arrival at the first place of custody. Persons in police
5 custody must be given:

6 (1) access to use a telephone via a land line or
7 cellular phone to make three phone calls; and

8 (2) the ability to retrieve phone numbers contained in
9 his or her contact list on his or her cellular phone prior
10 to the phone being placed into inventory.

11 (a-10) In accordance with Section 103-7, at every facility
12 where a person is in police custody a sign containing, at
13 minimum, the following information in bold block type must be
14 posted in a conspicuous place:

15 (1) a short statement notifying persons who are in
16 police custody of their right to have access to a phone
17 within three hours after being taken into police custody;
18 and

19 (2) persons who are in police custody have the right
20 to make three phone calls within three hours after being
21 taken into custody, at no charge.

22 (a-15) In addition to the information listed in subsection
23 (a-10), if the place of custody is located in a jurisdiction
24 where the court has appointed the public defender or other
25 attorney to represent persons who are in police custody, the
26 telephone number to the public defender or appointed

1 attorney's office must also be displayed. The telephone call
2 to the public defender or other attorney must not be
3 monitored, eavesdropped upon, or recorded.

4 (b) (Blank).

5 (c) In the event a person who is in police custody is
6 transferred to a new place of custody, his or her right to make
7 telephone calls under this Section within three hours after
8 arrival is renewed.

9 (d) In this Section "custody" means the restriction of a
10 person's freedom of movement by a law enforcement officer's
11 exercise of his or her lawful authority.

12 (e) The three hours requirement shall not apply while the
13 person in police custody is asleep, unconscious, or otherwise
14 incapacitated.

15 (f) Nothing in this Section shall interfere with a
16 person's rights or override procedures required in the Bill of
17 Rights of the Illinois and US Constitutions, including but not
18 limited to Fourth Amendment search and seizure rights, Fifth
19 Amendment due process rights and rights to be free from
20 self-incrimination and Sixth Amendment right to counsel.

21 (g) This Section is effective January 1, 2022.

22 (Source: P.A. 101-652, eff. 7-1-21.)

23 (725 ILCS 5/108-8) (from Ch. 38, par. 108-8)

24 (Text of Section before amendment by P.A. 101-652)

25 Sec. 108-8. Use of force in execution of search warrant.

1 (a) All necessary and reasonable force may be used to
2 effect an entry into any building or property or part thereof
3 to execute a search warrant.

4 (b) The court issuing a warrant may authorize the officer
5 executing the warrant to make entry without first knocking and
6 announcing his or her office if it finds, based upon a showing
7 of specific facts, the existence of the following exigent
8 circumstances:

9 (1) That the officer reasonably believes that if
10 notice were given a weapon would be used:

11 (i) against the officer executing the search
12 warrant; or

13 (ii) against another person.

14 (2) That if notice were given there is an imminent
15 "danger" that evidence will be destroyed.

16 (Source: P.A. 92-502, eff. 12-19-01.)

17 (Text of Section after amendment by P.A. 101-652)

18 Sec. 108-8. Use of force in execution of search warrant.

19 (a) All necessary and reasonable force may be used to
20 effect an entry into any building or property or part thereof
21 to execute a search warrant.

22 (b) The court issuing a warrant may authorize the officer
23 executing the warrant to make entry without first knocking and
24 announcing his or her office if it finds, based upon a showing
25 of specific facts, the existence of the following exigent

1 circumstances:

2 (1) That the officer reasonably believes that if
3 notice were given a weapon would be used:

4 (i) against the officer executing the search
5 warrant; or

6 (ii) against another person.

7 (2) That if notice were given there is an imminent
8 "danger" that evidence will be destroyed.

9 (c) Prior to the issuing of a warrant under subsection
10 (b), the officer must attest that:

11 (1) prior to entering the location described in the
12 search warrant, a supervising officer will ensure that
13 each participating member is assigned a body worn camera
14 and is following policies and procedures in accordance
15 with Section 10-20 of the Law Enforcement Officer-Worn
16 Body Camera Act; provided that the law enforcement agency
17 has implemented body worn camera in accordance with
18 Section 10-15 of the Law Enforcement Officer-Worn Body
19 Camera Act. If a law enforcement agency or each
20 participating member of a multi-jurisdictional team has
21 not implemented a body camera in accordance with Section
22 10-15 of the Law Enforcement Officer-Worn Body Camera Act,
23 the officer must attest that the interaction authorized by
24 the warrant is otherwise recorded;

25 (2) The supervising officer verified the subject
26 address listed on the warrant for ~~steps were taken in~~

1 ~~planning the search to ensure~~ accuracy and planned plan
2 for children or other vulnerable people on-site; and

3 (3) if an officer becomes aware the search warrant was
4 executed at an address, unit, or apartment different from
5 the location listed on the search warrant, that member
6 will immediately notify a supervisor who will ensure an
7 internal investigation or formal inquiry ensues.

8 (Source: P.A. 101-652, eff. 7-1-21.)

9 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

10 (Text of Section before amendment by P.A. 101-652)

11 Sec. 110-5. Determining the amount of bail and conditions
12 of release.

13 (a) In determining the amount of monetary bail or
14 conditions of release, if any, which will reasonably assure
15 the appearance of a defendant as required or the safety of any
16 other person or the community and the likelihood of compliance
17 by the defendant with all the conditions of bail, the court
18 shall, on the basis of available information, take into
19 account such matters as the nature and circumstances of the
20 offense charged, whether the evidence shows that as part of
21 the offense there was a use of violence or threatened use of
22 violence, whether the offense involved corruption of public
23 officials or employees, whether there was physical harm or
24 threats of physical harm to any public official, public
25 employee, judge, prosecutor, juror or witness, senior citizen,

1 child, or person with a disability, whether evidence shows
2 that during the offense or during the arrest the defendant
3 possessed or used a firearm, machine gun, explosive or metal
4 piercing ammunition or explosive bomb device or any military
5 or paramilitary armament, whether the evidence shows that the
6 offense committed was related to or in furtherance of the
7 criminal activities of an organized gang or was motivated by
8 the defendant's membership in or allegiance to an organized
9 gang, the condition of the victim, any written statement
10 submitted by the victim or proffer or representation by the
11 State regarding the impact which the alleged criminal conduct
12 has had on the victim and the victim's concern, if any, with
13 further contact with the defendant if released on bail,
14 whether the offense was based on racial, religious, sexual
15 orientation or ethnic hatred, the likelihood of the filing of
16 a greater charge, the likelihood of conviction, the sentence
17 applicable upon conviction, the weight of the evidence against
18 such defendant, whether there exists motivation or ability to
19 flee, whether there is any verification as to prior residence,
20 education, or family ties in the local jurisdiction, in
21 another county, state or foreign country, the defendant's
22 employment, financial resources, character and mental
23 condition, past conduct, prior use of alias names or dates of
24 birth, and length of residence in the community, the consent
25 of the defendant to periodic drug testing in accordance with
26 Section 110-6.5, whether a foreign national defendant is

1 lawfully admitted in the United States of America, whether the
2 government of the foreign national maintains an extradition
3 treaty with the United States by which the foreign government
4 will extradite to the United States its national for a trial
5 for a crime allegedly committed in the United States, whether
6 the defendant is currently subject to deportation or exclusion
7 under the immigration laws of the United States, whether the
8 defendant, although a United States citizen, is considered
9 under the law of any foreign state a national of that state for
10 the purposes of extradition or non-extradition to the United
11 States, the amount of unrecovered proceeds lost as a result of
12 the alleged offense, the source of bail funds tendered or
13 sought to be tendered for bail, whether from the totality of
14 the court's consideration, the loss of funds posted or sought
15 to be posted for bail will not deter the defendant from flight,
16 whether the evidence shows that the defendant is engaged in
17 significant possession, manufacture, or delivery of a
18 controlled substance or cannabis, either individually or in
19 consort with others, whether at the time of the offense
20 charged he or she was on bond or pre-trial release pending
21 trial, probation, periodic imprisonment or conditional
22 discharge pursuant to this Code or the comparable Code of any
23 other state or federal jurisdiction, whether the defendant is
24 on bond or pre-trial release pending the imposition or
25 execution of sentence or appeal of sentence for any offense
26 under the laws of Illinois or any other state or federal

1 jurisdiction, whether the defendant is under parole, aftercare
2 release, mandatory supervised release, or work release from
3 the Illinois Department of Corrections or Illinois Department
4 of Juvenile Justice or any penal institution or corrections
5 department of any state or federal jurisdiction, the
6 defendant's record of convictions, whether the defendant has
7 been convicted of a misdemeanor or ordinance offense in
8 Illinois or similar offense in other state or federal
9 jurisdiction within the 10 years preceding the current charge
10 or convicted of a felony in Illinois, whether the defendant
11 was convicted of an offense in another state or federal
12 jurisdiction that would be a felony if committed in Illinois
13 within the 20 years preceding the current charge or has been
14 convicted of such felony and released from the penitentiary
15 within 20 years preceding the current charge if a penitentiary
16 sentence was imposed in Illinois or other state or federal
17 jurisdiction, the defendant's records of juvenile adjudication
18 of delinquency in any jurisdiction, any record of appearance
19 or failure to appear by the defendant at court proceedings,
20 whether there was flight to avoid arrest or prosecution,
21 whether the defendant escaped or attempted to escape to avoid
22 arrest, whether the defendant refused to identify himself or
23 herself, or whether there was a refusal by the defendant to be
24 fingerprinted as required by law. Information used by the
25 court in its findings or stated in or offered in connection
26 with this Section may be by way of proffer based upon reliable

1 information offered by the State or defendant. All evidence
2 shall be admissible if it is relevant and reliable regardless
3 of whether it would be admissible under the rules of evidence
4 applicable at criminal trials. If the State presents evidence
5 that the offense committed by the defendant was related to or
6 in furtherance of the criminal activities of an organized gang
7 or was motivated by the defendant's membership in or
8 allegiance to an organized gang, and if the court determines
9 that the evidence may be substantiated, the court shall
10 prohibit the defendant from associating with other members of
11 the organized gang as a condition of bail or release. For the
12 purposes of this Section, "organized gang" has the meaning
13 ascribed to it in Section 10 of the Illinois Streetgang
14 Terrorism Omnibus Prevention Act.

15 (a-5) There shall be a presumption that any conditions of
16 release imposed shall be non-monetary in nature and the court
17 shall impose the least restrictive conditions or combination
18 of conditions necessary to reasonably assure the appearance of
19 the defendant for further court proceedings and protect the
20 integrity of the judicial proceedings from a specific threat
21 to a witness or participant. Conditions of release may
22 include, but not be limited to, electronic home monitoring,
23 curfews, drug counseling, stay-away orders, and in-person
24 reporting. The court shall consider the defendant's
25 socio-economic circumstance when setting conditions of release
26 or imposing monetary bail.

1 (b) The amount of bail shall be:

2 (1) Sufficient to assure compliance with the
3 conditions set forth in the bail bond, which shall include
4 the defendant's current address with a written
5 admonishment to the defendant that he or she must comply
6 with the provisions of Section 110-12 regarding any change
7 in his or her address. The defendant's address shall at
8 all times remain a matter of public record with the clerk
9 of the court.

10 (2) Not oppressive.

11 (3) Considerate of the financial ability of the
12 accused.

13 (4) When a person is charged with a drug related
14 offense involving possession or delivery of cannabis or
15 possession or delivery of a controlled substance as
16 defined in the Cannabis Control Act, the Illinois
17 Controlled Substances Act, or the Methamphetamine Control
18 and Community Protection Act, the full street value of the
19 drugs seized shall be considered. "Street value" shall be
20 determined by the court on the basis of a proffer by the
21 State based upon reliable information of a law enforcement
22 official contained in a written report as to the amount
23 seized and such proffer may be used by the court as to the
24 current street value of the smallest unit of the drug
25 seized.

26 (b-5) Upon the filing of a written request demonstrating

1 reasonable cause, the State's Attorney may request a source of
2 bail hearing either before or after the posting of any funds.
3 If the hearing is granted, before the posting of any bail, the
4 accused must file a written notice requesting that the court
5 conduct a source of bail hearing. The notice must be
6 accompanied by justifying affidavits stating the legitimate
7 and lawful source of funds for bail. At the hearing, the court
8 shall inquire into any matters stated in any justifying
9 affidavits, and may also inquire into matters appropriate to
10 the determination which shall include, but are not limited to,
11 the following:

12 (1) the background, character, reputation, and
13 relationship to the accused of any surety; and

14 (2) the source of any money or property deposited by
15 any surety, and whether any such money or property
16 constitutes the fruits of criminal or unlawful conduct;
17 and

18 (3) the source of any money posted as cash bail, and
19 whether any such money constitutes the fruits of criminal
20 or unlawful conduct; and

21 (4) the background, character, reputation, and
22 relationship to the accused of the person posting cash
23 bail.

24 Upon setting the hearing, the court shall examine, under
25 oath, any persons who may possess material information.

26 The State's Attorney has a right to attend the hearing, to

1 call witnesses and to examine any witness in the proceeding.
2 The court shall, upon request of the State's Attorney,
3 continue the proceedings for a reasonable period to allow the
4 State's Attorney to investigate the matter raised in any
5 testimony or affidavit. If the hearing is granted after the
6 accused has posted bail, the court shall conduct a hearing
7 consistent with this subsection (b-5). At the conclusion of
8 the hearing, the court must issue an order either approving or
9 ~~of~~ disapproving the bail.

10 (c) When a person is charged with an offense punishable by
11 fine only the amount of the bail shall not exceed double the
12 amount of the maximum penalty.

13 (d) When a person has been convicted of an offense and only
14 a fine has been imposed the amount of the bail shall not exceed
15 double the amount of the fine.

16 (e) The State may appeal any order granting bail or
17 setting a given amount for bail.

18 (f) When a person is charged with a violation of an order
19 of protection under Section 12-3.4 or 12-30 of the Criminal
20 Code of 1961 or the Criminal Code of 2012 or when a person is
21 charged with domestic battery, aggravated domestic battery,
22 kidnapping, aggravated kidnaping, unlawful restraint,
23 aggravated unlawful restraint, stalking, aggravated stalking,
24 cyberstalking, harassment by telephone, harassment through
25 electronic communications, or an attempt to commit first
26 degree murder committed against an intimate partner regardless

1 whether an order of protection has been issued against the
2 person,

3 (1) whether the alleged incident involved harassment
4 or abuse, as defined in the Illinois Domestic Violence Act
5 of 1986;

6 (2) whether the person has a history of domestic
7 violence, as defined in the Illinois Domestic Violence
8 Act, or a history of other criminal acts;

9 (3) based on the mental health of the person;

10 (4) whether the person has a history of violating the
11 orders of any court or governmental entity;

12 (5) whether the person has been, or is, potentially a
13 threat to any other person;

14 (6) whether the person has access to deadly weapons or
15 a history of using deadly weapons;

16 (7) whether the person has a history of abusing
17 alcohol or any controlled substance;

18 (8) based on the severity of the alleged incident that
19 is the basis of the alleged offense, including, but not
20 limited to, the duration of the current incident, and
21 whether the alleged incident involved the use of a weapon,
22 physical injury, sexual assault, strangulation, abuse
23 during the alleged victim's pregnancy, abuse of pets, or
24 forcible entry to gain access to the alleged victim;

25 (9) whether a separation of the person from the
26 alleged victim or a termination of the relationship

1 between the person and the alleged victim has recently
2 occurred or is pending;

3 (10) whether the person has exhibited obsessive or
4 controlling behaviors toward the alleged victim,
5 including, but not limited to, stalking, surveillance, or
6 isolation of the alleged victim or victim's family member
7 or members;

8 (11) whether the person has expressed suicidal or
9 homicidal ideations;

10 (12) based on any information contained in the
11 complaint and any police reports, affidavits, or other
12 documents accompanying the complaint,

13 the court may, in its discretion, order the respondent to
14 undergo a risk assessment evaluation using a recognized,
15 evidence-based instrument conducted by an Illinois Department
16 of Human Services approved partner abuse intervention program
17 provider, pretrial service, probation, or parole agency. These
18 agencies shall have access to summaries of the defendant's
19 criminal history, which shall not include victim interviews or
20 information, for the risk evaluation. Based on the information
21 collected from the 12 points to be considered at a bail hearing
22 under this subsection (f), the results of any risk evaluation
23 conducted and the other circumstances of the violation, the
24 court may order that the person, as a condition of bail, be
25 placed under electronic surveillance as provided in Section
26 5-8A-7 of the Unified Code of Corrections. Upon making a

1 determination whether or not to order the respondent to
2 undergo a risk assessment evaluation or to be placed under
3 electronic surveillance and risk assessment, the court shall
4 document in the record the court's reasons for making those
5 determinations. The cost of the electronic surveillance and
6 risk assessment shall be paid by, or on behalf, of the
7 defendant. As used in this subsection (f), "intimate partner"
8 means a spouse or a current or former partner in a cohabitation
9 or dating relationship.

10 (Source: P.A. 99-143, eff. 7-27-15; 100-1, eff. 1-1-18;
11 revised 7-12-19.)

12 (Text of Section after amendment by P.A. 101-652)

13 Sec. 110-5. Determining the amount of bail and conditions
14 of release.

15 (a) In determining which or conditions of pretrial
16 release, if any, which will reasonably assure the appearance
17 of a defendant as required or the safety of any other person or
18 the community and the likelihood of compliance by the
19 defendant with all the conditions of pretrial release, the
20 court shall, on the basis of available information, take into
21 account such matters as:

22 (1) the nature and circumstances of the offense
23 charged;

24 (2) the weight of the evidence against the eligible
25 defendant, except that the court may consider the

1 admissibility of any evidence sought to be excluded;

2 (3) the history and characteristics of the eligible
3 defendant, including:

4 (A) the eligible defendant's character, physical
5 and mental condition, family ties, employment,
6 financial resources, length of residence in the
7 community, community ties, past relating to drug or
8 alcohol abuse, conduct, history criminal history, and
9 record concerning appearance at court proceedings; and

10 (B) whether, at the time of the current offense or
11 arrest, the eligible defendant was on probation,
12 parole, or on other release pending trial, sentencing,
13 appeal, or completion of sentence for an offense under
14 federal law, or the law of this or any other state;

15 (4) the nature and seriousness of the specific, real
16 and present threat to any person that would be posed by the
17 eligible defendant's release, if applicable; as required
18 under paragraph (7.5) of Section 4 of the Rights of Crime
19 Victims and Witnesses Act; and

20 (5) the nature and seriousness of the risk of
21 obstructing or attempting to obstruct the criminal justice
22 process that would be posed by the eligible defendant's
23 release, if applicable.

24 (b) The court shall impose any conditions that are
25 mandatory under Section 110-10. The court may impose any
26 conditions that are permissible under Section 110-10.

1 (b-5) ~~(b)~~ When a person is charged with a violation of an
2 order of protection under Section 12-3.4 or 12-30 of the
3 Criminal Code of 1961 or the Criminal Code of 2012 or when a
4 person is charged with domestic battery, aggravated domestic
5 battery, kidnapping, aggravated kidnaping, unlawful restraint,
6 aggravated unlawful restraint, stalking, aggravated stalking,
7 cyberstalking, harassment by telephone, harassment through
8 electronic communications, or an attempt to commit first
9 degree murder committed against an intimate partner regardless
10 whether an order of protection has been issued against the
11 person,

12 (1) whether the alleged incident involved harassment
13 or abuse, as defined in the Illinois Domestic Violence Act
14 of 1986;

15 (2) whether the person has a history of domestic
16 violence, as defined in the Illinois Domestic Violence
17 Act, or a history of other criminal acts;

18 (3) based on the mental health of the person;

19 (4) whether the person has a history of violating the
20 orders of any court or governmental entity;

21 (5) whether the person has been, or is, potentially a
22 threat to any other person;

23 (6) whether the person has access to deadly weapons or
24 a history of using deadly weapons;

25 (7) whether the person has a history of abusing
26 alcohol or any controlled substance;

1 (8) based on the severity of the alleged incident that
2 is the basis of the alleged offense, including, but not
3 limited to, the duration of the current incident, and
4 whether the alleged incident involved the use of a weapon,
5 physical injury, sexual assault, strangulation, abuse
6 during the alleged victim's pregnancy, abuse of pets, or
7 forcible entry to gain access to the alleged victim;

8 (9) whether a separation of the person from the victim
9 of abuse or a termination of the relationship between the
10 person and the victim of abuse has recently occurred or is
11 pending;

12 (10) whether the person has exhibited obsessive or
13 controlling behaviors toward the victim of abuse,
14 including, but not limited to, stalking, surveillance, or
15 isolation of the victim of abuse or victim's family member
16 or members;

17 (11) whether the person has expressed suicidal or
18 homicidal ideations;

19 (11.5) any other factors deemed by the court to have a
20 reasonable bearing upon the defendant's propensity or
21 reputation for violent, abusive or assaultive behavior, or
22 lack of that behavior

23 (c) In cases of stalking or aggravated stalking under
24 Section 12-7.3 or 12-7.4 of the Criminal Code of 2012, the
25 court may consider the following additional factors:

26 (1) Any evidence of the defendant's prior criminal

1 history indicative of violent, abusive or assaultive
2 behavior, or lack of that behavior. The evidence may
3 include testimony or documents received in juvenile
4 proceedings, criminal, quasi-criminal, civil commitment,
5 domestic relations or other proceedings;

6 (2) Any evidence of the defendant's psychological,
7 psychiatric or other similar social history that tends to
8 indicate a violent, abusive, or assaultive nature, or lack
9 of any such history.

10 (3) The nature of the threat which is the basis of the
11 charge against the defendant;

12 (4) Any statements made by, or attributed to the
13 defendant, together with the circumstances surrounding
14 them;

15 (5) The age and physical condition of any person
16 allegedly assaulted by the defendant;

17 (6) Whether the defendant is known to possess or have
18 access to any weapon or weapons;

19 (7) Any other factors deemed by the court to have a
20 reasonable bearing upon the defendant's propensity or
21 reputation for violent, abusive or assaultive behavior, or
22 lack of that behavior.

23 (d) The Court may use a regularly validated risk
24 assessment tool to aid its ~~it~~ determination of appropriate
25 conditions of release as provided for in Section 110-6.4. Risk
26 assessment tools may not be used as the sole basis to deny

1 pretrial release. If a risk assessment tool is used, the
2 defendant's counsel shall be provided with the information and
3 scoring system of the risk assessment tool used to arrive at
4 the determination. The defendant retains the right to
5 challenge the validity of a risk assessment tool used by the
6 court and to present evidence relevant to the defendant's
7 challenge.

8 (e) If a person remains in pretrial detention after his or
9 her pretrial conditions hearing after having been ordered
10 released with pretrial conditions, the court shall hold a
11 hearing to determine the reason for continued detention. If
12 the reason for continued detention is due to the
13 unavailability or the defendant's ineligibility for one or
14 more pretrial conditions previously ordered by the court or
15 directed by a pretrial services agency, the court shall reopen
16 the conditions of release hearing to determine what available
17 pretrial conditions exist that will reasonably assure the
18 appearance of a defendant as required or the safety of any
19 other person and the likelihood of compliance by the defendant
20 with all the conditions of pretrial release. The inability of
21 Defendant to pay for a condition of release or any other
22 ineligibility for a condition of pretrial release shall not be
23 used as a justification for the pretrial detention of that
24 Defendant.

25 (f) Prior to the defendant's first appearance, the Court
26 shall appoint the public defender or a licensed attorney at

1 law of this State to represent the Defendant for purposes of
2 that hearing, unless the defendant has obtained licensed
3 counsel for themselves.

4 (g) Electronic monitoring, GPS monitoring, or home
5 confinement can only be imposed condition of pretrial release
6 if a no less restrictive condition of release or combination
7 of less restrictive condition of release would reasonably
8 ensure the appearance of the defendant for later hearings or
9 protect an identifiable person or persons from imminent threat
10 of serious physical harm.

11 (h) If the court imposes electronic monitoring, GPS
12 monitoring, or home confinement the court shall set forth in
13 the record the basis for its finding. A defendant shall be
14 given custodial credit for each day he or she was subjected to
15 that program, at the same rate described in subsection (b) of
16 Section 5-4.5-100 of the unified code of correction.

17 (i) If electronic monitoring, GPS monitoring, or home
18 confinement is imposed, the court shall determine every 60
19 days if no less restrictive condition of release or
20 combination of less restrictive conditions of release would
21 reasonably ensure the appearance, or continued appearance, of
22 the defendant for later hearings or protect an identifiable
23 person or persons from imminent threat of serious physical
24 harm. If the court finds that there are less restrictive
25 conditions of release, the court shall order that the
26 condition be removed. This subsection takes effect January 1,

1 2022.

2 (j) Crime Victims shall be given notice by the State's
3 Attorney's office of this hearing as required in paragraph (1)
4 of subsection (b) of Section 4.5 of the Rights of Crime Victims
5 and Witnesses Act and shall be informed of their opportunity
6 at this hearing to obtain an order of protection under Article
7 112A of this Code.

8 (Source: P.A. 100-1, eff. 1-1-18; 101-652, eff. 1-1-23.)

9 (725 ILCS 5/110-5.1 rep.)

10 (725 ILCS 5/110-6.3 rep.)

11 (725 ILCS 5/110-6.5 rep.)

12 (725 ILCS 5/110-7 rep.)

13 (725 ILCS 5/110-8 rep.)

14 (725 ILCS 5/110-9 rep.)

15 (725 ILCS 5/110-13 rep.)

16 (725 ILCS 5/110-14 rep.)

17 (725 ILCS 5/110-15 rep.)

18 (725 ILCS 5/110-16 rep.)

19 (725 ILCS 5/110-17 rep.)

20 (725 ILCS 5/110-18 rep.)

21 Section 60. The Code of Criminal Procedure of 1963 is
22 amended by repealing Sections 110-5.1, 110-6.3, 110-6.5,
23 110-7, 110-8, 110-9, 110-13, 110-14, 110-15, 110-16, 110-17,
24 and 110-18. This Section takes effect January 1, 2023.

1 Section 65. The Unified Code of Corrections is amended by
2 changing Sections 3-6-3, 3-6-7.3, 5-8-1, and 5-8A-4 as
3 follows:

4 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

5 (Text of Section before amendment by P.A. 101-652)

6 Sec. 3-6-3. Rules and regulations for sentence credit.

7 (a) (1) The Department of Corrections shall prescribe rules
8 and regulations for awarding and revoking sentence credit for
9 persons committed to the Department which shall be subject to
10 review by the Prisoner Review Board.

11 (1.5) As otherwise provided by law, sentence credit may be
12 awarded for the following:

13 (A) successful completion of programming while in
14 custody of the Department or while in custody prior to
15 sentencing;

16 (B) compliance with the rules and regulations of the
17 Department; or

18 (C) service to the institution, service to a
19 community, or service to the State.

20 (2) Except as provided in paragraph (4.7) of this
21 subsection (a), the rules and regulations on sentence credit
22 shall provide, with respect to offenses listed in clause (i),
23 (ii), or (iii) of this paragraph (2) committed on or after June
24 19, 1998 or with respect to the offense listed in clause (iv)
25 of this paragraph (2) committed on or after June 23, 2005 (the

1 effective date of Public Act 94-71) or with respect to offense
2 listed in clause (vi) committed on or after June 1, 2008 (the
3 effective date of Public Act 95-625) or with respect to the
4 offense of being an armed habitual criminal committed on or
5 after August 2, 2005 (the effective date of Public Act 94-398)
6 or with respect to the offenses listed in clause (v) of this
7 paragraph (2) committed on or after August 13, 2007 (the
8 effective date of Public Act 95-134) or with respect to the
9 offense of aggravated domestic battery committed on or after
10 July 23, 2010 (the effective date of Public Act 96-1224) or
11 with respect to the offense of attempt to commit terrorism
12 committed on or after January 1, 2013 (the effective date of
13 Public Act 97-990), the following:

14 (i) that a prisoner who is serving a term of
15 imprisonment for first degree murder or for the offense of
16 terrorism shall receive no sentence credit and shall serve
17 the entire sentence imposed by the court;

18 (ii) that a prisoner serving a sentence for attempt to
19 commit terrorism, attempt to commit first degree murder,
20 solicitation of murder, solicitation of murder for hire,
21 intentional homicide of an unborn child, predatory
22 criminal sexual assault of a child, aggravated criminal
23 sexual assault, criminal sexual assault, aggravated
24 kidnapping, aggravated battery with a firearm as described
25 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3),
26 or (e) (4) of Section 12-3.05, heinous battery as described

1 in Section 12-4.1 or subdivision (a)(2) of Section
2 12-3.05, being an armed habitual criminal, aggravated
3 battery of a senior citizen as described in Section 12-4.6
4 or subdivision (a)(4) of Section 12-3.05, or aggravated
5 battery of a child as described in Section 12-4.3 or
6 subdivision (b)(1) of Section 12-3.05 shall receive no
7 more than 4.5 days of sentence credit for each month of his
8 or her sentence of imprisonment;

9 (iii) that a prisoner serving a sentence for home
10 invasion, armed robbery, aggravated vehicular hijacking,
11 aggravated discharge of a firearm, or armed violence with
12 a category I weapon or category II weapon, when the court
13 has made and entered a finding, pursuant to subsection
14 (c-1) of Section 5-4-1 of this Code, that the conduct
15 leading to conviction for the enumerated offense resulted
16 in great bodily harm to a victim, shall receive no more
17 than 4.5 days of sentence credit for each month of his or
18 her sentence of imprisonment;

19 (iv) that a prisoner serving a sentence for aggravated
20 discharge of a firearm, whether or not the conduct leading
21 to conviction for the offense resulted in great bodily
22 harm to the victim, shall receive no more than 4.5 days of
23 sentence credit for each month of his or her sentence of
24 imprisonment;

25 (v) that a person serving a sentence for gunrunning,
26 narcotics racketeering, controlled substance trafficking,

1 methamphetamine trafficking, drug-induced homicide,
2 aggravated methamphetamine-related child endangerment,
3 money laundering pursuant to clause (c) (4) or (5) of
4 Section 29B-1 of the Criminal Code of 1961 or the Criminal
5 Code of 2012, or a Class X felony conviction for delivery
6 of a controlled substance, possession of a controlled
7 substance with intent to manufacture or deliver,
8 calculated criminal drug conspiracy, criminal drug
9 conspiracy, street gang criminal drug conspiracy,
10 participation in methamphetamine manufacturing,
11 aggravated participation in methamphetamine
12 manufacturing, delivery of methamphetamine, possession
13 with intent to deliver methamphetamine, aggravated
14 delivery of methamphetamine, aggravated possession with
15 intent to deliver methamphetamine, methamphetamine
16 conspiracy when the substance containing the controlled
17 substance or methamphetamine is 100 grams or more shall
18 receive no more than 7.5 days sentence credit for each
19 month of his or her sentence of imprisonment;

20 (vi) that a prisoner serving a sentence for a second
21 or subsequent offense of luring a minor shall receive no
22 more than 4.5 days of sentence credit for each month of his
23 or her sentence of imprisonment; and

24 (vii) that a prisoner serving a sentence for
25 aggravated domestic battery shall receive no more than 4.5
26 days of sentence credit for each month of his or her

1 sentence of imprisonment.

2 (2.1) For all offenses, other than those enumerated in
3 subdivision (a)(2)(i), (ii), or (iii) committed on or after
4 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
5 June 23, 2005 (the effective date of Public Act 94-71) or
6 subdivision (a)(2)(v) committed on or after August 13, 2007
7 (the effective date of Public Act 95-134) or subdivision
8 (a)(2)(vi) committed on or after June 1, 2008 (the effective
9 date of Public Act 95-625) or subdivision (a)(2)(vii)
10 committed on or after July 23, 2010 (the effective date of
11 Public Act 96-1224), and other than the offense of aggravated
12 driving under the influence of alcohol, other drug or drugs,
13 or intoxicating compound or compounds, or any combination
14 thereof as defined in subparagraph (F) of paragraph (1) of
15 subsection (d) of Section 11-501 of the Illinois Vehicle Code,
16 and other than the offense of aggravated driving under the
17 influence of alcohol, other drug or drugs, or intoxicating
18 compound or compounds, or any combination thereof as defined
19 in subparagraph (C) of paragraph (1) of subsection (d) of
20 Section 11-501 of the Illinois Vehicle Code committed on or
21 after January 1, 2011 (the effective date of Public Act
22 96-1230), the rules and regulations shall provide that a
23 prisoner who is serving a term of imprisonment shall receive
24 one day of sentence credit for each day of his or her sentence
25 of imprisonment or recommitment under Section 3-3-9. Each day
26 of sentence credit shall reduce by one day the prisoner's

1 period of imprisonment or recommitment under Section 3-3-9.

2 (2.2) A prisoner serving a term of natural life
3 imprisonment or a prisoner who has been sentenced to death
4 shall receive no sentence credit.

5 (2.3) Except as provided in paragraph (4.7) of this
6 subsection (a), the rules and regulations on sentence credit
7 shall provide that a prisoner who is serving a sentence for
8 aggravated driving under the influence of alcohol, other drug
9 or drugs, or intoxicating compound or compounds, or any
10 combination thereof as defined in subparagraph (F) of
11 paragraph (1) of subsection (d) of Section 11-501 of the
12 Illinois Vehicle Code, shall receive no more than 4.5 days of
13 sentence credit for each month of his or her sentence of
14 imprisonment.

15 (2.4) Except as provided in paragraph (4.7) of this
16 subsection (a), the rules and regulations on sentence credit
17 shall provide with respect to the offenses of aggravated
18 battery with a machine gun or a firearm equipped with any
19 device or attachment designed or used for silencing the report
20 of a firearm or aggravated discharge of a machine gun or a
21 firearm equipped with any device or attachment designed or
22 used for silencing the report of a firearm, committed on or
23 after July 15, 1999 (the effective date of Public Act 91-121),
24 that a prisoner serving a sentence for any of these offenses
25 shall receive no more than 4.5 days of sentence credit for each
26 month of his or her sentence of imprisonment.

1 (2.5) Except as provided in paragraph (4.7) of this
2 subsection (a), the rules and regulations on sentence credit
3 shall provide that a prisoner who is serving a sentence for
4 aggravated arson committed on or after July 27, 2001 (the
5 effective date of Public Act 92-176) shall receive no more
6 than 4.5 days of sentence credit for each month of his or her
7 sentence of imprisonment.

8 (2.6) Except as provided in paragraph (4.7) of this
9 subsection (a), the rules and regulations on sentence credit
10 shall provide that a prisoner who is serving a sentence for
11 aggravated driving under the influence of alcohol, other drug
12 or drugs, or intoxicating compound or compounds or any
13 combination thereof as defined in subparagraph (C) of
14 paragraph (1) of subsection (d) of Section 11-501 of the
15 Illinois Vehicle Code committed on or after January 1, 2011
16 (the effective date of Public Act 96-1230) shall receive no
17 more than 4.5 days of sentence credit for each month of his or
18 her sentence of imprisonment.

19 (3) In addition to the sentence credits earned under
20 paragraphs (2.1), (4), (4.1), and (4.7) of this subsection
21 (a), the rules and regulations shall also provide that the
22 Director may award up to 180 days of earned sentence credit for
23 good conduct in specific instances as the Director deems
24 proper. The good conduct may include, but is not limited to,
25 compliance with the rules and regulations of the Department,
26 service to the Department, service to a community, or service

1 to the State.

2 Eligible inmates for an award of earned sentence credit
3 under this paragraph (3) may be selected to receive the credit
4 at the Director's or his or her designee's sole discretion.
5 Eligibility for the additional earned sentence credit under
6 this paragraph (3) shall be based on, but is not limited to,
7 the results of any available risk/needs assessment or other
8 relevant assessments or evaluations administered by the
9 Department using a validated instrument, the circumstances of
10 the crime, any history of conviction for a forcible felony
11 enumerated in Section 2-8 of the Criminal Code of 2012, the
12 inmate's behavior and disciplinary history while incarcerated,
13 and the inmate's commitment to rehabilitation, including
14 participation in programming offered by the Department.

15 The Director shall not award sentence credit under this
16 paragraph (3) to an inmate unless the inmate has served a
17 minimum of 60 days of the sentence; except nothing in this
18 paragraph shall be construed to permit the Director to extend
19 an inmate's sentence beyond that which was imposed by the
20 court. Prior to awarding credit under this paragraph (3), the
21 Director shall make a written determination that the inmate:

22 (A) is eligible for the earned sentence credit;

23 (B) has served a minimum of 60 days, or as close to 60
24 days as the sentence will allow;

25 (B-1) has received a risk/needs assessment or other
26 relevant evaluation or assessment administered by the

1 Department using a validated instrument; and

2 (C) has met the eligibility criteria established by
3 rule for earned sentence credit.

4 The Director shall determine the form and content of the
5 written determination required in this subsection.

6 (3.5) The Department shall provide annual written reports
7 to the Governor and the General Assembly on the award of earned
8 sentence credit no later than February 1 of each year. The
9 Department must publish both reports on its website within 48
10 hours of transmitting the reports to the Governor and the
11 General Assembly. The reports must include:

12 (A) the number of inmates awarded earned sentence
13 credit;

14 (B) the average amount of earned sentence credit
15 awarded;

16 (C) the holding offenses of inmates awarded earned
17 sentence credit; and

18 (D) the number of earned sentence credit revocations.

19 (4)(A) Except as provided in paragraph (4.7) of this
20 subsection (a), the rules and regulations shall also provide
21 that any prisoner who is engaged full-time in substance abuse
22 programs, correctional industry assignments, educational
23 programs, pregnancy or parenting education programs,
24 work-release programs or activities in accordance with Section
25 3-13-1, the sentence credit accumulated and retained under
26 paragraph (2.1) of subsection (a) of this Section by any

1 ~~inmate during specific periods of time in which such inmate is~~
2 ~~engaged full time in substance abuse programs, correctional~~
3 ~~industry assignments, educational programs, behavior~~
4 modification programs, life skills courses, or re-entry
5 planning provided by the Department under this paragraph (4)
6 and satisfactorily completes the assigned program as
7 determined by the standards of the Department, shall be
8 multiplied by a factor of 1.25 for program participation
9 before August 11, 1993 and 1.50 for program participation on
10 or after that date. The rules and regulations shall also
11 provide that sentence credit, subject to the same offense
12 limits and multiplier provided in this paragraph, may be
13 provided to an inmate who was held in pre-trial detention
14 prior to his or her current commitment to the Department of
15 Corrections and successfully completed a full-time, 60-day or
16 longer substance abuse program, educational program, behavior
17 modification program, life skills course, or re-entry planning
18 provided by the county department of corrections or county
19 jail. Calculation of this county program credit shall be done
20 at sentencing as provided in Section 5-4.5-100 of this Code
21 and shall be included in the sentencing order. However, no
22 inmate shall be eligible for the additional sentence credit
23 under this paragraph (4) or (4.1) of this subsection (a) while
24 assigned to a boot camp or electronic detention.

25 (B) The Department shall award sentence credit under this
26 paragraph (4) accumulated prior to January 1, 2020 (the

1 effective date of Public Act 101-440) ~~this amendatory Act of~~
2 ~~the 101st General Assembly~~ in an amount specified in
3 subparagraph (C) of this paragraph (4) to an inmate serving a
4 sentence for an offense committed prior to June 19, 1998, if
5 the Department determines that the inmate is entitled to this
6 sentence credit, based upon:

7 (i) documentation provided by the Department that the
8 inmate engaged in any full-time substance abuse programs,
9 correctional industry assignments, educational programs,
10 behavior modification programs, life skills courses, or
11 re-entry planning provided by the Department under this
12 paragraph (4) and satisfactorily completed the assigned
13 program as determined by the standards of the Department
14 during the inmate's current term of incarceration; or

15 (ii) the inmate's own testimony in the form of an
16 affidavit or documentation, or a third party's
17 documentation or testimony in the form of an affidavit
18 that the inmate likely engaged in any full-time substance
19 abuse programs, correctional industry assignments,
20 educational programs, behavior modification programs, life
21 skills courses, or re-entry planning provided by the
22 Department under paragraph (4) and satisfactorily
23 completed the assigned program as determined by the
24 standards of the Department during the inmate's current
25 term of incarceration.

26 (C) If the inmate can provide documentation that he or she

1 is entitled to sentence credit under subparagraph (B) in
2 excess of 45 days of participation in those programs, the
3 inmate shall receive 90 days of sentence credit. If the inmate
4 cannot provide documentation of more than 45 days of
5 participation in those programs, the inmate shall receive 45
6 days of sentence credit. In the event of a disagreement
7 between the Department and the inmate as to the amount of
8 credit accumulated under subparagraph (B), if the Department
9 provides documented proof of a lesser amount of days of
10 participation in those programs, that proof shall control. If
11 the Department provides no documentary proof, the inmate's
12 proof as set forth in clause (ii) of subparagraph (B) shall
13 control as to the amount of sentence credit provided.

14 (D) If the inmate has been convicted of a sex offense as
15 defined in Section 2 of the Sex Offender Registration Act,
16 sentencing credits under subparagraph (B) of this paragraph
17 (4) shall be awarded by the Department only if the conditions
18 set forth in paragraph (4.6) of subsection (a) are satisfied.
19 No inmate serving a term of natural life imprisonment shall
20 receive sentence credit under subparagraph (B) of this
21 paragraph (4).

22 Educational, vocational, substance abuse, behavior
23 modification programs, life skills courses, re-entry planning,
24 and correctional industry programs under which sentence credit
25 may be increased under this paragraph (4) and paragraph (4.1)
26 of this subsection (a) shall be evaluated by the Department on

1 the basis of documented standards. The Department shall report
2 the results of these evaluations to the Governor and the
3 General Assembly by September 30th of each year. The reports
4 shall include data relating to the recidivism rate among
5 program participants.

6 Availability of these programs shall be subject to the
7 limits of fiscal resources appropriated by the General
8 Assembly for these purposes. Eligible inmates who are denied
9 immediate admission shall be placed on a waiting list under
10 criteria established by the Department. The inability of any
11 inmate to become engaged in any such programs by reason of
12 insufficient program resources or for any other reason
13 established under the rules and regulations of the Department
14 shall not be deemed a cause of action under which the
15 Department or any employee or agent of the Department shall be
16 liable for damages to the inmate.

17 (4.1) Except as provided in paragraph (4.7) of this
18 subsection (a), the rules and regulations shall also provide
19 that an additional 90 days of sentence credit shall be awarded
20 to any prisoner who passes high school equivalency testing
21 while the prisoner is committed to the Department of
22 Corrections. The sentence credit awarded under this paragraph
23 (4.1) shall be in addition to, and shall not affect, the award
24 of sentence credit under any other paragraph of this Section,
25 but shall also be pursuant to the guidelines and restrictions
26 set forth in paragraph (4) of subsection (a) of this Section.

1 The sentence credit provided for in this paragraph shall be
2 available only to those prisoners who have not previously
3 earned a high school diploma or a high school equivalency
4 certificate. If, after an award of the high school equivalency
5 testing sentence credit has been made, the Department
6 determines that the prisoner was not eligible, then the award
7 shall be revoked. The Department may also award 90 days of
8 sentence credit to any committed person who passed high school
9 equivalency testing while he or she was held in pre-trial
10 detention prior to the current commitment to the Department of
11 Corrections.

12 Except as provided in paragraph (4.7) of this subsection
13 (a), the rules and regulations shall provide that an
14 additional 180 days of sentence credit shall be awarded to any
15 prisoner who obtains a bachelor's degree while the prisoner is
16 committed to the Department of Corrections. The sentence
17 credit awarded under this paragraph (4.1) shall be in addition
18 to, and shall not affect, the award of sentence credit under
19 any other paragraph of this Section, but shall also be under
20 the guidelines and restrictions set forth in paragraph (4) of
21 this subsection (a). The sentence credit provided for in this
22 paragraph shall be available only to those prisoners who have
23 not earned a bachelor's degree prior to the current commitment
24 to the Department of Corrections. If, after an award of the
25 bachelor's degree sentence credit has been made, the
26 Department determines that the prisoner was not eligible, then

1 the award shall be revoked. The Department may also award 180
2 days of sentence credit to any committed person who earned a
3 bachelor's degree while he or she was held in pre-trial
4 detention prior to the current commitment to the Department of
5 Corrections.

6 Except as provided in paragraph (4.7) of this subsection
7 (a), the rules and regulations shall provide that an
8 additional 180 days of sentence credit shall be awarded to any
9 prisoner who obtains a master's or professional degree while
10 the prisoner is committed to the Department of Corrections.
11 The sentence credit awarded under this paragraph (4.1) shall
12 be in addition to, and shall not affect, the award of sentence
13 credit under any other paragraph of this Section, but shall
14 also be under the guidelines and restrictions set forth in
15 paragraph (4) of this subsection (a). The sentence credit
16 provided for in this paragraph shall be available only to
17 those prisoners who have not previously earned a master's or
18 professional degree prior to the current commitment to the
19 Department of Corrections. If, after an award of the master's
20 or professional degree sentence credit has been made, the
21 Department determines that the prisoner was not eligible, then
22 the award shall be revoked. The Department may also award 180
23 days of sentence credit to any committed person who earned a
24 master's or professional degree while he or she was held in
25 pre-trial detention prior to the current commitment to the
26 Department of Corrections.

1 (4.5) The rules and regulations on sentence credit shall
2 also provide that when the court's sentencing order recommends
3 a prisoner for substance abuse treatment and the crime was
4 committed on or after September 1, 2003 (the effective date of
5 Public Act 93-354), the prisoner shall receive no sentence
6 credit awarded under clause (3) of this subsection (a) unless
7 he or she participates in and completes a substance abuse
8 treatment program. The Director may waive the requirement to
9 participate in or complete a substance abuse treatment program
10 in specific instances if the prisoner is not a good candidate
11 for a substance abuse treatment program for medical,
12 programming, or operational reasons. Availability of substance
13 abuse treatment shall be subject to the limits of fiscal
14 resources appropriated by the General Assembly for these
15 purposes. If treatment is not available and the requirement to
16 participate and complete the treatment has not been waived by
17 the Director, the prisoner shall be placed on a waiting list
18 under criteria established by the Department. The Director may
19 allow a prisoner placed on a waiting list to participate in and
20 complete a substance abuse education class or attend substance
21 abuse self-help meetings in lieu of a substance abuse
22 treatment program. A prisoner on a waiting list who is not
23 placed in a substance abuse program prior to release may be
24 eligible for a waiver and receive sentence credit under clause
25 (3) of this subsection (a) at the discretion of the Director.

26 (4.6) The rules and regulations on sentence credit shall

1 also provide that a prisoner who has been convicted of a sex
2 offense as defined in Section 2 of the Sex Offender
3 Registration Act shall receive no sentence credit unless he or
4 she either has successfully completed or is participating in
5 sex offender treatment as defined by the Sex Offender
6 Management Board. However, prisoners who are waiting to
7 receive treatment, but who are unable to do so due solely to
8 the lack of resources on the part of the Department, may, at
9 the Director's sole discretion, be awarded sentence credit at
10 a rate as the Director shall determine.

11 (4.7) On or after January 1, 2018 (the effective date of
12 Public Act 100-3) ~~this amendatory Act of the 100th General~~
13 ~~Assembly~~, sentence credit under paragraph (3), (4), or (4.1)
14 of this subsection (a) may be awarded to a prisoner who is
15 serving a sentence for an offense described in paragraph (2),
16 (2.3), (2.4), (2.5), or (2.6) for credit earned on or after
17 January 1, 2018 (the effective date of Public Act 100-3) ~~this~~
18 ~~amendatory Act of the 100th General Assembly~~; provided, the
19 award of the credits under this paragraph (4.7) shall not
20 reduce the sentence of the prisoner to less than the following
21 amounts:

22 (i) 85% of his or her sentence if the prisoner is
23 required to serve 85% of his or her sentence; or

24 (ii) 60% of his or her sentence if the prisoner is
25 required to serve 75% of his or her sentence, except if the
26 prisoner is serving a sentence for gunrunning his or her

1 sentence shall not be reduced to less than 75%.

2 (iii) 100% of his or her sentence if the prisoner is
3 required to serve 100% of his or her sentence.

4 (5) Whenever the Department is to release any inmate
5 earlier than it otherwise would because of a grant of earned
6 sentence credit under paragraph (3) of subsection (a) of this
7 Section given at any time during the term, the Department
8 shall give reasonable notice of the impending release not less
9 than 14 days prior to the date of the release to the State's
10 Attorney of the county where the prosecution of the inmate
11 took place, and if applicable, the State's Attorney of the
12 county into which the inmate will be released. The Department
13 must also make identification information and a recent photo
14 of the inmate being released accessible on the Internet by
15 means of a hyperlink labeled "Community Notification of Inmate
16 Early Release" on the Department's World Wide Web homepage.
17 The identification information shall include the inmate's:
18 name, any known alias, date of birth, physical
19 characteristics, commitment offense, and county where
20 conviction was imposed. The identification information shall
21 be placed on the website within 3 days of the inmate's release
22 and the information may not be removed until either:
23 completion of the first year of mandatory supervised release
24 or return of the inmate to custody of the Department.

25 (b) Whenever a person is or has been committed under
26 several convictions, with separate sentences, the sentences

1 shall be construed under Section 5-8-4 in granting and
2 forfeiting of sentence credit.

3 (c) The Department shall prescribe rules and regulations
4 for revoking sentence credit, including revoking sentence
5 credit awarded under paragraph (3) of subsection (a) of this
6 Section. The Department shall prescribe rules and regulations
7 for suspending or reducing the rate of accumulation of
8 sentence credit for specific rule violations, during
9 imprisonment. These rules and regulations shall provide that
10 no inmate may be penalized more than one year of sentence
11 credit for any one infraction.

12 When the Department seeks to revoke, suspend, or reduce
13 the rate of accumulation of any sentence credits for an
14 alleged infraction of its rules, it shall bring charges
15 therefor against the prisoner sought to be so deprived of
16 sentence credits before the Prisoner Review Board as provided
17 in subparagraph (a) (4) of Section 3-3-2 of this Code, if the
18 amount of credit at issue exceeds 30 days or when, during any
19 12-month ~~12-month~~ period, the cumulative amount of credit
20 revoked exceeds 30 days except where the infraction is
21 committed or discovered within 60 days of scheduled release.
22 In those cases, the Department of Corrections may revoke up to
23 30 days of sentence credit. The Board may subsequently approve
24 the revocation of additional sentence credit, if the
25 Department seeks to revoke sentence credit in excess of 30
26 days. However, the Board shall not be empowered to review the

1 Department's decision with respect to the loss of 30 days of
2 sentence credit within any calendar year for any prisoner or
3 to increase any penalty beyond the length requested by the
4 Department.

5 The Director of the Department of Corrections, in
6 appropriate cases, may restore up to 30 days of sentence
7 credits which have been revoked, suspended, or reduced. Any
8 restoration of sentence credits in excess of 30 days shall be
9 subject to review by the Prisoner Review Board. However, the
10 Board may not restore sentence credit in excess of the amount
11 requested by the Director.

12 Nothing contained in this Section shall prohibit the
13 Prisoner Review Board from ordering, pursuant to Section
14 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
15 sentence imposed by the court that was not served due to the
16 accumulation of sentence credit.

17 (d) If a lawsuit is filed by a prisoner in an Illinois or
18 federal court against the State, the Department of
19 Corrections, or the Prisoner Review Board, or against any of
20 their officers or employees, and the court makes a specific
21 finding that a pleading, motion, or other paper filed by the
22 prisoner is frivolous, the Department of Corrections shall
23 conduct a hearing to revoke up to 180 days of sentence credit
24 by bringing charges against the prisoner sought to be deprived
25 of the sentence credits before the Prisoner Review Board as
26 provided in subparagraph (a)(8) of Section 3-3-2 of this Code.

1 If the prisoner has not accumulated 180 days of sentence
2 credit at the time of the finding, then the Prisoner Review
3 Board may revoke all sentence credit accumulated by the
4 prisoner.

5 For purposes of this subsection (d):

6 (1) "Frivolous" means that a pleading, motion, or
7 other filing which purports to be a legal document filed
8 by a prisoner in his or her lawsuit meets any or all of the
9 following criteria:

10 (A) it lacks an arguable basis either in law or in
11 fact;

12 (B) it is being presented for any improper
13 purpose, such as to harass or to cause unnecessary
14 delay or needless increase in the cost of litigation;

15 (C) the claims, defenses, and other legal
16 contentions therein are not warranted by existing law
17 or by a nonfrivolous argument for the extension,
18 modification, or reversal of existing law or the
19 establishment of new law;

20 (D) the allegations and other factual contentions
21 do not have evidentiary support or, if specifically so
22 identified, are not likely to have evidentiary support
23 after a reasonable opportunity for further
24 investigation or discovery; or

25 (E) the denials of factual contentions are not
26 warranted on the evidence, or if specifically so

1 identified, are not reasonably based on a lack of
2 information or belief.

3 (2) "Lawsuit" means a motion pursuant to Section 116-3
4 of the Code of Criminal Procedure of 1963, a habeas corpus
5 action under Article X of the Code of Civil Procedure or
6 under federal law (28 U.S.C. 2254), a petition for claim
7 under the Court of Claims Act, an action under the federal
8 Civil Rights Act (42 U.S.C. 1983), or a second or
9 subsequent petition for post-conviction relief under
10 Article 122 of the Code of Criminal Procedure of 1963
11 whether filed with or without leave of court or a second or
12 subsequent petition for relief from judgment under Section
13 2-1401 of the Code of Civil Procedure.

14 (e) Nothing in Public Act 90-592 or 90-593 affects the
15 validity of Public Act 89-404.

16 (f) Whenever the Department is to release any inmate who
17 has been convicted of a violation of an order of protection
18 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
19 the Criminal Code of 2012, earlier than it otherwise would
20 because of a grant of sentence credit, the Department, as a
21 condition of release, shall require that the person, upon
22 release, be placed under electronic surveillance as provided
23 in Section 5-8A-7 of this Code.

24 (Source: P.A. 100-3, eff. 1-1-18; 100-575, eff. 1-8-18;
25 101-440, eff. 1-1-20; revised 8-19-20.)

1 (Text of Section after amendment by P.A. 101-652)

2 Sec. 3-6-3. Rules and regulations for sentence credit.

3 (a) (1) The Department of Corrections shall prescribe rules
4 and regulations for awarding and revoking sentence credit for
5 persons committed to the Department which shall be subject to
6 review by the Prisoner Review Board.

7 (1.5) As otherwise provided by law, sentence credit may be
8 awarded for the following:

9 (A) successful completion of programming while in
10 custody of the Department or while in custody prior to
11 sentencing;

12 (B) compliance with the rules and regulations of the
13 Department; or

14 (C) service to the institution, service to a
15 community, or service to the State.

16 (2) Except as provided in paragraph (4.7) of this
17 subsection (a), the rules and regulations on sentence credit
18 shall provide, with respect to offenses listed in clause (i),
19 (ii), or (iii) of this paragraph (2) committed on or after June
20 19, 1998 or with respect to the offense listed in clause (iv)
21 of this paragraph (2) committed on or after June 23, 2005 (the
22 effective date of Public Act 94-71) or with respect to offense
23 listed in clause (vi) committed on or after June 1, 2008 (the
24 effective date of Public Act 95-625) or with respect to the
25 offense of being an armed habitual criminal committed on or
26 after August 2, 2005 (the effective date of Public Act 94-398)

1 or with respect to the offenses listed in clause (v) of this
2 paragraph (2) committed on or after August 13, 2007 (the
3 effective date of Public Act 95-134) or with respect to the
4 offense of aggravated domestic battery committed on or after
5 July 23, 2010 (the effective date of Public Act 96-1224) or
6 with respect to the offense of attempt to commit terrorism
7 committed on or after January 1, 2013 (the effective date of
8 Public Act 97-990), the following:

9 (i) that a prisoner who is serving a term of
10 imprisonment for first degree murder or for the offense of
11 terrorism shall receive no sentence credit and shall serve
12 the entire sentence imposed by the court;

13 (ii) that a prisoner serving a sentence for attempt to
14 commit terrorism, attempt to commit first degree murder,
15 solicitation of murder, solicitation of murder for hire,
16 intentional homicide of an unborn child, predatory
17 criminal sexual assault of a child, aggravated criminal
18 sexual assault, criminal sexual assault, aggravated
19 kidnapping, aggravated battery with a firearm as described
20 in Section 12-4.2 or subdivision (e)(1), (e)(2), (e)(3),
21 or (e)(4) of Section 12-3.05, heinous battery as described
22 in Section 12-4.1 or subdivision (a)(2) of Section
23 12-3.05, being an armed habitual criminal, aggravated
24 battery of a senior citizen as described in Section 12-4.6
25 or subdivision (a)(4) of Section 12-3.05, or aggravated
26 battery of a child as described in Section 12-4.3 or

1 subdivision (b)(1) of Section 12-3.05 shall receive no
2 more than 4.5 days of sentence credit for each month of his
3 or her sentence of imprisonment;

4 (iii) that a prisoner serving a sentence for home
5 invasion, armed robbery, aggravated vehicular hijacking,
6 aggravated discharge of a firearm, or armed violence with
7 a category I weapon or category II weapon, when the court
8 has made and entered a finding, pursuant to subsection
9 (c-1) of Section 5-4-1 of this Code, that the conduct
10 leading to conviction for the enumerated offense resulted
11 in great bodily harm to a victim, shall receive no more
12 than 4.5 days of sentence credit for each month of his or
13 her sentence of imprisonment;

14 (iv) that a prisoner serving a sentence for aggravated
15 discharge of a firearm, whether or not the conduct leading
16 to conviction for the offense resulted in great bodily
17 harm to the victim, shall receive no more than 4.5 days of
18 sentence credit for each month of his or her sentence of
19 imprisonment;

20 (v) that a person serving a sentence for gunrunning,
21 narcotics racketeering, controlled substance trafficking,
22 methamphetamine trafficking, drug-induced homicide,
23 aggravated methamphetamine-related child endangerment,
24 money laundering pursuant to clause (c) (4) or (5) of
25 Section 29B-1 of the Criminal Code of 1961 or the Criminal
26 Code of 2012, or a Class X felony conviction for delivery

1 of a controlled substance, possession of a controlled
2 substance with intent to manufacture or deliver,
3 calculated criminal drug conspiracy, criminal drug
4 conspiracy, street gang criminal drug conspiracy,
5 participation in methamphetamine manufacturing,
6 aggravated participation in methamphetamine
7 manufacturing, delivery of methamphetamine, possession
8 with intent to deliver methamphetamine, aggravated
9 delivery of methamphetamine, aggravated possession with
10 intent to deliver methamphetamine, methamphetamine
11 conspiracy when the substance containing the controlled
12 substance or methamphetamine is 100 grams or more shall
13 receive no more than 7.5 days sentence credit for each
14 month of his or her sentence of imprisonment;

15 (vi) that a prisoner serving a sentence for a second
16 or subsequent offense of luring a minor shall receive no
17 more than 4.5 days of sentence credit for each month of his
18 or her sentence of imprisonment; and

19 (vii) that a prisoner serving a sentence for
20 aggravated domestic battery shall receive no more than 4.5
21 days of sentence credit for each month of his or her
22 sentence of imprisonment.

23 (2.1) For all offenses, other than those enumerated in
24 subdivision (a)(2)(i), (ii), or (iii) committed on or after
25 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
26 June 23, 2005 (the effective date of Public Act 94-71) or

1 subdivision (a)(2)(v) committed on or after August 13, 2007
2 (the effective date of Public Act 95-134) or subdivision
3 (a)(2)(vi) committed on or after June 1, 2008 (the effective
4 date of Public Act 95-625) or subdivision (a)(2)(vii)
5 committed on or after July 23, 2010 (the effective date of
6 Public Act 96-1224), and other than the offense of aggravated
7 driving under the influence of alcohol, other drug or drugs,
8 or intoxicating compound or compounds, or any combination
9 thereof as defined in subparagraph (F) of paragraph (1) of
10 subsection (d) of Section 11-501 of the Illinois Vehicle Code,
11 and other than the offense of aggravated driving under the
12 influence of alcohol, other drug or drugs, or intoxicating
13 compound or compounds, or any combination thereof as defined
14 in subparagraph (C) of paragraph (1) of subsection (d) of
15 Section 11-501 of the Illinois Vehicle Code committed on or
16 after January 1, 2011 (the effective date of Public Act
17 96-1230), the rules and regulations shall provide that a
18 prisoner who is serving a term of imprisonment shall receive
19 one day of sentence credit for each day of his or her sentence
20 of imprisonment or recommitment under Section 3-3-9. Each day
21 of sentence credit shall reduce by one day the prisoner's
22 period of imprisonment or recommitment under Section 3-3-9.

23 (2.2) A prisoner serving a term of natural life
24 imprisonment or a prisoner who has been sentenced to death
25 shall receive no sentence credit.

26 (2.3) Except as provided in paragraph (4.7) of this

1 subsection (a), the rules and regulations on sentence credit
2 shall provide that a prisoner who is serving a sentence for
3 aggravated driving under the influence of alcohol, other drug
4 or drugs, or intoxicating compound or compounds, or any
5 combination thereof as defined in subparagraph (F) of
6 paragraph (1) of subsection (d) of Section 11-501 of the
7 Illinois Vehicle Code, shall receive no more than 4.5 days of
8 sentence credit for each month of his or her sentence of
9 imprisonment.

10 (2.4) Except as provided in paragraph (4.7) of this
11 subsection (a), the rules and regulations on sentence credit
12 shall provide with respect to the offenses of aggravated
13 battery with a machine gun or a firearm equipped with any
14 device or attachment designed or used for silencing the report
15 of a firearm or aggravated discharge of a machine gun or a
16 firearm equipped with any device or attachment designed or
17 used for silencing the report of a firearm, committed on or
18 after July 15, 1999 (the effective date of Public Act 91-121),
19 that a prisoner serving a sentence for any of these offenses
20 shall receive no more than 4.5 days of sentence credit for each
21 month of his or her sentence of imprisonment.

22 (2.5) Except as provided in paragraph (4.7) of this
23 subsection (a), the rules and regulations on sentence credit
24 shall provide that a prisoner who is serving a sentence for
25 aggravated arson committed on or after July 27, 2001 (the
26 effective date of Public Act 92-176) shall receive no more

1 than 4.5 days of sentence credit for each month of his or her
2 sentence of imprisonment.

3 (2.6) Except as provided in paragraph (4.7) of this
4 subsection (a), the rules and regulations on sentence credit
5 shall provide that a prisoner who is serving a sentence for
6 aggravated driving under the influence of alcohol, other drug
7 or drugs, or intoxicating compound or compounds or any
8 combination thereof as defined in subparagraph (C) of
9 paragraph (1) of subsection (d) of Section 11-501 of the
10 Illinois Vehicle Code committed on or after January 1, 2011
11 (the effective date of Public Act 96-1230) shall receive no
12 more than 4.5 days of sentence credit for each month of his or
13 her sentence of imprisonment.

14 (3) In addition to the sentence credits earned under
15 paragraphs (2.1), (4), (4.1), (4.2), and (4.7) of this
16 subsection (a), the rules and regulations shall also provide
17 that the Director may award up to 180 days of earned sentence
18 credit for prisoners serving a sentence of incarceration of
19 less than 5 years, and up to 365 days of earned sentence credit
20 for prisoners serving a sentence of 5 years or longer. The
21 Director may grant this credit for good conduct in specific
22 instances as the Director deems proper. The good conduct may
23 include, but is not limited to, compliance with the rules and
24 regulations of the Department, service to the Department,
25 service to a community, or service to the State.

26 Eligible inmates for an award of earned sentence credit

1 under this paragraph (3) may be selected to receive the credit
2 at the Director's or his or her designee's sole discretion.
3 Eligibility for the additional earned sentence credit under
4 this paragraph (3) may be based on, but is not limited to,
5 participation in programming offered by the Department
6 ~~department~~ as appropriate for the prisoner based on the
7 results of any available risk/needs assessment or other
8 relevant assessments or evaluations administered by the
9 Department using a validated instrument, the circumstances of
10 the crime, demonstrated commitment to rehabilitation by a
11 prisoner with a history of conviction for a forcible felony
12 enumerated in Section 2-8 of the Criminal Code of 2012, the
13 inmate's behavior and improvements in disciplinary history
14 while incarcerated, and the inmate's commitment to
15 rehabilitation, including participation in programming offered
16 by the Department.

17 The Director shall not award sentence credit under this
18 paragraph (3) to an inmate unless the inmate has served a
19 minimum of 60 days of the sentence; except nothing in this
20 paragraph shall be construed to permit the Director to extend
21 an inmate's sentence beyond that which was imposed by the
22 court. Prior to awarding credit under this paragraph (3), the
23 Director shall make a written determination that the inmate:

24 (A) is eligible for the earned sentence credit;

25 (B) has served a minimum of 60 days, or as close to 60
26 days as the sentence will allow;

1 (B-1) has received a risk/needs assessment or other
2 relevant evaluation or assessment administered by the
3 Department using a validated instrument; and

4 (C) has met the eligibility criteria established by
5 rule for earned sentence credit.

6 The Director shall determine the form and content of the
7 written determination required in this subsection.

8 (3.5) The Department shall provide annual written reports
9 to the Governor and the General Assembly on the award of earned
10 sentence credit no later than February 1 of each year. The
11 Department must publish both reports on its website within 48
12 hours of transmitting the reports to the Governor and the
13 General Assembly. The reports must include:

14 (A) the number of inmates awarded earned sentence
15 credit;

16 (B) the average amount of earned sentence credit
17 awarded;

18 (C) the holding offenses of inmates awarded earned
19 sentence credit; and

20 (D) the number of earned sentence credit revocations.

21 (4) (A) Except as provided in paragraph (4.7) of this
22 subsection (a), the rules and regulations shall also provide
23 that any prisoner who is engaged full-time in substance abuse
24 programs, correctional industry assignments, educational
25 programs, work-release programs or activities in accordance
26 with Article 13 of Chapter III of this Code ~~730 ILCS 5/3-13-1~~

1 ~~et seq.~~, behavior modification programs, life skills courses,
2 or re-entry planning provided by the Department under this
3 paragraph (4) and satisfactorily completes the assigned
4 program as determined by the standards of the Department,
5 shall receive ~~one day~~ of sentence credit for each day in
6 which that prisoner is engaged in the activities described in
7 this paragraph. The rules and regulations shall also provide
8 that sentence credit may be provided to an inmate who was held
9 in pre-trial detention prior to his or her current commitment
10 to the Department of Corrections and successfully completed a
11 full-time, 60-day or longer substance abuse program,
12 educational program, behavior modification program, life
13 skills course, or re-entry planning provided by the county
14 department of corrections or county jail. Calculation of this
15 county program credit shall be done at sentencing as provided
16 in Section 5-4.5-100 of this Code and shall be included in the
17 sentencing order. The rules and regulations shall also provide
18 that sentence credit may be provided to an inmate who is in
19 compliance with programming requirements in an adult
20 transition center.

21 (B) The Department shall award sentence credit under this
22 paragraph (4) accumulated prior to January 1, 2020 (the
23 effective date of Public Act 101-440) in an amount specified
24 in subparagraph (C) of this paragraph (4) to an inmate serving
25 a sentence for an offense committed prior to June 19, 1998, if
26 the Department determines that the inmate is entitled to this

1 sentence credit, based upon:

2 (i) documentation provided by the Department that the
3 inmate engaged in any full-time substance abuse programs,
4 correctional industry assignments, educational programs,
5 behavior modification programs, life skills courses, or
6 re-entry planning provided by the Department under this
7 paragraph (4) and satisfactorily completed the assigned
8 program as determined by the standards of the Department
9 during the inmate's current term of incarceration; or

10 (ii) the inmate's own testimony in the form of an
11 affidavit or documentation, or a third party's
12 documentation or testimony in the form of an affidavit
13 that the inmate likely engaged in any full-time substance
14 abuse programs, correctional industry assignments,
15 educational programs, behavior modification programs, life
16 skills courses, or re-entry planning provided by the
17 Department under paragraph (4) and satisfactorily
18 completed the assigned program as determined by the
19 standards of the Department during the inmate's current
20 term of incarceration.

21 (C) If the inmate can provide documentation that he or she
22 is entitled to sentence credit under subparagraph (B) in
23 excess of 45 days of participation in those programs, the
24 inmate shall receive 90 days of sentence credit. If the inmate
25 cannot provide documentation of more than 45 days of
26 participation in those programs, the inmate shall receive 45

1 days of sentence credit. In the event of a disagreement
2 between the Department and the inmate as to the amount of
3 credit accumulated under subparagraph (B), if the Department
4 provides documented proof of a lesser amount of days of
5 participation in those programs, that proof shall control. If
6 the Department provides no documentary proof, the inmate's
7 proof as set forth in clause (ii) of subparagraph (B) shall
8 control as to the amount of sentence credit provided.

9 (D) If the inmate has been convicted of a sex offense as
10 defined in Section 2 of the Sex Offender Registration Act,
11 sentencing credits under subparagraph (B) of this paragraph
12 (4) shall be awarded by the Department only if the conditions
13 set forth in paragraph (4.6) of subsection (a) are satisfied.
14 No inmate serving a term of natural life imprisonment shall
15 receive sentence credit under subparagraph (B) of this
16 paragraph (4).

17 Educational, vocational, substance abuse, behavior
18 modification programs, life skills courses, re-entry planning,
19 and correctional industry programs under which sentence credit
20 may be earned ~~increased~~ under this paragraph (4) and paragraph
21 (4.1) of this subsection (a) shall be evaluated by the
22 Department on the basis of documented standards. The
23 Department shall report the results of these evaluations to
24 the Governor and the General Assembly by September 30th of
25 each year. The reports shall include data relating to the
26 recidivism rate among program participants.

1 Availability of these programs shall be subject to the
2 limits of fiscal resources appropriated by the General
3 Assembly for these purposes. Eligible inmates who are denied
4 immediate admission shall be placed on a waiting list under
5 criteria established by the Department. The rules and
6 regulations shall provide that a prisoner who has been placed
7 on a waiting list but is transferred for non-disciplinary
8 reasons before beginning a program shall receive priority
9 placement on the waitlist for appropriate programs at the new
10 facility. The inability of any inmate to become engaged in any
11 such programs by reason of insufficient program resources or
12 for any other reason established under the rules and
13 regulations of the Department shall not be deemed a cause of
14 action under which the Department or any employee or agent of
15 the Department shall be liable for damages to the inmate. The
16 rules and regulations shall provide that a prisoner who begins
17 an educational, vocational, substance abuse, work-release
18 programs or activities in accordance with Article 13 of
19 Chapter III of this Code ~~730 ILCS 5/3-13-1 et seq.~~, behavior
20 modification program, life skills course, re-entry planning,
21 or correctional industry programs but is unable to complete
22 the program due to illness, disability, transfer, lockdown, or
23 another reason outside of the prisoner's control shall receive
24 prorated sentence credits for the days in which the prisoner
25 did participate.

26 (4.1) Except as provided in paragraph (4.7) of this

1 subsection (a), the rules and regulations shall also provide
2 that an additional 90 days of sentence credit shall be awarded
3 to any prisoner who passes high school equivalency testing
4 while the prisoner is committed to the Department of
5 Corrections. The sentence credit awarded under this paragraph
6 (4.1) shall be in addition to, and shall not affect, the award
7 of sentence credit under any other paragraph of this Section,
8 but shall also be pursuant to the guidelines and restrictions
9 set forth in paragraph (4) of subsection (a) of this Section.
10 The sentence credit provided for in this paragraph shall be
11 available only to those prisoners who have not previously
12 earned a high school diploma or a high school equivalency
13 certificate. If, after an award of the high school equivalency
14 testing sentence credit has been made, the Department
15 determines that the prisoner was not eligible, then the award
16 shall be revoked. The Department may also award 90 days of
17 sentence credit to any committed person who passed high school
18 equivalency testing while he or she was held in pre-trial
19 detention prior to the current commitment to the Department of
20 Corrections. Except as provided in paragraph (4.7) of this
21 subsection (a), the rules and regulations shall provide that
22 an additional 120 days of sentence credit shall be awarded to
23 any prisoner who obtains an ~~a~~ associate degree while the
24 prisoner is committed to the Department of Corrections,
25 regardless of the date that the associate degree was obtained,
26 including if prior to July 1, 2021 (the effective date of

1 Public Act 101-652) ~~this amendatory Act of the 101st General~~
2 ~~Assembly~~. The sentence credit awarded under this paragraph
3 (4.1) shall be in addition to, and shall not affect, the award
4 of sentence credit under any other paragraph of this Section,
5 but shall also be under the guidelines and restrictions set
6 forth in paragraph (4) of subsection (a) of this Section. The
7 sentence credit provided for in this paragraph (4.1) shall be
8 available only to those prisoners who have not previously
9 earned an associate degree prior to the current commitment to
10 the Department of Corrections. If, after an award of the
11 associate degree sentence credit has been made and the
12 Department determines that the prisoner was not eligible, then
13 the award shall be revoked. The Department may also award 120
14 days of sentence credit to any committed person who earned an
15 associate degree while he or she was held in pre-trial
16 detention prior to the current commitment to the Department of
17 Corrections.

18 Except as provided in paragraph (4.7) of this subsection
19 (a), the rules and regulations shall provide that an
20 additional 180 days of sentence credit shall be awarded to any
21 prisoner who obtains a bachelor's degree while the prisoner is
22 committed to the Department of Corrections. The sentence
23 credit awarded under this paragraph (4.1) shall be in addition
24 to, and shall not affect, the award of sentence credit under
25 any other paragraph of this Section, but shall also be under
26 the guidelines and restrictions set forth in paragraph (4) of

1 this subsection (a). The sentence credit provided for in this
2 paragraph shall be available only to those prisoners who have
3 not earned a bachelor's degree prior to the current commitment
4 to the Department of Corrections. If, after an award of the
5 bachelor's degree sentence credit has been made, the
6 Department determines that the prisoner was not eligible, then
7 the award shall be revoked. The Department may also award 180
8 days of sentence credit to any committed person who earned a
9 bachelor's degree while he or she was held in pre-trial
10 detention prior to the current commitment to the Department of
11 Corrections.

12 Except as provided in paragraph (4.7) of this subsection
13 (a), the rules and regulations shall provide that an
14 additional 180 days of sentence credit shall be awarded to any
15 prisoner who obtains a master's or professional degree while
16 the prisoner is committed to the Department of Corrections.
17 The sentence credit awarded under this paragraph (4.1) shall
18 be in addition to, and shall not affect, the award of sentence
19 credit under any other paragraph of this Section, but shall
20 also be under the guidelines and restrictions set forth in
21 paragraph (4) of this subsection (a). The sentence credit
22 provided for in this paragraph shall be available only to
23 those prisoners who have not previously earned a master's or
24 professional degree prior to the current commitment to the
25 Department of Corrections. If, after an award of the master's
26 or professional degree sentence credit has been made, the

1 Department determines that the prisoner was not eligible, then
2 the award shall be revoked. The Department may also award 180
3 days of sentence credit to any committed person who earned a
4 master's or professional degree while he or she was held in
5 pre-trial detention prior to the current commitment to the
6 Department of Corrections.

7 (4.2) The rules and regulations shall also provide that
8 any prisoner engaged in self-improvement programs, volunteer
9 work, or work assignments that are not otherwise eligible
10 activities under paragraph ~~section~~ (4), shall receive up to
11 0.5 days of sentence credit for each day in which the prisoner
12 is engaged in activities described in this paragraph.

13 (4.5) The rules and regulations on sentence credit shall
14 also provide that when the court's sentencing order recommends
15 a prisoner for substance abuse treatment and the crime was
16 committed on or after September 1, 2003 (the effective date of
17 Public Act 93-354), the prisoner shall receive no sentence
18 credit awarded under clause (3) of this subsection (a) unless
19 he or she participates in and completes a substance abuse
20 treatment program. The Director may waive the requirement to
21 participate in or complete a substance abuse treatment program
22 in specific instances if the prisoner is not a good candidate
23 for a substance abuse treatment program for medical,
24 programming, or operational reasons. Availability of substance
25 abuse treatment shall be subject to the limits of fiscal
26 resources appropriated by the General Assembly for these

1 purposes. If treatment is not available and the requirement to
2 participate and complete the treatment has not been waived by
3 the Director, the prisoner shall be placed on a waiting list
4 under criteria established by the Department. The Director may
5 allow a prisoner placed on a waiting list to participate in and
6 complete a substance abuse education class or attend substance
7 abuse self-help meetings in lieu of a substance abuse
8 treatment program. A prisoner on a waiting list who is not
9 placed in a substance abuse program prior to release may be
10 eligible for a waiver and receive sentence credit under clause
11 (3) of this subsection (a) at the discretion of the Director.

12 (4.6) The rules and regulations on sentence credit shall
13 also provide that a prisoner who has been convicted of a sex
14 offense as defined in Section 2 of the Sex Offender
15 Registration Act shall receive no sentence credit unless he or
16 she either has successfully completed or is participating in
17 sex offender treatment as defined by the Sex Offender
18 Management Board. However, prisoners who are waiting to
19 receive treatment, but who are unable to do so due solely to
20 the lack of resources on the part of the Department, may, at
21 the Director's sole discretion, be awarded sentence credit at
22 a rate as the Director shall determine.

23 (4.7) On or after January 1, 2018 (the effective date of
24 Public Act 100-3), sentence credit under paragraph (3), (4),
25 or (4.1) of this subsection (a) may be awarded to a prisoner
26 who is serving a sentence for an offense described in

1 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned
2 on or after January 1, 2018 (the effective date of Public Act
3 100-3); provided, the award of the credits under this
4 paragraph (4.7) shall not reduce the sentence of the prisoner
5 to less than the following amounts:

6 (i) 85% of his or her sentence if the prisoner is
7 required to serve 85% of his or her sentence; or

8 (ii) 60% of his or her sentence if the prisoner is
9 required to serve 75% of his or her sentence, except if the
10 prisoner is serving a sentence for gunrunning his or her
11 sentence shall not be reduced to less than 75%.

12 (iii) 100% of his or her sentence if the prisoner is
13 required to serve 100% of his or her sentence.

14 (5) Whenever the Department is to release any inmate
15 earlier than it otherwise would because of a grant of earned
16 sentence credit under paragraph (3) of subsection (a) of this
17 Section given at any time during the term, the Department
18 shall give reasonable notice of the impending release not less
19 than 14 days prior to the date of the release to the State's
20 Attorney of the county where the prosecution of the inmate
21 took place, and if applicable, the State's Attorney of the
22 county into which the inmate will be released. The Department
23 must also make identification information and a recent photo
24 of the inmate being released accessible on the Internet by
25 means of a hyperlink labeled "Community Notification of Inmate
26 Early Release" on the Department's World Wide Web homepage.

1 The identification information shall include the inmate's:
2 name, any known alias, date of birth, physical
3 characteristics, commitment offense, and county where
4 conviction was imposed. The identification information shall
5 be placed on the website within 3 days of the inmate's release
6 and the information may not be removed until either:
7 completion of the first year of mandatory supervised release
8 or return of the inmate to custody of the Department.

9 (b) Whenever a person is or has been committed under
10 several convictions, with separate sentences, the sentences
11 shall be construed under Section 5-8-4 in granting and
12 forfeiting of sentence credit.

13 (c) (1) The Department shall prescribe rules and
14 regulations for revoking sentence credit, including revoking
15 sentence credit awarded under paragraph (3) of subsection (a)
16 of this Section. The Department shall prescribe rules and
17 regulations establishing and requiring the use of a sanctions
18 matrix for revoking sentence credit. The Department shall
19 prescribe rules and regulations for suspending or reducing the
20 rate of accumulation of sentence credit for specific rule
21 violations, during imprisonment. These rules and regulations
22 shall provide that no inmate may be penalized more than one
23 year of sentence credit for any one infraction.

24 (2) When the Department seeks to revoke, suspend, or
25 reduce the rate of accumulation of any sentence credits for an
26 alleged infraction of its rules, it shall bring charges

1 therefor against the prisoner sought to be so deprived of
2 sentence credits before the Prisoner Review Board as provided
3 in subparagraph (a) (4) of Section 3-3-2 of this Code, if the
4 amount of credit at issue exceeds 30 days, whether from one
5 infraction or cumulatively from multiple infractions arising
6 out of a single event, or when, during any 12-month period, the
7 cumulative amount of credit revoked exceeds 30 days except
8 where the infraction is committed or discovered within 60 days
9 of scheduled release. In those cases, the Department of
10 Corrections may revoke up to 30 days of sentence credit. The
11 Board may subsequently approve the revocation of additional
12 sentence credit, if the Department seeks to revoke sentence
13 credit in excess of 30 days. However, the Board shall not be
14 empowered to review the Department's decision with respect to
15 the loss of 30 days of sentence credit within any calendar year
16 for any prisoner or to increase any penalty beyond the length
17 requested by the Department.

18 (3) The Director of the Department of Corrections, in
19 appropriate cases, may restore sentence credits which have
20 been revoked, suspended, or reduced. The Department shall
21 prescribe rules and regulations governing the restoration of
22 sentence credits. These rules and regulations shall provide
23 for the automatic restoration of sentence credits following a
24 period in which the prisoner maintains a record without a
25 disciplinary violation.

26 Nothing contained in this Section shall prohibit the

1 Prisoner Review Board from ordering, pursuant to Section
2 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
3 sentence imposed by the court that was not served due to the
4 accumulation of sentence credit.

5 (d) If a lawsuit is filed by a prisoner in an Illinois or
6 federal court against the State, the Department of
7 Corrections, or the Prisoner Review Board, or against any of
8 their officers or employees, and the court makes a specific
9 finding that a pleading, motion, or other paper filed by the
10 prisoner is frivolous, the Department of Corrections shall
11 conduct a hearing to revoke up to 180 days of sentence credit
12 by bringing charges against the prisoner sought to be deprived
13 of the sentence credits before the Prisoner Review Board as
14 provided in subparagraph (a)(8) of Section 3-3-2 of this Code.
15 If the prisoner has not accumulated 180 days of sentence
16 credit at the time of the finding, then the Prisoner Review
17 Board may revoke all sentence credit accumulated by the
18 prisoner.

19 For purposes of this subsection (d):

20 (1) "Frivolous" means that a pleading, motion, or
21 other filing which purports to be a legal document filed
22 by a prisoner in his or her lawsuit meets any or all of the
23 following criteria:

24 (A) it lacks an arguable basis either in law or in
25 fact;

26 (B) it is being presented for any improper

1 purpose, such as to harass or to cause unnecessary
2 delay or needless increase in the cost of litigation;

3 (C) the claims, defenses, and other legal
4 contentions therein are not warranted by existing law
5 or by a nonfrivolous argument for the extension,
6 modification, or reversal of existing law or the
7 establishment of new law;

8 (D) the allegations and other factual contentions
9 do not have evidentiary support or, if specifically so
10 identified, are not likely to have evidentiary support
11 after a reasonable opportunity for further
12 investigation or discovery; or

13 (E) the denials of factual contentions are not
14 warranted on the evidence, or if specifically so
15 identified, are not reasonably based on a lack of
16 information or belief.

17 (2) "Lawsuit" means a motion pursuant to Section 116-3
18 of the Code of Criminal Procedure of 1963, a habeas corpus
19 action under Article X of the Code of Civil Procedure or
20 under federal law (28 U.S.C. 2254), a petition for claim
21 under the Court of Claims Act, an action under the federal
22 Civil Rights Act (42 U.S.C. 1983), or a second or
23 subsequent petition for post-conviction relief under
24 Article 122 of the Code of Criminal Procedure of 1963
25 whether filed with or without leave of court or a second or
26 subsequent petition for relief from judgment under Section

1 2-1401 of the Code of Civil Procedure.

2 (e) Nothing in Public Act 90-592 or 90-593 affects the
3 validity of Public Act 89-404.

4 (f) Whenever the Department is to release any inmate who
5 has been convicted of a violation of an order of protection
6 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
7 the Criminal Code of 2012, earlier than it otherwise would
8 because of a grant of sentence credit, the Department, as a
9 condition of release, shall require that the person, upon
10 release, be placed under electronic surveillance as provided
11 in Section 5-8A-7 of this Code.

12 (Source: P.A. 100-3, eff. 1-1-18; 100-575, eff. 1-8-18;
13 101-440, eff. 1-1-20; 101-652, eff. 7-1-21; revised 4-28-21.)

14 (730 ILCS 5/3-6-7.3)

15 (This Section may contain text from a Public Act with a
16 delayed effective date)

17 Sec. 3-6-7.3. Committed person post-partum recovery
18 requirements. The Department shall ensure that, for a period
19 of 72 hours after the birth of an infant by an committed
20 person:

21 (1) the infant is allowed to remain with the committed
22 person, unless a medical professional determines doing so
23 would pose a health or safety risk to the committed person
24 or infant based on information only available to the
25 Department. The mental health professional shall make any

1 such determination on an individualized basis and in
2 consultation with the birthing team of the pregnant person
3 and the Chief of the Women's Division. The birthing team
4 shall include the committed person's perinatal care
5 providers and doula, if available; and

6 (2) the committed person has access to any nutritional
7 or hygiene-related products necessary to care for the
8 infant, including diapers.

9 (Source: P.A. 101-652, eff. 7-1-21.)

10 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

11 (Text of Section before amendment by P.A. 101-652)

12 Sec. 5-8-1. Natural life imprisonment; enhancements for
13 use of a firearm; mandatory supervised release terms.

14 (a) Except as otherwise provided in the statute defining
15 the offense or in Article 4.5 of Chapter V, a sentence of
16 imprisonment for a felony shall be a determinate sentence set
17 by the court under this Section, subject to Section 5-4.5-115
18 of this Code, according to the following limitations:

19 (1) for first degree murder,

20 (a) (blank),

21 (b) if a trier of fact finds beyond a reasonable
22 doubt that the murder was accompanied by exceptionally
23 brutal or heinous behavior indicative of wanton
24 cruelty or, except as set forth in subsection

25 (a) (1) (c) of this Section, that any of the aggravating

1 factors listed in subsection (b) or (b-5) of Section
2 9-1 of the Criminal Code of 1961 or the Criminal Code
3 of 2012 are present, the court may sentence the
4 defendant, subject to Section 5-4.5-105, to a term of
5 natural life imprisonment, or

6 (c) the court shall sentence the defendant to a
7 term of natural life imprisonment if the defendant, at
8 the time of the commission of the murder, had attained
9 the age of 18, and

10 (i) has previously been convicted of first
11 degree murder under any state or federal law, or

12 (ii) is found guilty of murdering more than
13 one victim, or

14 (iii) is found guilty of murdering a peace
15 officer, fireman, or emergency management worker
16 when the peace officer, fireman, or emergency
17 management worker was killed in the course of
18 performing his official duties, or to prevent the
19 peace officer or fireman from performing his
20 official duties, or in retaliation for the peace
21 officer, fireman, or emergency management worker
22 from performing his official duties, and the
23 defendant knew or should have known that the
24 murdered individual was a peace officer, fireman,
25 or emergency management worker, or

26 (iv) is found guilty of murdering an employee

1 of an institution or facility of the Department of
2 Corrections, or any similar local correctional
3 agency, when the employee was killed in the course
4 of performing his official duties, or to prevent
5 the employee from performing his official duties,
6 or in retaliation for the employee performing his
7 official duties, or

8 (v) is found guilty of murdering an emergency
9 medical technician - ambulance, emergency medical
10 technician - intermediate, emergency medical
11 technician - paramedic, ambulance driver or other
12 medical assistance or first aid person while
13 employed by a municipality or other governmental
14 unit when the person was killed in the course of
15 performing official duties or to prevent the
16 person from performing official duties or in
17 retaliation for performing official duties and the
18 defendant knew or should have known that the
19 murdered individual was an emergency medical
20 technician - ambulance, emergency medical
21 technician - intermediate, emergency medical
22 technician - paramedic, ambulance driver, or other
23 medical assistant or first aid personnel, or

24 (vi) (blank), or

25 (vii) is found guilty of first degree murder
26 and the murder was committed by reason of any

1 person's activity as a community policing
2 volunteer or to prevent any person from engaging
3 in activity as a community policing volunteer. For
4 the purpose of this Section, "community policing
5 volunteer" has the meaning ascribed to it in
6 Section 2-3.5 of the Criminal Code of 2012.

7 For purposes of clause (v), "emergency medical
8 technician - ambulance", "emergency medical technician
9 - intermediate", "emergency medical technician -
10 paramedic", have the meanings ascribed to them in the
11 Emergency Medical Services (EMS) Systems Act.

12 (d) (i) if the person committed the offense while
13 armed with a firearm, 15 years shall be added to
14 the term of imprisonment imposed by the court;

15 (ii) if, during the commission of the offense, the
16 person personally discharged a firearm, 20 years shall
17 be added to the term of imprisonment imposed by the
18 court;

19 (iii) if, during the commission of the offense,
20 the person personally discharged a firearm that
21 proximately caused great bodily harm, permanent
22 disability, permanent disfigurement, or death to
23 another person, 25 years or up to a term of natural
24 life shall be added to the term of imprisonment
25 imposed by the court.

26 (2) (blank);

1 (2.5) for a person who has attained the age of 18 years
2 at the time of the commission of the offense and who is
3 convicted under the circumstances described in subdivision
4 (b)(1)(B) of Section 11-1.20 or paragraph (3) of
5 subsection (b) of Section 12-13, subdivision (d)(2) of
6 Section 11-1.30 or paragraph (2) of subsection (d) of
7 Section 12-14, subdivision (b)(1.2) of Section 11-1.40 or
8 paragraph (1.2) of subsection (b) of Section 12-14.1,
9 subdivision (b)(2) of Section 11-1.40 or paragraph (2) of
10 subsection (b) of Section 12-14.1 of the Criminal Code of
11 1961 or the Criminal Code of 2012, the sentence shall be a
12 term of natural life imprisonment.

13 (b) (Blank).

14 (c) (Blank).

15 (d) Subject to earlier termination under Section 3-3-8,
16 the parole or mandatory supervised release term shall be
17 written as part of the sentencing order and shall be as
18 follows:

19 (1) for first degree murder or a Class X felony except
20 for the offenses of predatory criminal sexual assault of a
21 child, aggravated criminal sexual assault, and criminal
22 sexual assault if committed on or after the effective date
23 of this amendatory Act of the 94th General Assembly and
24 except for the offense of aggravated child pornography
25 under Section 11-20.1B, 11-20.3, or 11-20.1 with
26 sentencing under subsection (c-5) of Section 11-20.1 of

1 the Criminal Code of 1961 or the Criminal Code of 2012, if
2 committed on or after January 1, 2009, 3 years;

3 (2) for a Class 1 felony or a Class 2 felony except for
4 the offense of criminal sexual assault if committed on or
5 after the effective date of this amendatory Act of the
6 94th General Assembly and except for the offenses of
7 manufacture and dissemination of child pornography under
8 clauses (a)(1) and (a)(2) of Section 11-20.1 of the
9 Criminal Code of 1961 or the Criminal Code of 2012, if
10 committed on or after January 1, 2009, 2 years;

11 (3) for a Class 3 felony or a Class 4 felony, 1 year;

12 (4) for defendants who commit the offense of predatory
13 criminal sexual assault of a child, aggravated criminal
14 sexual assault, or criminal sexual assault, on or after
15 the effective date of this amendatory Act of the 94th
16 General Assembly, or who commit the offense of aggravated
17 child pornography under Section 11-20.1B, 11-20.3, or
18 11-20.1 with sentencing under subsection (c-5) of Section
19 11-20.1 of the Criminal Code of 1961 or the Criminal Code
20 of 2012, manufacture of child pornography, or
21 dissemination of child pornography after January 1, 2009,
22 the term of mandatory supervised release shall range from
23 a minimum of 3 years to a maximum of the natural life of
24 the defendant;

25 (5) if the victim is under 18 years of age, for a
26 second or subsequent offense of aggravated criminal sexual

1 abuse or felony criminal sexual abuse, 4 years, at least
2 the first 2 years of which the defendant shall serve in an
3 electronic monitoring or home detention program under
4 Article 8A of Chapter V of this Code;

5 (6) for a felony domestic battery, aggravated domestic
6 battery, stalking, aggravated stalking, and a felony
7 violation of an order of protection, 4 years.

8 (e) (Blank).

9 (f) (Blank).

10 (Source: P.A. 100-431, eff. 8-25-17; 100-1182, eff. 6-1-19;
11 101-288, eff. 1-1-20.)

12 (Text of Section after amendment by P.A. 101-652)

13 Sec. 5-8-1. Natural life imprisonment; enhancements for
14 use of a firearm; mandatory supervised release terms.

15 (a) Except as otherwise provided in the statute defining
16 the offense or in Article 4.5 of Chapter V, a sentence of
17 imprisonment for a felony shall be a determinate sentence set
18 by the court under this Section, subject to Section 5-4.5-115
19 of this Code, according to the following limitations:

20 (1) for first degree murder,

21 (a) (blank),

22 (b) if a trier of fact finds beyond a reasonable
23 doubt that the murder was accompanied by exceptionally
24 brutal or heinous behavior indicative of wanton
25 cruelty or, except as set forth in subsection

1 (a) (1) (c) of this Section, that any of the aggravating
2 factors listed in subsection (b) or (b-5) of Section
3 9-1 of the Criminal Code of 1961 or the Criminal Code
4 of 2012 are present, the court may sentence the
5 defendant, subject to Section 5-4.5-105, to a term of
6 natural life imprisonment, or

7 (c) the court shall sentence the defendant to a
8 term of natural life imprisonment if the defendant, at
9 the time of the commission of the murder, had attained
10 the age of 18, and

11 (i) has previously been convicted of first
12 degree murder under any state or federal law, or

13 (ii) is found guilty of murdering more than
14 one victim, or

15 (iii) is found guilty of murdering a peace
16 officer, fireman, or emergency management worker
17 when the peace officer, fireman, or emergency
18 management worker was killed in the course of
19 performing his official duties, or to prevent the
20 peace officer or fireman from performing his
21 official duties, or in retaliation for the peace
22 officer, fireman, or emergency management worker
23 from performing his official duties, and the
24 defendant knew or should have known that the
25 murdered individual was a peace officer, fireman,
26 or emergency management worker, or

1 (iv) is found guilty of murdering an employee
2 of an institution or facility of the Department of
3 Corrections, or any similar local correctional
4 agency, when the employee was killed in the course
5 of performing his official duties, or to prevent
6 the employee from performing his official duties,
7 or in retaliation for the employee performing his
8 official duties, or

9 (v) is found guilty of murdering an emergency
10 medical technician - ambulance, emergency medical
11 technician - intermediate, emergency medical
12 technician - paramedic, ambulance driver or other
13 medical assistance or first aid person while
14 employed by a municipality or other governmental
15 unit when the person was killed in the course of
16 performing official duties or to prevent the
17 person from performing official duties or in
18 retaliation for performing official duties and the
19 defendant knew or should have known that the
20 murdered individual was an emergency medical
21 technician - ambulance, emergency medical
22 technician - intermediate, emergency medical
23 technician - paramedic, ambulance driver, or other
24 medical assistant or first aid personnel, or

25 (vi) (blank), or

26 (vii) is found guilty of first degree murder

1 and the murder was committed by reason of any
2 person's activity as a community policing
3 volunteer or to prevent any person from engaging
4 in activity as a community policing volunteer. For
5 the purpose of this Section, "community policing
6 volunteer" has the meaning ascribed to it in
7 Section 2-3.5 of the Criminal Code of 2012.

8 For purposes of clause (v), "emergency medical
9 technician - ambulance", "emergency medical technician
10 - intermediate", "emergency medical technician -
11 paramedic", have the meanings ascribed to them in the
12 Emergency Medical Services (EMS) Systems Act.

13 (d) (i) if the person committed the offense while
14 armed with a firearm, 15 years shall be added to
15 the term of imprisonment imposed by the court;

16 (ii) if, during the commission of the offense, the
17 person personally discharged a firearm, 20 years shall
18 be added to the term of imprisonment imposed by the
19 court;

20 (iii) if, during the commission of the offense,
21 the person personally discharged a firearm that
22 proximately caused great bodily harm, permanent
23 disability, permanent disfigurement, or death to
24 another person, 25 years or up to a term of natural
25 life shall be added to the term of imprisonment
26 imposed by the court.

1 (2) (blank);

2 (2.5) for a person who has attained the age of 18 years
3 at the time of the commission of the offense and who is
4 convicted under the circumstances described in subdivision
5 (b)(1)(B) of Section 11-1.20 or paragraph (3) of
6 subsection (b) of Section 12-13, subdivision (d)(2) of
7 Section 11-1.30 or paragraph (2) of subsection (d) of
8 Section 12-14, subdivision (b)(1.2) of Section 11-1.40 or
9 paragraph (1.2) of subsection (b) of Section 12-14.1,
10 subdivision (b)(2) of Section 11-1.40 or paragraph (2) of
11 subsection (b) of Section 12-14.1 of the Criminal Code of
12 1961 or the Criminal Code of 2012, the sentence shall be a
13 term of natural life imprisonment.

14 (b) (Blank).

15 (c) (Blank).

16 (d) Subject to earlier termination under Section 3-3-8,
17 the parole or mandatory supervised release term shall be
18 written as part of the sentencing order and shall be as
19 follows:

20 (1) for first degree murder or for the offenses of
21 predatory criminal sexual assault of a child, aggravated
22 criminal sexual assault, and criminal sexual assault if
23 committed on or before December 12, 2005, 3 years;

24 (1.5) except as provided in paragraph (7) of this
25 subsection (d), for a Class X felony except for the
26 offenses of predatory criminal sexual assault of a child,

1 aggravated criminal sexual assault, and criminal sexual
2 assault if committed on or after December 13, 2005 (the
3 effective date of Public Act 94-715) and except for the
4 offense of aggravated child pornography under Section
5 11-20.1B., 11-20.3, or 11-20.1 with sentencing under
6 subsection (c-5) of Section 11-20.1 of the Criminal Code
7 of 1961 or the Criminal Code of 2012, if committed on or
8 after January 1, 2009, 18 months;

9 (2) except as provided in paragraph (7) of this
10 subsection (d), for a Class 1 felony or a Class 2 felony
11 except for the offense of criminal sexual assault if
12 committed on or after December 13, 2005 (the effective
13 date of Public Act 94-715) and except for the offenses of
14 manufacture and dissemination of child pornography under
15 clauses (a)(1) and (a)(2) of Section 11-20.1 of the
16 Criminal Code of 1961 or the Criminal Code of 2012, if
17 committed on or after January 1, 2009, 12 months;

18 (3) except as provided in paragraph (4), (6), or (7)
19 of this subsection (d), a mandatory supervised release
20 term shall not be imposed for a Class 3 felony or a Class 4
21 felony; unless:

22 (A) the Prisoner Review Board, based on a
23 validated risk and needs assessment, determines it is
24 necessary for an offender to serve a mandatory
25 supervised release term;

26 (B) if the Prisoner Review Board determines a

1 mandatory supervised release term is necessary
2 pursuant to subparagraph (A) of this paragraph (3),
3 the Prisoner Review Board shall specify the maximum
4 number of months of mandatory supervised release the
5 offender may serve, limited to a term of: (i) 12 months
6 for a Class 3 felony; and (ii) 12 months for a Class 4
7 felony;

8 (4) for defendants who commit the offense of predatory
9 criminal sexual assault of a child, aggravated criminal
10 sexual assault, or criminal sexual assault, on or after
11 the effective date of this amendatory Act of the 94th
12 General Assembly, or who commit the offense of aggravated
13 child pornography under Section 11-20.1B, 11-20.3, or
14 11-20.1 with sentencing under subsection (c-5) of Section
15 11-20.1 of the Criminal Code of 1961 or the Criminal Code
16 of 2012, manufacture of child pornography, or
17 dissemination of child pornography after January 1, 2009,
18 the term of mandatory supervised release shall range from
19 a minimum of 3 years to a maximum of the natural life of
20 the defendant;

21 (5) if the victim is under 18 years of age, for a
22 second or subsequent offense of aggravated criminal sexual
23 abuse or felony criminal sexual abuse, 4 years, at least
24 the first 2 years of which the defendant shall serve in an
25 electronic monitoring or home detention program under
26 Article 8A of Chapter V of this Code;

1 (6) for a felony domestic battery, aggravated domestic
2 battery, stalking, aggravated stalking, and a felony
3 violation of an order of protection, 4 years;

4 (7) for any felony described in paragraph (a)(2)(ii),
5 (a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3),
6 (a)(2.4), (a)(2.5), or (a)(2.6) of Article 5, Section
7 3-6-3 of the Unified Code of Corrections requiring an
8 inmate to serve a minimum of 85% of their court-imposed
9 sentence, except for the offenses of predatory criminal
10 sexual assault of a child, aggravated criminal sexual
11 assault, and criminal sexual assault if committed on or
12 after December 13, 2005 (the effective date of Public Act
13 94-715) and except for the offense of aggravated child
14 pornography under Section 11-20.1B., 11-20.3, or 11-20.1
15 with sentencing under subsection (c-5) of Section 11-20.1
16 of the Criminal Code of 1961 or the Criminal Code of 2012,
17 if committed on or after January 1, 2009 and except as
18 provided in paragraph (4) or paragraph (6) of this
19 subsection (d), the term of mandatory supervised release
20 shall be as follows:

21 (A) Class X felony, 3 years;

22 (B) Class 1 or Class 2 felonies, 2 years;

23 (C) Class 3 or Class 4 felonies, 1 year.

24 (e) (Blank).

25 (f) (Blank).

26 (g) Notwithstanding any other provisions of this Act and

1 of Public Act 101-652: (i) the provisions of paragraph (3) of
2 subsection (d) are effective on January 1, 2022 and shall
3 apply to all individuals convicted on or after the effective
4 date of paragraph (3) of subsection (d); and (ii) the
5 provisions of paragraphs (1.5) and (2) of subsection (d) are
6 effective on July 1, 2021 and shall apply to all individuals
7 convicted on or after the effective date of paragraphs (1.5)
8 and (2) of subsection (d).

9 (Source: P.A. 100-431, eff. 8-25-17; 100-1182, eff. 6-1-19;
10 101-288, eff. 1-1-20; 101-652, eff. 7-1-21.)

11 (730 ILCS 5/5-8A-4) (from Ch. 38, par. 1005-8A-4)

12 (Text of Section before amendment by P.A. 101-652)

13 Sec. 5-8A-4. Program description. The supervising
14 authority may promulgate rules that prescribe reasonable
15 guidelines under which an electronic monitoring and home
16 detention program shall operate. When using electronic
17 monitoring for home detention these rules shall include but
18 not be limited to the following:

19 (A) The participant shall remain within the interior
20 premises or within the property boundaries of his or her
21 residence at all times during the hours designated by the
22 supervising authority. Such instances of approved absences
23 from the home may include but are not limited to the
24 following:

25 (1) working or employment approved by the court or

1 traveling to or from approved employment;

2 (2) unemployed and seeking employment approved for
3 the participant by the court;

4 (3) undergoing medical, psychiatric, mental health
5 treatment, counseling, or other treatment programs
6 approved for the participant by the court;

7 (4) attending an educational institution or a
8 program approved for the participant by the court;

9 (5) attending a regularly scheduled religious
10 service at a place of worship;

11 (6) participating in community work release or
12 community service programs approved for the
13 participant by the supervising authority; or

14 (7) for another compelling reason consistent with
15 the public interest, as approved by the supervising
16 authority.

17 (B) The participant shall admit any person or agent
18 designated by the supervising authority into his or her
19 residence at any time for purposes of verifying the
20 participant's compliance with the conditions of his or her
21 detention.

22 (C) The participant shall make the necessary
23 arrangements to allow for any person or agent designated
24 by the supervising authority to visit the participant's
25 place of education or employment at any time, based upon
26 the approval of the educational institution employer or

1 both, for the purpose of verifying the participant's
2 compliance with the conditions of his or her detention.

3 (D) The participant shall acknowledge and participate
4 with the approved electronic monitoring device as
5 designated by the supervising authority at any time for
6 the purpose of verifying the participant's compliance with
7 the conditions of his or her detention.

8 (E) The participant shall maintain the following:

9 (1) a working telephone in the participant's home;

10 (2) a monitoring device in the participant's home,
11 or on the participant's person, or both; and

12 (3) a monitoring device in the participant's home
13 and on the participant's person in the absence of a
14 telephone.

15 (F) The participant shall obtain approval from the
16 supervising authority before the participant changes
17 residence or the schedule described in subsection (A) of
18 this Section.

19 (G) The participant shall not commit another crime
20 during the period of home detention ordered by the Court.

21 (H) Notice to the participant that violation of the
22 order for home detention may subject the participant to
23 prosecution for the crime of escape as described in
24 Section 5-8A-4.1.

25 (I) The participant shall abide by other conditions as
26 set by the supervising authority.

1 (Source: P.A. 99-797, eff. 8-12-16.)

2 (Text of Section after amendment by P.A. 101-652)

3 Sec. 5-8A-4. Program description. The supervising
4 authority may promulgate rules that prescribe reasonable
5 guidelines under which an electronic monitoring and home
6 detention program shall operate. When using electronic
7 monitoring for home detention these rules may include but not
8 be limited to the following:

9 (A) The participant may be instructed to remain within
10 the interior premises or within the property boundaries of
11 his or her residence at all times during the hours
12 designated by the supervising authority. Such instances of
13 approved absences from the home shall include but are not
14 limited to the following:

15 (1) working or employment approved by the court or
16 traveling to or from approved employment;

17 (2) unemployed and seeking employment approved for
18 the participant by the court;

19 (3) undergoing medical, psychiatric, mental health
20 treatment, counseling, or other treatment programs
21 approved for the participant by the court;

22 (4) attending an educational institution or a
23 program approved for the participant by the court;

24 (5) attending a regularly scheduled religious
25 service at a place of worship;

1 (6) participating in community work release or
2 community service programs approved for the
3 participant by the supervising authority; or

4 (7) for another compelling reason consistent with
5 the public interest, as approved by the supervising
6 authority.

7 (8) purchasing groceries, food, or other basic
8 necessities.

9 (A-1) At a minimum, any person ordered to pretrial
10 home confinement with or without electronic monitoring
11 must be provided with ~~open~~ movement spread out over no
12 fewer than two days per week, to participate in basic
13 activities such as those listed in paragraph (A).

14 (B) The participant shall admit any person or agent
15 designated by the supervising authority into his or her
16 residence at any time for purposes of verifying the
17 participant's compliance with the conditions of his or her
18 detention.

19 (C) The participant shall make the necessary
20 arrangements to allow for any person or agent designated
21 by the supervising authority to visit the participant's
22 place of education or employment at any time, based upon
23 the approval of the educational institution employer or
24 both, for the purpose of verifying the participant's
25 compliance with the conditions of his or her detention.

26 (D) The participant shall acknowledge and participate

1 with the approved electronic monitoring device as
2 designated by the supervising authority at any time for
3 the purpose of verifying the participant's compliance with
4 the conditions of his or her detention.

5 (E) The participant shall maintain the following:

6 (1) access to a working telephone;

7 (2) a monitoring device in the participant's home,
8 or on the participant's person, or both; and

9 (3) a monitoring device in the participant's home
10 and on the participant's person in the absence of a
11 telephone.

12 (F) The participant shall obtain approval from the
13 supervising authority before the participant changes
14 residence or the schedule described in subsection (A) of
15 this Section. Such approval shall not be unreasonably
16 withheld.

17 (G) The participant shall not commit another crime
18 during the period of home detention ordered by the Court.

19 (H) Notice to the participant that violation of the
20 order for home detention may subject the participant to
21 prosecution for the crime of escape as described in
22 Section 5-8A-4.1.

23 (I) The participant shall abide by other conditions as
24 set by the supervising authority.

25 (J) This Section takes effect January 1, 2022.

26 (Source: P.A. 101-652, eff. 7-1-21.)

1 Section 70. The County Jail Act is amended by changing
2 Section 17.7 as follows:

3 (730 ILCS 125/17.7)

4 (This Section may contain text from a Public Act with a
5 delayed effective date)

6 Sec. 17.7. Educational programming ~~programming~~ for pregnant
7 prisoners. The Illinois Department of Public Health shall
8 provide the sheriff with educational programming relating to
9 pregnancy and parenting and the sheriff shall provide the
10 programming to pregnant prisoners ~~sheriff shall develop and~~
11 ~~provide to each pregnant prisoner educational programming~~
12 ~~relating to pregnancy and parenting~~. The programming must
13 include instruction regarding:

- 14 (1) appropriate prenatal care and hygiene;
15 (2) the effects of prenatal exposure to alcohol and
16 drugs on a developing fetus;
17 (3) parenting skills; and
18 (4) medical and mental health issues applicable to
19 children.

20 (Source: P.A. 101-652, eff. 7-1-21.)

21 Section 75. The Reporting of Deaths in Custody Act is
22 amended by changing Section 3-5 as follows:

1 (730 ILCS 210/3-5)

2 (This Section may contain text from a Public Act with a
3 delayed effective date)

4 Sec. 3-5. Report of deaths of persons in custody in
5 correctional institutions.

6 (a) In this Act, "law enforcement agency" includes each
7 law enforcement entity within this State having the authority
8 to arrest and detain persons suspected of, or charged with,
9 committing a criminal offense, and each law enforcement entity
10 that operates a lock up, jail, prison, or any other facility
11 used to detain persons for legitimate law enforcement
12 purposes.

13 (b) In any case in which a person dies:

14 (1) while in the custody of:

15 (A) a law enforcement agency;

16 (B) a local or State correctional facility in this
17 State; or

18 (C) a peace officer; or

19 (2) as a result of the peace officer's use of force,
20 the law enforcement agency shall investigate and report
21 the death in writing to the Illinois Criminal Justice
22 Information Authority, no later than 30 days after the
23 date on which the person in custody or incarcerated died.
24 The written report shall contain the following
25 information:

26 (A) the following facts concerning the death that

1 are in the possession of the law enforcement agency in
2 charge of the investigation and the correctional
3 facility where the death occurred ~~including, but not~~
4 ~~limited to, race, age, and gender,~~ sexual orientation,
5 and gender identity of the decedent, and a brief
6 description of causes, contributing factors and the
7 circumstances surrounding the death;

8 (B) if the death occurred in ~~the custody of the~~
9 ~~Illinois Department of Corrections,~~ the report shall
10 also include the jurisdiction, the law enforcement
11 agency providing the investigation, and the local or
12 State facility where the death occurred;

13 (C) if the death occurred in ~~the custody of the~~
14 ~~Illinois Department of Corrections,~~ the report shall
15 also include if emergency care was requested by the
16 law enforcement agency in response to any illness,
17 injury, self-inflicted or otherwise, or other issue
18 related to rapid deterioration of physical wellness or
19 human subsistence, and details concerning emergency
20 care that were provided to the decedent if emergency
21 care was provided.

22 (c) The law enforcement agency and the involved
23 correctional administrators shall make a good faith effort to
24 obtain all relevant facts and circumstances relevant to the
25 death and include those in the report.

26 (d) The Illinois Criminal Justice Information Authority

1 shall create a standardized form to be used for the purpose of
2 collecting information as described in subsection (b). The
3 information shall comply with this Act and the Federal Death
4 in Custody Reporting Act of 2013.

5 (e) Law enforcement agencies shall use the form described
6 in subsection (d) to report all cases in which a person dies:

7 (1) while in the custody of:

8 (A) a law enforcement agency;

9 (B) a local or State correctional facility in this
10 State; or

11 (C) a peace officer; or

12 (2) as a result of the peace officer's use of force.

13 (f) The Illinois Criminal Justice Information Authority
14 may determine the manner in which the form is transmitted from
15 a law enforcement agency to the Illinois Criminal Justice
16 Information Authority. All state agencies that collect similar
17 records as required under this Act, including Illinois State
18 Police, Illinois Department of Corrections, and Illinois
19 Department of Juvenile Justice, shall collaborate with the
20 Illinois Criminal Justice and Information Authority to collect
21 the information in this Act.

22 (g) The reports shall be public records within the meaning
23 of subsection (c) of Section 2 of the Freedom of Information
24 Act and are open to public inspection, with the exception of
25 any portion of the report that the Illinois Criminal Justice
26 Information Authority determines is privileged or protected

1 under Illinois or federal law.

2 (g-5) The Illinois Criminal Justice Information Authority
3 shall begin collecting this information by January 1, 2022.
4 The reports and publications in subsections (h) and below
5 shall begin by June 1, 2022.

6 (h) The Illinois Criminal Justice Information Authority
7 shall make available to the public information of all
8 individual reports relating to deaths in custody through the
9 Illinois Criminal Justice Information Authority's website to
10 be updated on a quarterly basis.

11 (i) The Illinois Criminal Justice Information Authority
12 shall issue a public annual report tabulating and evaluating
13 trends and information on deaths in custody, including, but
14 not limited to:

15 (1) information regarding the race, gender, sexual
16 orientation, and gender identity of the decedent; and a
17 brief description of the circumstances surrounding the
18 death;

19 (2) if the death occurred in ~~the custody of the~~
20 ~~Illinois Department of Corrections~~, the report shall also
21 include the jurisdiction, law enforcement agency providing
22 the investigation, and local or State facility where the
23 death occurred; and

24 (3) recommendations and State and local efforts
25 underway to reduce deaths in custody.

26 The report shall be submitted to the Governor and General

1 Assembly and made available to the public on the Illinois
2 Criminal Justice Information Authority's website the first
3 week of February of each year.

4 (j) So that the State may oversee the healthcare provided
5 to any person in the custody of each law enforcement agency
6 within this State, provision of medical services to these
7 persons, general care and treatment, and any other factors
8 that may contribute to the death of any of these persons, the
9 following information shall be made available to the public on
10 the Illinois Criminal Justice Information Authority's website:

11 (1) the number of deaths that occurred during the
12 preceding calendar year;

13 (2) the known, or discoverable upon reasonable
14 inquiry, causes and contributing factors of each of the
15 in-custody deaths as defined in subsection (b); and

16 (3) the law enforcement agency's policies, procedures,
17 and protocols related to:

18 (A) treatment of a person experiencing withdrawal
19 from alcohol or substance use;

20 (B) the facility's provision, or lack of
21 provision, of medications used to treat, mitigate, or
22 address a person's symptoms; and

23 (C) notifying an inmate's next of kin after the
24 inmate's in-custody death.

25 (k) The family, next of kin, or any other person
26 reasonably nominated by the decedent as an emergency contact

1 shall be notified as soon as possible in a suitable manner
2 giving an accurate factual account of the cause of death and
3 circumstances surrounding the death in custody in accordance
4 with State and federal law.

5 (l) The law enforcement agency or correctional facility
6 shall name a staff person to act as dedicated family liaison
7 officer to be a point of contact for the family, to make and
8 maintain contact with the family, to report ongoing
9 developments and findings of investigations, and to provide
10 information and practical support. If requested by the
11 deceased's next of kin, the law enforcement agency or
12 correctional facility shall arrange for a chaplain, counselor,
13 or other suitable staff member to meet with the family and
14 discuss any faith considerations or concerns. The family has a
15 right to the medical records of a family member who has died in
16 custody and these records shall be disclosed to them in
17 accordance with State and federal law.

18 (m) Each department shall assign an employee or employees
19 to file reports under this Section. It is unlawful for a person
20 who is required under this Section to investigate a death or
21 file a report to fail to include in the report facts known or
22 discovered in the investigation to the Illinois Criminal
23 Justice Information Authority. A violation of this Section is
24 a petty offense, with fine not to exceed \$500.

25 (Source: P.A. 101-652, eff. 7-1-21.)

1 Section 95. No acceleration or delay. Except as otherwise
2 expressly provided in Sections 3, 15, 55, 60, and 65, where
3 this Act makes changes in a statute that is represented in this
4 Act by text that is not yet or no longer in effect (for
5 example, a Section represented by multiple versions), the use
6 of that text does not accelerate or delay the taking effect of
7 (i) the changes made by this Act or (ii) provisions derived
8 from any other Public Act.

9 Section 97. Severability. The provisions of this Act are
10 severable under Section 1.31 of the Statute on Statutes.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.