



Sen. Elgie R. Sims, Jr.

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10200HB3443sam005

LRB102 12812 RLC 27417 a

1 AMENDMENT TO HOUSE BILL 3443

2 AMENDMENT NO. _____. Amend House Bill 3443, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

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

7 (5 ILCS 315/14) (from Ch. 48, par. 1614)

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

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

11 (a) In the case of collective bargaining agreements
12 involving units of security employees of a public employer,
13 Peace Officer Units, or units of fire fighters or paramedics,
14 and in the case of disputes under Section 18, unless the
15 parties mutually agree to some other time limit, mediation
16 shall commence 30 days prior to the expiration date of such

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

20 (b) Within 10 days after such a request for arbitration
21 has been made, the employer shall choose a delegate and the
22 employees' exclusive representative shall choose a delegate to
23 a panel of arbitration as provided in this Section. The
24 employer and employees shall forthwith advise the other and
25 the Board of their selections.

26 (c) Within 7 days after the request of either party, the

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

1 which party shall strike the first name. If the parties fail to
2 notify the Board in a timely manner of their selection for
3 neutral chairman, the Board shall appoint a neutral chairman
4 from the Illinois Public Employees Mediation/Arbitration
5 Roster.

6 (d) The chairman shall call a hearing to begin within 15
7 days and give reasonable notice of the time and place of the
8 hearing. The hearing shall be held at the offices of the Board
9 or at such other location as the Board deems appropriate. The
10 chairman shall preside over the hearing and shall take
11 testimony. Any oral or documentary evidence and other data
12 deemed relevant by the arbitration panel may be received in
13 evidence. The proceedings shall be informal. Technical rules
14 of evidence shall not apply and the competency of the evidence
15 shall not thereby be deemed impaired. A verbatim record of the
16 proceedings shall be made and the arbitrator shall arrange for
17 the necessary recording service. Transcripts may be ordered at
18 the expense of the party ordering them, but the transcripts
19 shall not be necessary for a decision by the arbitration
20 panel. The expense of the proceedings, including a fee for the
21 chairman, shall be borne equally by each of the parties to the
22 dispute. The delegates, if public officers or employees, shall
23 continue on the payroll of the public employer without loss of
24 pay. The hearing conducted by the arbitration panel may be
25 adjourned from time to time, but unless otherwise agreed by
26 the parties, shall be concluded within 30 days of the time of

1 its commencement. Majority actions and rulings shall
2 constitute the actions and rulings of the arbitration panel.
3 Arbitration proceedings under this Section shall not be
4 interrupted or terminated by reason of any unfair labor
5 practice charge filed by either party at any time.

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

19 (f) At any time before the rendering of an award, the
20 chairman of the arbitration panel, if he is of the opinion that
21 it would be useful or beneficial to do so, may remand the
22 dispute to the parties for further collective bargaining for a
23 period not to exceed 2 weeks. If the dispute is remanded for
24 further collective bargaining the time provisions of this Act
25 shall be extended for a time period equal to that of the
26 remand. The chairman of the panel of arbitration shall notify

1 the Board of the remand.

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

22 (h) Where there is no agreement between the parties, or
23 where there is an agreement but the parties have begun
24 negotiations or discussions looking to a new agreement or
25 amendment of the existing agreement, and wage rates or other
26 conditions of employment under the proposed new or amended

1 agreement are in dispute, the arbitration panel shall base its
2 findings, opinions and order upon the following factors, as
3 applicable:

4 (1) The lawful authority of the employer.

5 (2) Stipulations of the parties.

6 (3) The interests and welfare of the public and the
7 financial ability of the unit of government to meet those
8 costs.

9 (4) Comparison of the wages, hours and conditions of
10 employment of the employees involved in the arbitration
11 proceeding with the wages, hours and conditions of
12 employment of other employees performing similar services
13 and with other employees generally:

14 (A) In public employment in comparable
15 communities.

16 (B) In private employment in comparable
17 communities.

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

20 (6) The overall compensation presently received by the
21 employees, including direct wage compensation, vacations,
22 holidays and other excused time, insurance and pensions,
23 medical and hospitalization benefits, the continuity and
24 stability of employment and all other benefits received.

25 (7) Changes in any of the foregoing circumstances
26 during the pendency of the arbitration proceedings.

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

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

1 to this subsection shall not be construed to limit the factors
2 upon which the decision may be based, as set forth in
3 subsection (h).

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

1 The changes to this subsection (i) made by Public Act
2 90-385 (relating to residency requirements) do not apply to
3 persons who are employed by a combined department that
4 performs both police and firefighting services; these persons
5 shall be governed by the provisions of this subsection (i)
6 relating to peace officers, as they existed before the
7 amendment by Public Act 90-385.

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

13 (j) Arbitration procedures shall be deemed to be initiated
14 by the filing of a letter requesting mediation as required
15 under subsection (a) of this Section. The commencement of a
16 new municipal fiscal year after the initiation of arbitration
17 procedures under this Act, but before the arbitration
18 decision, or its enforcement, shall not be deemed to render a
19 dispute moot, or to otherwise impair the jurisdiction or
20 authority of the arbitration panel or its decision. Increases
21 in rates of compensation awarded by the arbitration panel may
22 be effective only at the start of the fiscal year next
23 commencing after the date of the arbitration award. If a new
24 fiscal year has commenced either since the initiation of
25 arbitration procedures under this Act or since any mutually
26 agreed extension of the statutorily required period of

1 mediation under this Act by the parties to the labor dispute
2 causing a delay in the initiation of arbitration, the
3 foregoing limitations shall be inapplicable, and such awarded
4 increases may be retroactive to the commencement of the fiscal
5 year, any other statute or charter provisions to the contrary,
6 notwithstanding. At any time the parties, by stipulation, may
7 amend or modify an award of arbitration.

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

1 annum from the effective retroactive date.

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

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

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

19 The governing body shall review each term decided by the
20 arbitration panel. If the governing body fails to reject one
21 or more terms of the arbitration panel's decision by a 3/5 vote
22 of those duly elected and qualified members of the governing
23 body, within 20 days of issuance, or in the case of
24 firefighters employed by a state university, at the next
25 regularly scheduled meeting of the governing body after
26 issuance, such term or terms shall become a part of the

1 collective bargaining agreement of the parties. If the
2 governing body affirmatively rejects one or more terms of the
3 arbitration panel's decision, it must provide reasons for such
4 rejection with respect to each term so rejected, within 20
5 days of such rejection and the parties shall return to the
6 arbitration panel for further proceedings and issuance of a
7 supplemental decision with respect to the rejected terms. Any
8 supplemental decision by an arbitration panel or other
9 decision maker agreed to by the parties shall be submitted to
10 the governing body for ratification and adoption in accordance
11 with the procedures and voting requirements set forth in this
12 Section. The voting requirements of this subsection shall
13 apply to all disputes submitted to arbitration pursuant to
14 this Section notwithstanding any contrary voting requirements
15 contained in any existing collective bargaining agreement
16 between the parties.

17 (o) If the governing body of the employer votes to reject
18 the panel's decision, the parties shall return to the panel
19 within 30 days from the issuance of the reasons for rejection
20 for further proceedings and issuance of a supplemental
21 decision. All reasonable costs of such supplemental proceeding
22 including the exclusive representative's reasonable attorney's
23 fees, as established by the Board, shall be paid by the
24 employer.

25 (p) Notwithstanding the provisions of this Section the
26 employer and exclusive representative may agree to submit

1 unresolved disputes concerning wages, hours, terms and
2 conditions of employment to an alternative form of impasse
3 resolution.

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

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

6 Sec. 14. Security employee, peace officer and fire fighter
7 disputes.

8 (a) In the case of collective bargaining agreements
9 involving units of security employees of a public employer,
10 Peace Officer Units, or units of fire fighters or paramedics,
11 and in the case of disputes under Section 18, unless the
12 parties mutually agree to some other time limit, mediation
13 shall commence 30 days prior to the expiration date of such
14 agreement or at such later time as the mediation services
15 chosen under subsection (b) of Section 12 can be provided to
16 the parties. In the case of negotiations for an initial
17 collective bargaining agreement, mediation shall commence upon
18 15 days notice from either party or at such later time as the
19 mediation services chosen pursuant to subsection (b) of
20 Section 12 can be provided to the parties. In mediation under
21 this Section, if either party requests the use of mediation
22 services from the Federal Mediation and Conciliation Service,
23 the other party shall either join in such request or bear the
24 additional cost of mediation services from another source. The
25 mediator shall have a duty to keep the Board informed on the

1 progress of the mediation. If any dispute has not been
2 resolved within 15 days after the first meeting of the parties
3 and the mediator, or within such other time limit as may be
4 mutually agreed upon by the parties, either the exclusive
5 representative or employer may request of the other, in
6 writing, arbitration, and shall submit a copy of the request
7 to the Board.

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

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

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

20 (d) The chairman shall call a hearing to begin within 15
21 days and give reasonable notice of the time and place of the
22 hearing. The hearing shall be held at the offices of the Board
23 or at such other location as the Board deems appropriate. The
24 chairman shall preside over the hearing and shall take
25 testimony. Any oral or documentary evidence and other data
26 deemed relevant by the arbitration panel may be received in

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

20 (e) The arbitration panel may administer oaths, require
21 the attendance of witnesses, and the production of such books,
22 papers, contracts, agreements and documents as may be deemed
23 by it material to a just determination of the issues in
24 dispute, and for such purpose may issue subpoenas. If any
25 person refuses to obey a subpoena, or refuses to be sworn or to
26 testify, or if any witness, party or attorney is guilty of any

1 contempt while in attendance at any hearing, the arbitration
2 panel may, or the attorney general if requested shall, invoke
3 the aid of any circuit court within the jurisdiction in which
4 the hearing is being held, which court shall issue an
5 appropriate order. Any failure to obey the order may be
6 punished by the court as contempt.

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

16 (g) At or before the conclusion of the hearing held
17 pursuant to subsection (d), the arbitration panel shall
18 identify the economic issues in dispute, and direct each of
19 the parties to submit, within such time limit as the panel
20 shall prescribe, to the arbitration panel and to each other
21 its last offer of settlement on each economic issue. The
22 determination of the arbitration panel as to the issues in
23 dispute and as to which of these issues are economic shall be
24 conclusive. The arbitration panel, within 30 days after the
25 conclusion of the hearing, or such further additional periods
26 to which the parties may agree, shall make written findings of

1 fact and promulgate a written opinion and shall mail or
2 otherwise deliver a true copy thereof to the parties and their
3 representatives and to the Board. As to each economic issue,
4 the arbitration panel shall adopt the last offer of settlement
5 which, in the opinion of the arbitration panel, more nearly
6 complies with the applicable factors prescribed in subsection
7 (h). The findings, opinions and order as to all other issues
8 shall be based upon the applicable factors prescribed in
9 subsection (h).

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

18 (1) The lawful authority of the employer.

19 (2) Stipulations of the parties.

20 (3) The interests and welfare of the public and the
21 financial ability of the unit of government to meet those
22 costs.

23 (4) Comparison of the wages, hours and conditions of
24 employment of the employees involved in the arbitration
25 proceeding with the wages, hours and conditions of
26 employment of other employees performing similar services

1 and with other employees generally:

2 (A) In public employment in comparable
3 communities.

4 (B) In private employment in comparable
5 communities.

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

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

13 (7) Changes in any of the foregoing circumstances
14 during the pendency of the arbitration proceedings.

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

22 (i) In the case of peace officers, the arbitration
23 decision shall be limited to wages, hours, and conditions of
24 employment (which may include residency requirements in
25 municipalities with a population under 100,000, but those
26 residency requirements shall not allow residency outside of

1 Illinois) and shall not include the following: i) residency
2 requirements in municipalities with a population of at least
3 100,000; ii) the type of equipment, other than uniforms,
4 issued or used; iii) manning; iv) the total number of
5 employees employed by the department; v) mutual aid and
6 assistance agreements to other units of government; and vi)
7 the criterion pursuant to which force, including deadly force,
8 can be used; provided, nothing herein shall preclude an
9 arbitration decision regarding equipment or manning levels if
10 such decision is based on a finding that the equipment or
11 manning considerations in a specific work assignment involve a
12 serious risk to the safety of a peace officer beyond that which
13 is inherent in the normal performance of police duties.
14 Limitation of the terms of the arbitration decision pursuant
15 to this subsection shall not be construed to limit the factors
16 upon which the decision may be based, as set forth in
17 subsection (h).

18 In the case of fire fighter, and fire department or fire
19 district paramedic matters, the arbitration decision shall be
20 limited to wages, hours, and conditions of employment
21 (including manning and also including residency requirements
22 in municipalities with a population under 1,000,000, but those
23 residency requirements shall not allow residency outside of
24 Illinois) and shall not include the following matters: i)
25 residency requirements in municipalities with a population of
26 at least 1,000,000; ii) the type of equipment (other than

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

15 The changes to this subsection (i) made by Public Act
16 90-385 (relating to residency requirements) do not apply to
17 persons who are employed by a combined department that
18 performs both police and firefighting services; these persons
19 shall be governed by the provisions of this subsection (i)
20 relating to peace officers, as they existed before the
21 amendment by Public Act 90-385.

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

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

22 (k) Orders of the arbitration panel shall be reviewable,
23 upon appropriate petition by either the public employer or the
24 exclusive bargaining representative, by the circuit court for
25 the county in which the dispute arose or in which a majority of
26 the affected employees reside, but only for reasons that the

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

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

24 (m) Security officers of public employers, and Peace
25 Officers, Fire Fighters and fire department and fire
26 protection district paramedics, covered by this Section may

1 not withhold services, nor may public employers lock out or
2 prevent such employees from performing services at any time.

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

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

1 apply to all disputes submitted to arbitration pursuant to
2 this Section notwithstanding any contrary voting requirements
3 contained in any existing collective bargaining agreement
4 between the parties.

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

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

18 The amendatory changes to this Section made by Public Act
19 101-652 take effect July 1, 2022.

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

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

23 (20 ILCS 2610/17c)

24 Sec. 17c. Military equipment surplus program.

1 (a) For purposes of this Section:

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

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

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

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

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

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

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

7 (c) If the Illinois State Police request other property
8 not prohibited by this Section from a military equipment
9 surplus program, the Illinois State Police shall publish
10 notice of the request on a publicly accessible website
11 maintained by the Illinois State Police within 14 days after
12 the request.

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

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

17 (20 ILCS 5165/4-10)

18 (This Section may contain text from a Public Act with a
19 delayed effective date)

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

21 Sec. 4-10. Task Force Members.

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

24 (1) The president of statewide association

1 representing trial lawyers or his or her designee, the
2 executive director of a statewide association advocating
3 for the advancement of civil liberties or his or her
4 designee, a representative representing statewide labor,
5 all appointed by the Governor.

6 (2) Four members of the public appointed, one
7 appointed by each the Speaker of the House of
8 Representatives, Minority Leader of the House of
9 Representatives, Minority Leader of the House of
10 Representatives, President of the Senate, Minority Leader
11 of the Senate.

12 (3) The president of a statewide bar association or
13 his or her designee, the executive director of a statewide
14 association representing county sheriffs or his or her
15 designee, the executive director of a statewide
16 association representing chiefs of police or his or her
17 designee, a representative of the Chicago Police
18 Department, all appointed by the Governor.

19 (4) The Director of the Illinois State Police or his
20 or her designee.

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

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

23 (7) one State Representative, appointed by the Speaker
24 of the House of Representatives; one State Representative,
25 appointed by the Minority Leader of the House of
26 Representatives; one State Senator, appointed by the

1 President of the Senate; one State Senator, appointed by
2 the Minority Leader of the Senate.

3 (b) The members of the Task Force shall serve without
4 compensation.

5 (c) The Illinois Criminal Justice Information Authority
6 shall provide administrative and technical support to the Task
7 Force and be responsible for administering its operations,
8 ~~appointing a chairperson,~~ and ensuring that the requirements
9 of the Task Force are met. The President of the Senate and the
10 Speaker of the House of Representatives shall appoint
11 co-chairpersons for the Task Force. The Task Force shall have
12 all appointments made within 30 days of the effective date of
13 this amendatory Act of the 101st General Assembly.

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

15 (20 ILCS 5165/4-15)

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

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

19 Sec. 4-15. Meetings; report.

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

23 (b) The Task Force shall review available research, best
24 practices, and effective interventions to formulate
25 recommendations.

1 (c) The Task Force shall produce a report detailing the
2 Task Force's findings and recommendations and needed
3 resources. The Task Force shall submit a report of its
4 findings and recommendations to the General Assembly and the
5 Governor by October 31 ~~May 1~~, 2021.

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

7 Section 15. The Illinois Police Training Act is amended by
8 changing Sections 7, 8.1, 10.6, and 10.17 as follows:

9 (50 ILCS 705/7) (from Ch. 85, par. 507)

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

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, vehicle and
23 traffic law including uniform and non-discriminatory
24 enforcement of the Illinois Vehicle Code, traffic control

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

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

1 of human trafficking. The curriculum shall also include
2 instruction in trauma-informed responses designed to
3 ensure the physical safety and well-being of a child of an
4 arrested parent or immediate family member; this
5 instruction must include, but is not limited to: (1)
6 understanding the trauma experienced by the child while
7 maintaining the integrity of the arrest and safety of
8 officers, suspects, and other involved individuals; (2)
9 de-escalation tactics that would include the use of force
10 when reasonably necessary; and (3) inquiring whether a
11 child will require supervision and care. The curriculum
12 for permanent police officers shall include, but not be
13 limited to: (1) refresher and in-service training in any
14 of the courses listed above in this subparagraph, (2)
15 advanced courses in any of the subjects listed above in
16 this subparagraph, (3) training for supervisory personnel,
17 and (4) specialized training in subjects and fields to be
18 selected by the board. The training in the use of
19 electronic control devices shall be conducted for
20 probationary police officers, including University police
21 officers.

22 b. Minimum courses of study, attendance requirements
23 and equipment requirements.

24 c. Minimum requirements for instructors.

25 d. Minimum basic training requirements, which a
26 probationary police officer must satisfactorily complete

1 before being eligible for permanent employment as a local
2 law enforcement officer for a participating local
3 governmental agency. Those requirements shall include
4 training in first aid (including cardiopulmonary
5 resuscitation).

6 e. Minimum basic training requirements, which a
7 probationary county corrections officer must
8 satisfactorily complete before being eligible for
9 permanent employment as a county corrections officer for a
10 participating local governmental agency.

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

19 A person hired to serve as a court security officer
20 must obtain from the Board a certificate (i) attesting to
21 his or her successful completion of the training course;
22 (ii) attesting to his or her satisfactory completion of a
23 training program of similar content and number of hours
24 that has been found acceptable by the Board under the
25 provisions of this Act; or (iii) attesting to the Board's
26 determination that the training course is unnecessary

1 because of the person's extensive prior law enforcement
2 experience.

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

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

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

25 g. Minimum in-service training requirements, which a
26 police officer must satisfactorily complete every 3 years.

1 Those requirements shall include constitutional and proper
2 use of law enforcement authority, procedural justice,
3 civil rights, human rights, mental health awareness and
4 response, officer wellness, reporting child abuse and
5 neglect, and cultural competency.

6 h. Minimum in-service training requirements, which a
7 police officer must satisfactorily complete at least
8 annually. Those requirements shall include law updates and
9 use of force training which shall include scenario based
10 training, or similar training approved by the Board.

11 (Source: P.A. 100-121, eff. 1-1-18; 100-247, eff. 1-1-18;
12 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-910, eff.
13 1-1-19; 101-18, eff. 1-1-20; 101-81, eff. 7-12-19; 101-215,
14 eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff. 8-16-19;
15 101-564, eff. 1-1-20; revised 9-10-19.)

16 (Text of Section after amendment by P.A. 101-652, Article
17 10, Section 10-143 but before amendment by P.A. 101-652,
18 Article 25, Section 25-40)

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

22 a. The curriculum for probationary police officers
23 which shall be offered by all certified schools shall
24 include, but not be limited to, courses of procedural
25 justice, arrest and use and control tactics, search and

1 seizure, including temporary questioning, civil rights,
2 human rights, human relations, cultural competency,
3 including implicit bias and racial and ethnic sensitivity,
4 criminal law, law of criminal procedure, constitutional
5 and proper use of law enforcement authority, crisis
6 intervention training, vehicle and traffic law including
7 uniform and non-discriminatory enforcement of the Illinois
8 Vehicle Code, traffic control and accident investigation,
9 techniques of obtaining physical evidence, court
10 testimonies, statements, reports, firearms training,
11 training in the use of electronic control devices,
12 including the psychological and physiological effects of
13 the use of those devices on humans, first-aid (including
14 cardiopulmonary resuscitation), training in the
15 administration of opioid antagonists as defined in
16 paragraph (1) of subsection (e) of Section 5-23 of the
17 Substance Use Disorder Act, handling of juvenile
18 offenders, recognition of mental conditions and crises,
19 including, but not limited to, the disease of addiction,
20 which require immediate assistance and response and
21 methods to safeguard and provide assistance to a person in
22 need of mental treatment, recognition of abuse, neglect,
23 financial exploitation, and self-neglect of adults with
24 disabilities and older adults, as defined in Section 2 of
25 the Adult Protective Services Act, crimes against the
26 elderly, law of evidence, the hazards of high-speed police

1 vehicle chases with an emphasis on alternatives to the
2 high-speed chase, and physical training. The curriculum
3 shall include specific training in techniques for
4 immediate response to and investigation of cases of
5 domestic violence and of sexual assault of adults and
6 children, including cultural perceptions and common myths
7 of sexual assault and sexual abuse as well as interview
8 techniques that are age sensitive and are trauma informed,
9 victim centered, and victim sensitive. The curriculum
10 shall include training in techniques designed to promote
11 effective communication at the initial contact with crime
12 victims and ways to comprehensively explain to victims and
13 witnesses their rights under the Rights of Crime Victims
14 and Witnesses Act and the Crime Victims Compensation Act.
15 The curriculum shall also include training in effective
16 recognition of and responses to stress, trauma, and
17 post-traumatic stress experienced by police officers that
18 is consistent with Section 25 of the Illinois Mental
19 Health First Aid Training Act in a peer setting, including
20 recognizing signs and symptoms of work-related cumulative
21 stress, issues that may lead to suicide, and solutions for
22 intervention with peer support resources. The curriculum
23 shall include a block of instruction addressing the
24 mandatory reporting requirements under the Abused and
25 Neglected Child Reporting Act. The curriculum shall also
26 include a block of instruction aimed at identifying and

1 interacting with persons with autism and other
2 developmental or physical disabilities, reducing barriers
3 to reporting crimes against persons with autism, and
4 addressing the unique challenges presented by cases
5 involving victims or witnesses with autism and other
6 developmental disabilities. The curriculum shall include
7 training in the detection and investigation of all forms
8 of human trafficking. The curriculum shall also include
9 instruction in trauma-informed responses designed to
10 ensure the physical safety and well-being of a child of an
11 arrested parent or immediate family member; this
12 instruction must include, but is not limited to: (1)
13 understanding the trauma experienced by the child while
14 maintaining the integrity of the arrest and safety of
15 officers, suspects, and other involved individuals; (2)
16 de-escalation tactics that would include the use of force
17 when reasonably necessary; and (3) inquiring whether a
18 child will require supervision and care. The curriculum
19 for probationary police officers shall include: (1) at
20 least 12 hours of hands-on, scenario-based role-playing;
21 (2) at least 6 hours of instruction on use of force
22 techniques, including the use of de-escalation techniques
23 to prevent or reduce the need for force whenever safe and
24 feasible; (3) specific training on officer safety
25 techniques, including cover, concealment, and time; and
26 (4) at least 6 hours of training focused on high-risk

1 traffic stops. The curriculum for permanent police
2 officers shall include, but not be limited to: (1)
3 refresher and in-service training in any of the courses
4 listed above in this subparagraph, (2) advanced courses in
5 any of the subjects listed above in this subparagraph, (3)
6 training for supervisory personnel, and (4) specialized
7 training in subjects and fields to be selected by the
8 board. The training in the use of electronic control
9 devices shall be conducted for probationary police
10 officers, including University police officers.

11 b. Minimum courses of study, attendance requirements
12 and equipment requirements.

13 c. Minimum requirements for instructors.

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

21 e. Minimum basic training requirements, which a
22 probationary county corrections officer must
23 satisfactorily complete before being eligible for
24 permanent employment as a county corrections officer for a
25 participating local governmental agency.

26 f. Minimum basic training requirements which a

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

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

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

25 All individuals hired as court security officers on or
26 after June 1, 1997 (the effective date of Public Act

1 89-685) shall be certified within 12 months of the date of
2 their hire, unless a waiver has been obtained by the
3 Board, or they shall forfeit their positions.

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

14 g. Minimum in-service training requirements, which a
15 police officer must satisfactorily complete every 3 years.
16 Those requirements shall include constitutional and proper
17 use of law enforcement authority, procedural justice,
18 civil rights, human rights, reporting child abuse and
19 neglect, and cultural competency, including implicit bias
20 and racial and ethnic sensitivity. These trainings shall
21 consist of at least 30 hours of training every 3 years.

22 h. Minimum in-service training requirements, which a
23 police officer must satisfactorily complete at least
24 annually. Those requirements shall include law updates,
25 emergency medical response training and certification,
26 crisis intervention training, and officer wellness and

1 mental health.

2 i. Minimum in-service training requirements as set
3 forth in Section 10.6.

4 The amendatory changes to this Section made by Public Act
5 101-652 shall take effect January 1, 2022.

6 (Source: P.A. 100-121, eff. 1-1-18; 100-247, eff. 1-1-18;
7 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-910, eff.
8 1-1-19; 101-18, eff. 1-1-20; 101-81, eff. 7-12-19; 101-215,
9 eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff. 8-16-19;
10 101-564, eff. 1-1-20; P.A. 101-652, Article 10, Section
11 10-143, eff. 7-1-21.)

12 (Text of Section after amendment by P.A. 101-652, Article
13 25, Section 25-40)

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

17 a. The curriculum for probationary law enforcement
18 officers which shall be offered by all certified schools
19 shall include, but not be limited to, courses of
20 procedural justice, arrest and use and control tactics,
21 search and seizure, including temporary questioning, civil
22 rights, human rights, human relations, cultural
23 competency, including implicit bias and racial and ethnic
24 sensitivity, criminal law, law of criminal procedure,
25 constitutional and proper use of law enforcement

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

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

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

1 courses in any of the subjects listed above in this
2 subparagraph, (3) training for supervisory personnel, and
3 (4) specialized training in subjects and fields to be
4 selected by the board. The training in the use of
5 electronic control devices shall be conducted for
6 probationary law enforcement officers, including
7 University police officers.

8 b. Minimum courses of study, attendance requirements
9 and equipment requirements.

10 c. Minimum requirements for instructors.

11 d. Minimum basic training requirements, which a
12 probationary law enforcement officer must satisfactorily
13 complete before being eligible for permanent employment as
14 a local law enforcement officer for a participating local
15 governmental or State ~~state~~ governmental agency. Those
16 requirements shall include training in first aid
17 (including cardiopulmonary resuscitation).

18 e. Minimum basic training requirements, which a
19 probationary county corrections officer must
20 satisfactorily complete before being eligible for
21 permanent employment as a county corrections officer for a
22 participating local governmental agency.

23 f. Minimum basic training requirements which a
24 probationary court security officer must satisfactorily
25 complete before being eligible for permanent employment as
26 a court security officer for a participating local

1 governmental agency. The Board shall establish those
2 training requirements which it considers appropriate for
3 court security officers and shall certify schools to
4 conduct that training.

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

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

22 All individuals hired as court security officers on or
23 after June 1, 1997 (the effective date of Public Act
24 89-685) shall be certified within 12 months of the date of
25 their hire, unless a waiver has been obtained by the
26 Board, or they shall forfeit their positions.

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

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

20 h. Minimum in-service training requirements, which a
21 law enforcement officer must satisfactorily complete at
22 least annually. Those requirements shall include law
23 updates, emergency medical response training and
24 certification, crisis intervention training, and officer
25 wellness and mental health.

26 i. Minimum in-service training requirements as set

1 forth in Section 10.6.

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

4 (Source: P.A. 100-121, eff. 1-1-18; 100-247, eff. 1-1-18;
5 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-910, eff.
6 1-1-19; 101-18, eff. 1-1-20; 101-81, eff. 7-12-19; 101-215,
7 eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff. 8-16-19;
8 101-564, eff. 1-1-20; P.A. 101-652, Article 10, Section
9 10-143, eff. 7-1-21; 101-652, Article 25, Section 25-40, eff.
10 1-1-22; revised 4-26-21.)

11 (50 ILCS 705/8.1) (from Ch. 85, par. 508.1)

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

13 Sec. 8.1. Full-time police and county corrections
14 officers.

15 (a) After January 1, 1976, no person shall receive a
16 permanent appointment as a law enforcement officer as defined
17 in this Act nor shall any person receive, after the effective
18 date of this amendatory Act of 1984, a permanent appointment
19 as a county corrections officer unless that person has been
20 awarded, within 6 months of his or her initial full-time
21 employment, a certificate attesting to his or her successful
22 completion of the Minimum Standards Basic Law Enforcement and
23 County Correctional Training Course as prescribed by the
24 Board; or has been awarded a certificate attesting to his or
25 her satisfactory completion of a training program of similar

1 content and number of hours and which course has been found
2 acceptable by the Board under the provisions of this Act; or by
3 reason of extensive prior law enforcement or county
4 corrections experience the basic training requirement is
5 determined by the Board to be illogical and unreasonable.

6 If such training is required and not completed within the
7 applicable 6 months, then the officer must forfeit his or her
8 position, or the employing agency must obtain a waiver from
9 the Board extending the period for compliance. Such waiver
10 shall be issued only for good and justifiable reasons, and in
11 no case shall extend more than 90 days beyond the initial 6
12 months. Any hiring agency that fails to train a law
13 enforcement officer within this period shall be prohibited
14 from employing this individual in a law enforcement capacity
15 for one year from the date training was to be completed. If an
16 agency again fails to train the individual a second time, the
17 agency shall be permanently barred from employing this
18 individual in a law enforcement capacity.

19 (b) No provision of this Section shall be construed to
20 mean that a law enforcement officer employed by a local
21 governmental agency at the time of the effective date of this
22 amendatory Act, either as a probationary police officer or as
23 a permanent police officer, shall require certification under
24 the provisions of this Section. No provision of this Section
25 shall be construed to mean that a county corrections officer
26 employed by a local governmental agency at the time of the

1 effective date of this amendatory Act of 1984, either as a
2 probationary county corrections or as a permanent county
3 corrections officer, shall require certification under the
4 provisions of this Section. No provision of this Section shall
5 be construed to apply to certification of elected county
6 sheriffs.

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

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

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

11 Sec. 8.1. Full-time law enforcement and county corrections
12 officers.

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

1 requirement is determined by the Board to be illogical and
2 unreasonable.

3 If such training is required and not completed within the
4 applicable 6 months, then the officer must forfeit the
5 officer's position, or the employing agency must obtain a
6 waiver from the Board extending the period for compliance.
7 Such waiver shall be issued only for good and justifiable
8 reasons, and in no case shall extend more than 90 days beyond
9 the initial 6 months. Any hiring agency that fails to train a
10 law enforcement officer within this period shall be prohibited
11 from employing this individual in a law enforcement capacity
12 for one year from the date training was to be completed. If an
13 agency again fails to train the individual a second time, the
14 agency shall be permanently barred from employing this
15 individual in a law enforcement capacity.

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

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

4 (b) Inactive status. A person who has an inactive law
5 enforcement officer certification has no law enforcement
6 authority.

7 (1) A law enforcement officer's certification becomes
8 inactive upon termination, resignation, retirement, or
9 separation from the officer's employing governmental
10 agency for any reason. The Board shall re-activate a
11 certification upon written application from the law
12 enforcement officer's governmental agency that shows the
13 law enforcement officer: (i) has accepted a full-time law
14 enforcement position with that governmental agency, (ii)
15 is not the subject of a decertification proceeding, and
16 (iii) meets all other criteria for re-activation required
17 by the Board. The Board may also establish special
18 training requirements to be completed as a condition for
19 re-activation.

20 A law enforcement officer who is refused reactivation
21 under this Section may request a hearing in accordance
22 with the hearing procedures as outlined in subsection (h)
23 of Section 6.3 of this Act.

24 The Board may refuse to re-activate the certification
25 of a law enforcement officer who was involuntarily
26 terminated for good cause by his or her governmental

1 agency for conduct subject to decertification under this
2 Act or resigned or retired after receiving notice of a
3 governmental agency's investigation.

4 (2) A law enforcement officer who is currently
5 certified can place his or her certificate on inactive
6 status by sending a written request to the Board. A law
7 enforcement officer whose certificate has been placed on
8 inactive status shall not function as a law enforcement
9 officer until the officer has completed any requirements
10 for reactivating the certificate as required by the Board.
11 A request for inactive status in this subsection shall be
12 in writing, accompanied by verifying documentation, and
13 shall be submitted to the Board with a copy to the chief
14 administrator of the law enforcement officer's
15 governmental agency.

16 (3) Certification that has become inactive under
17 paragraph (2) of this subsection (b), shall be reactivated
18 by written notice from the law enforcement officer's
19 agency upon a showing that the law enforcement officer is:
20 (i) employed in a full-time law enforcement position with
21 the same governmental agency (ii) not the subject of a
22 decertification proceeding, and (iii) meets all other
23 criteria for re-activation required by the Board.

24 (4) Notwithstanding paragraph (3) of this subsection
25 (b), a law enforcement officer whose certification has
26 become inactive under paragraph (2) may have the officer's

1 governmental agency submit a request for a waiver of
2 training requirements to the Board. A grant of a waiver is
3 within the discretion of the Board. Within 7 days of
4 receiving a request for a waiver under this section, the
5 Board shall notify the law enforcement officer and the
6 chief administrator of the law enforcement officer's
7 governmental agency, whether the request has been granted,
8 denied, or if the Board will take additional time for
9 information. A law enforcement officer whose request for a
10 waiver under this subsection is denied is entitled to
11 appeal the denial to the Board within 20 days of the waiver
12 being denied.

13 (c) No provision of this Section shall be construed to
14 mean that a county corrections officer employed by a
15 governmental agency at the time of the effective date of this
16 amendatory Act, either as a probationary county corrections or
17 as a permanent county corrections officer, shall require
18 certification under the provisions of this Section. No
19 provision of this Section shall be construed to apply to
20 certification of elected county sheriffs.

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

1 (e) All law enforcement officers must report the
2 completion of the training requirements required in this Act
3 in compliance with Section 8.4 of this Act.

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

10 (f) This Section does not apply to part-time law
11 enforcement officers or probationary part-time law enforcement
12 officers.

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

14 (50 ILCS 705/10.6)

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

17 Sec. 10.6. Mandatory training to be completed every 3
18 years. The Board shall adopt rules and minimum standards for
19 in-service training requirements as set forth in this Section.
20 The training shall provide officers with knowledge of policies
21 and laws regulating the use of force; equip officers with
22 tactics and skills, including de-escalation techniques, to
23 prevent or reduce the need to use force or, when force must be
24 used, to use force that is objectively reasonable, necessary,
25 and proportional under the totality of the circumstances; and

1 ensure appropriate supervision and accountability. The
2 training ~~shall consist of at least 30 hours of training every 3~~
3 ~~years and~~ shall include:

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

6 (2) At least 6 hours of instruction on use of force
7 techniques, including the use of de-escalation techniques
8 to prevent or reduce the need for force whenever safe and
9 feasible.

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

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

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

17 This Section takes effect January 1, 2022.

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

19 (50 ILCS 705/10.17)

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

21 Sec. 10.17. Crisis intervention team training; mental
22 health awareness training.

23 (a) The Illinois Law Enforcement Training Standards Board
24 shall develop and approve a standard curriculum for certified
25 training programs in crisis intervention addressing

1 specialized policing responses to people with mental
2 illnesses. The Board shall conduct Crisis Intervention Team
3 (CIT) training programs that train officers to identify signs
4 and symptoms of mental illness, to de-escalate situations
5 involving individuals who appear to have a mental illness, and
6 connect that person in crisis to treatment. Officers who have
7 successfully completed this program shall be issued a
8 certificate attesting to their attendance of a Crisis
9 Intervention Team (CIT) training program.

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

22 (Source: P.A. 99-261, eff. 1-1-16; 99-642, eff. 7-28-16;
23 100-247, eff. 1-1-18.)

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

25 Sec. 10.17. Crisis intervention team training; mental

1 health awareness training.

2 (a) The Illinois Law Enforcement Training Standards Board
3 shall develop and approve a standard curriculum for certified
4 training programs in crisis intervention, including a
5 specialty certification course of at least 40 hours,
6 addressing specialized policing responses to people with
7 mental illnesses. The Board shall conduct Crisis Intervention
8 Team (CIT) training programs that train officers to identify
9 signs and symptoms of mental illness, to de-escalate
10 situations involving individuals who appear to have a mental
11 illness, and connect that person in crisis to treatment.
12 Crisis Intervention Team (CIT) training programs shall be a
13 collaboration between law enforcement professionals, mental
14 health providers, families, and consumer advocates and must
15 minimally include the following components: (1) basic
16 information about mental illnesses and how to recognize them;
17 (2) information about mental health laws and resources; (3)
18 learning from family members of individuals with mental
19 illness and their experiences; and (4) verbal de-escalation
20 training and role-plays. Officers who have successfully
21 completed this program shall be issued a certificate attesting
22 to their attendance of a Crisis Intervention Team (CIT)
23 training program.

24 (b) The Board shall create an introductory course
25 incorporating adult learning models that provides law
26 enforcement officers with an awareness of mental health issues

1 including a history of the mental health system, types of
2 mental health illness including signs and symptoms of mental
3 illness and common treatments and medications, and the
4 potential interactions law enforcement officers may have on a
5 regular basis with these individuals, their families, and
6 service providers including de-escalating a potential crisis
7 situation. This course, in addition to other traditional
8 learning settings, may be made available in an electronic
9 format.

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

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

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

16 (50 ILCS 706/10-15)

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

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

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

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

2 Sec. 10-15. Applicability.

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

7 (b) All law enforcement agencies must implement the use of
8 body cameras for all law enforcement officers, according to
9 the following schedule:

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

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

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

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

21 (5) for all State agencies with law enforcement
22 officers and other remaining law enforcement agencies ~~the~~
23 ~~Department of State Police~~, body cameras shall be
24 implemented by January 1, 2025.

25 (c) A law enforcement agency's compliance with the
26 requirements under this Section shall receive preference by

1 the Illinois Law Enforcement Training Standards Board in
2 awarding grant funding under the Law Enforcement Camera Grant
3 Act.

4 (d) This Section does not apply to court security
5 officers, State's Attorney investigators, and Attorney General
6 investigators.

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

8 (50 ILCS 706/10-20)

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

10 Sec. 10-20. Requirements.

11 (a) The Board shall develop basic guidelines for the use
12 of officer-worn body cameras by law enforcement agencies. The
13 guidelines developed by the Board shall be the basis for the
14 written policy which must be adopted by each law enforcement
15 agency which employs the use of officer-worn body cameras. The
16 written policy adopted by the law enforcement agency must
17 include, at a minimum, all of the following:

18 (1) Cameras must be equipped with pre-event recording,
19 capable of recording at least the 30 seconds prior to
20 camera activation, unless the officer-worn body camera was
21 purchased and acquired by the law enforcement agency prior
22 to July 1, 2015.

23 (2) Cameras must be capable of recording for a period
24 of 10 hours or more, unless the officer-worn body camera
25 was purchased and acquired by the law enforcement agency

1 prior to July 1, 2015.

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

7 (A) If exigent circumstances exist which prevent
8 the camera from being turned on, the camera must be
9 turned on as soon as practicable.

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

15 (4) Cameras must be turned off when:

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

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

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

25 However, an officer may continue to record or resume
26 recording a victim or a witness, if exigent circumstances

1 exist, or if the officer has reasonable articulable
2 suspicion that a victim or witness, or confidential
3 informant has committed or is in the process of committing
4 a crime. Under these circumstances, and unless impractical
5 or impossible, the officer must indicate on the recording
6 the reason for continuing to record despite the request of
7 the victim or witness.

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

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

23 (6) For the purposes of redaction, labeling, or
24 duplicating recordings, access to camera recordings shall
25 be restricted to only those personnel responsible for
26 those purposes. The recording officer and his or her

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

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

9 (A) Under no circumstances shall any recording
10 made with an officer-worn body camera be altered,
11 erased, or destroyed prior to the expiration of the
12 90-day storage period.

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

18 (i) a formal or informal complaint has been
19 filed;

20 (ii) the officer discharged his or her firearm
21 or used force during the encounter;

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

24 (iv) the encounter resulted in a detention or
25 an arrest, excluding traffic stops which resulted
26 in only a minor traffic offense or business

1 offense;

2 (v) the officer is the subject of an internal
3 investigation or otherwise being investigated for
4 possible misconduct;

5 (vi) the supervisor of the officer,
6 prosecutor, defendant, or court determines that
7 the encounter has evidentiary value in a criminal
8 prosecution; or

9 (vii) the recording officer requests that the
10 video be flagged for official purposes related to
11 his or her official duties.

12 (C) Under no circumstances shall any recording
13 made with an officer-worn body camera relating to a
14 flagged encounter be altered or destroyed prior to 2
15 years after the recording was flagged. If the flagged
16 recording was used in a criminal, civil, or
17 administrative proceeding, the recording shall not be
18 destroyed except upon a final disposition and order
19 from the court.

20 (8) Following the 90-day storage period, recordings
21 may be retained if a supervisor at the law enforcement
22 agency designates the recording for training purposes. If
23 the recording is designated for training purposes, the
24 recordings may be viewed by officers, in the presence of a
25 supervisor or training instructor, for the purposes of
26 instruction, training, or ensuring compliance with agency

1 policies.

2 (9) Recordings shall not be used to discipline law
3 enforcement officers unless:

4 (A) a formal or informal complaint of misconduct
5 has been made;

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

7 (C) the encounter on the recording could result in
8 a formal investigation under the Uniform Peace
9 Officers' Disciplinary Act; or

10 (D) as corroboration of other evidence of
11 misconduct.

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

15 (10) The law enforcement agency shall ensure proper
16 care and maintenance of officer-worn body cameras. Upon
17 becoming aware, officers must as soon as practical
18 document and notify the appropriate supervisor of any
19 technical difficulties, failures, or problems with the
20 officer-worn body camera or associated equipment. Upon
21 receiving notice, the appropriate supervisor shall make
22 every reasonable effort to correct and repair any of the
23 officer-worn body camera equipment.

24 (11) No officer may hinder or prohibit any person, not
25 a law enforcement officer, from recording a law
26 enforcement officer in the performance of his or her

1 duties in a public place or when the officer has no
2 reasonable expectation of privacy. The law enforcement
3 agency's written policy shall indicate the potential
4 criminal penalties, as well as any departmental
5 discipline, which may result from unlawful confiscation or
6 destruction of the recording medium of a person who is not
7 a law enforcement officer. However, an officer may take
8 reasonable action to maintain safety and control, secure
9 crime scenes and accident sites, protect the integrity and
10 confidentiality of investigations, and protect the public
11 safety and order.

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

15 (1) if the subject of the encounter has a reasonable
16 expectation of privacy, at the time of the recording, any
17 recording which is flagged, due to the filing of a
18 complaint, discharge of a firearm, use of force, arrest or
19 detention, or resulting death or bodily harm, shall be
20 disclosed in accordance with the Freedom of Information
21 Act if:

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

24 (B) the law enforcement agency obtains written
25 permission of the subject or the subject's legal
26 representative;

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

7 (3) upon request, the law enforcement agency shall
8 disclose, in accordance with the Freedom of Information
9 Act, the recording to the subject of the encounter
10 captured on the recording or to the subject's attorney, or
11 the officer or his or her legal representative.

12 For the purposes of paragraph (1) of this subsection (b),
13 the subject of the encounter does not have a reasonable
14 expectation of privacy if the subject was arrested as a result
15 of the encounter. For purposes of subparagraph (A) of
16 paragraph (1) of this subsection (b), "witness" does not
17 include a person who is a victim or who was arrested as a
18 result of the encounter.

19 Only recordings or portions of recordings responsive to
20 the request shall be available for inspection or reproduction.
21 Any recording disclosed under the Freedom of Information Act
22 shall be redacted to remove identification of any person that
23 appears on the recording and is not the officer, a subject of
24 the encounter, or directly involved in the encounter. Nothing
25 in this subsection (b) shall require the disclosure of any
26 recording or portion of any recording which would be exempt

1 from disclosure under the Freedom of Information Act.

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

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

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

7 Sec. 10-20. Requirements.

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

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

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

24 (3) Cameras must be turned on at all times when the
25 officer is in uniform and is responding to calls for

1 service or engaged in any law enforcement-related
2 encounter or activity, that occurs while the officer is on
3 duty.

4 (A) If exigent circumstances exist which prevent
5 the camera from being turned on, the camera must be
6 turned on as soon as practicable.

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

12 (C) Officer-worn body cameras may be turned off
13 when the officer is inside a correctional facility or
14 courthouse which is equipped with a functioning camera
15 system.

16 (4) Cameras must be turned off when:

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

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

24 (C) the officer is interacting with a confidential
25 informant used by the law enforcement agency; or

26 (D) an officer of the Department of Revenue enters

1 a Department of Revenue facility or conducts an
2 interview during which return information will be
3 discussed or visible.

4 However, an officer may continue to record or resume
5 recording a victim or a witness, if exigent circumstances
6 exist, or if the officer has reasonable articulable
7 suspicion that a victim or witness, or confidential
8 informant has committed or is in the process of committing
9 a crime. Under these circumstances, and unless impractical
10 or impossible, the officer must indicate on the recording
11 the reason for continuing to record despite the request of
12 the victim or witness.

13 (4.5) Cameras may be turned off when the officer is
14 engaged in community caretaking functions. However, the
15 camera must be turned on when the officer has reason to
16 believe that the person on whose behalf the officer is
17 performing a community caretaking function has committed
18 or is in the process of committing a crime. If exigent
19 circumstances exist which prevent the camera from being
20 turned on, the camera must be turned on as soon as
21 practicable.

22 (5) The officer must provide notice of recording to
23 any person if the person has a reasonable expectation of
24 privacy and proof of notice must be evident in the
25 recording. If exigent circumstances exist which prevent
26 the officer from providing notice, notice must be provided

1 as soon as practicable.

2 (6) (A) For the purposes of redaction, labeling, or
3 duplicating recordings, access to camera recordings shall
4 be restricted to only those personnel responsible for
5 those purposes. The recording officer or his or her
6 supervisor may not redact, label, duplicate or otherwise
7 alter the recording officer's camera recordings. Except as
8 otherwise provided in this Section, the recording officer
9 and his or her supervisor ~~of the recording officer~~ may
10 access and review recordings prior to completing incident
11 reports or other documentation, provided that the
12 supervisor discloses that fact in the report or
13 documentation.

14 (i) A law enforcement officer shall not have
15 access to or review his or her body-worn camera
16 recordings or the body-worn camera recordings of
17 another officer prior to completing incident reports
18 or other documentation when the officer:

19 (a) has been involved in or is a witness to an
20 officer-involved shooting, use of deadly force
21 incident, or use of force incidents resulting in
22 great bodily harm;

23 (b) is ordered to write a report in response
24 to or during the investigation of a misconduct
25 complaint against the officer.

26 (ii) If the officer subject to subparagraph (i)

1 prepares a report, any report shall be prepared
2 without viewing body-worn camera recordings, and
3 subject to supervisor's approval, officers may file
4 amendatory reports after viewing body-worn camera
5 recordings. Supplemental reports under this provision
6 shall also contain documentation regarding access to
7 the video footage.

8 (B) The recording officer's assigned field
9 training officer may access and review recordings for
10 training purposes. Any detective or investigator
11 directly involved in the investigation of a matter may
12 access and review recordings which pertain to that
13 investigation but may not have access to delete or
14 alter such recordings.

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

19 (A) Under no circumstances shall any recording,
20 except for a non-law enforcement related activity or
21 encounter, made with an officer-worn body camera be
22 altered, erased, or destroyed prior to the expiration
23 of the 90-day storage period. In the event any
24 recording made with an officer-worn body camera is
25 altered, erased, or destroyed prior to the expiration
26 of the 90-day storage period, the law enforcement

1 agency shall maintain, for a period of one year, a
2 written record including (i) the name of the
3 individual who made such alteration, erasure, or
4 destruction, and (ii) the reason for any such
5 alteration, erasure, or destruction.

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

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

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

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

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

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

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

1 prosecution; or

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

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

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

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

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

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

26 (C) the encounter on the recording could result in

1 a formal investigation under the Uniform Peace
2 Officers' Disciplinary Act; or

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

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

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

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

1 reasonable action to maintain safety and control, secure
2 crime scenes and accident sites, protect the integrity and
3 confidentiality of investigations, and protect the public
4 safety and order.

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

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

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

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

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

26 (3) upon request, the law enforcement agency shall

1 disclose, in accordance with the Freedom of Information
2 Act, the recording to the subject of the encounter
3 captured on the recording or to the subject's attorney, or
4 the officer or his or her legal representative.

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

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

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

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

25 Section 30 The Uniform Crime Reporting Act is amended by

1 changing Section 5-12 as follows:

2 (50 ILCS 709/5-12)

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

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

7 (1) beginning January 1, 2016, a report on any
8 arrest-related death that shall include information
9 regarding the deceased, the officer, any weapon used by
10 the officer or the deceased, and the circumstances of the
11 incident. The Department shall submit on a quarterly basis
12 all information collected under this paragraph (1) to the
13 Illinois Criminal Justice Information Authority,
14 contingent upon updated federal guidelines regarding the
15 Uniform Crime Reporting Program;

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

21 (3) a report of incident-based information on hate
22 crimes including information describing the offense,
23 location of the offense, type of victim, offender, and
24 bias motivation. If no hate crime incidents occurred
25 during a reporting month, the law enforcement agency must

1 submit a no incident record, as required by the
2 Department;

3 (4) a report on any incident of an alleged commission
4 of a domestic crime, that shall include information
5 regarding the victim, offender, date and time of the
6 incident, any injury inflicted, any weapons involved in
7 the commission of the offense, and the relationship
8 between the victim and the offender;

9 (5) data on an index of offenses selected by the
10 Department based on the seriousness of the offense,
11 frequency of occurrence of the offense, and likelihood of
12 being reported to law enforcement. The data shall include
13 the number of index crime offenses committed and number of
14 associated arrests; and

15 (6) data on offenses and incidents reported by schools
16 to local law enforcement. The data shall include offenses
17 defined as an attack against school personnel,
18 intimidation offenses, drug incidents, and incidents
19 involving weapons.

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

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

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

25 (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;

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

21 (8) beginning on July 1, 2021, a report on use of
22 force, including any action that resulted in the death or
23 serious bodily injury of a person or the discharge of a
24 firearm at or in the direction of a person. The report
25 shall include information required by the Department,
26 pursuant to Section 5-11 of this Act.

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

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

4 (55 ILCS 5/3-6041)

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

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

8 (a) For purposes of this Section:

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

12 "Grenade launcher" means a firearm or firearm accessory
13 used ~~designed~~ to launch fragmentary ~~small~~ explosive rounds
14 designed to inflict death or cause great bodily harm
15 projectiles.

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

24 "Tracked armored vehicle" means a vehicle that provides

1 ballistic protection to its occupants and utilizes a tracked
2 system instead ~~installed~~ of wheels for forward motion not
3 including vehicles listed in the Authorized Equipment List as
4 published by the Federal Emergency Management Agency.

5 "Weaponized aircraft, vessel, or vehicle" means any
6 aircraft, vessel, or vehicle with weapons installed.

7 (b) A sheriff's department shall not request or receive
8 from any military equipment surplus program nor purchase or
9 otherwise utilize the following equipment:

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

16 (c) A home rule county may not regulate the acquisition of
17 equipment in a manner inconsistent with this Section. This
18 Section is a limitation under subsection (i) of Section 6 of
19 Article VII of the Illinois Constitution on the concurrent
20 exercise by home rule counties of powers and functions
21 exercised by the State.

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

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

1 (55 ILCS 5/3-15003.8)

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

4 Sec. 3-15003.8. Educational programing ~~programing~~ for
5 pregnant prisoners. The Illinois Department of Public Health
6 shall provide the county department of corrections with
7 educational programing relating to pregnancy and parenting
8 and the county department of corrections shall provide the
9 programing to pregnant prisoners ~~A county department of~~
10 ~~corrections shall develop and provide to each pregnant~~
11 ~~prisoner educational programing relating to pregnancy and~~
12 ~~parenting~~. The programing must include instruction regarding:

13 (1) appropriate prenatal care and hygiene;

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

16 (3) parenting skills; and

17 (4) medical and mental health issues applicable to
18 children.

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

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

22 (65 ILCS 5/11-5.1-2)

23 (This Section may contain text from a Public Act with a

1 delayed effective date)

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

3 (a) For purposes of this Section:

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

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

11 "Military equipment surplus program" means any federal or
12 state program allowing a law enforcement agency to obtain
13 surplus military equipment including, but not limit to, any
14 program organized under Section 1122 of the National Defense
15 Authorization Act for Fiscal Year 1994 (Pub. L. 103-160) or
16 Section 1033 of the National Defense Authorization Act for
17 Fiscal Year 1997 (Pub. L. 104-201) or any program established
18 by the United States Department of Defense under 10 U.S.C.
19 2576a.

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

25 "Weaponized aircraft, vessels, or vehicles" means any
26 aircraft, vessel, or vehicle with weapons installed.

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

4 (1) tracked armored vehicles;

5 (2) weaponized aircraft, vessels, or vehicles;

6 (3) firearms of .50-caliber or higher;

7 (4) ammunition of .50-caliber or higher;

8 (5) grenade launchers, grenades, or similar
9 explosives; or

10 (6) bayonets.

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

17 (d) If a police department requests other property not
18 prohibited from a military equipment surplus program, the
19 police department shall publish notice of the request on a
20 publicly accessible website maintained by the police
21 department or the municipality within 14 days after the
22 request.

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

24 (65 ILCS 5/1-2-12.1 rep.)

25 Section 45. The Illinois Municipal Code is amended by

1 repealing Section 1-2-12.1. This Section is effective January
2 1, 2023.

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

6 (720 ILCS 5/7-5) (from Ch. 38, par. 7-5)

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

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

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

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

23 (2) The person to be arrested has committed or
24 attempted a forcible felony which involves the infliction

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

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

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

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

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

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

1 on the totality of the circumstances, both that:

2 (1) Such force is necessary to prevent the arrest from
3 being defeated by resistance or escape; ~~the officer~~
4 ~~reasonably believes that the person to be arrested cannot~~
5 ~~be apprehended at a later date,~~ and the officer reasonably
6 believes that the person to be arrested is likely to cause
7 great bodily harm to another; and

8 (2) The person to be arrested ~~just~~ committed or
9 attempted a forcible felony which involves the infliction
10 or threatened infliction of great bodily harm or is
11 attempting to escape by use of a deadly weapon, or
12 otherwise indicates that he will endanger human life or
13 inflict great bodily harm unless arrested without delay.

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

16 A peace officer is not justified in using force likely to
17 cause death or great bodily harm when there is no longer an
18 imminent threat of great bodily harm to the officer or
19 another.

20 (a-5) Where feasible, a peace officer shall, prior to the
21 use of force, make reasonable efforts to identify himself or
22 herself as a peace officer and to warn that deadly force may be
23 used; ~~unless the officer has reasonable grounds to believe~~
24 ~~that the person is aware of those facts.~~

25 (a-10) A peace officer shall not use deadly force against
26 a person based on the danger that the person poses to himself

1 or herself if an reasonable officer would believe the person
2 does not pose an imminent threat of death or great bodily harm
3 ~~serious bodily injury~~ to the peace officer or to another
4 person.

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

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

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

17 (d) Peace officers shall use deadly force only when
18 reasonably necessary in defense of human life. In determining
19 whether deadly force is reasonably necessary, officers shall
20 evaluate each situation in light of the totality of particular
21 circumstances of each case including but not limited to the
22 proximity in time of the use of force to the commission of a
23 forcible felony, and the reasonable feasibility of safely
24 apprehending a subject at a later time, and shall use other
25 available resources and techniques, if reasonably safe and
26 feasible to a reasonable officer.

1 (e) The decision by a peace officer to use force shall be
2 evaluated carefully and thoroughly, in a manner that reflects
3 the gravity of that authority and the serious consequences of
4 the use of force by peace officers, in order to ensure that
5 officers use force consistent with law and agency policies.

6 (f) The decision by a peace officer to use force shall be
7 evaluated from the perspective of a reasonable officer in the
8 same situation, based on the totality of the circumstances
9 known to or perceived by the officer at the time of the
10 decision, rather than with the benefit of hindsight, and that
11 the totality of the circumstances shall account for occasions
12 when officers may be forced to make quick judgments about
13 using force.

14 (g) Law enforcement agencies are encouraged to adopt and
15 develop policies designed to protect individuals with
16 physical, mental health, developmental, or intellectual
17 disabilities, or individuals who are significantly more likely
18 to experience greater levels of physical force during police
19 interactions, as these disabilities may affect the ability of
20 a person to understand or comply with commands from peace
21 officers.

22 (h) As used in this Section:

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

1 (2) A threat of death or serious bodily injury is
2 "imminent" when, based on the totality of the
3 circumstances, a reasonable officer in the same situation
4 would believe that a person has the present ability,
5 opportunity, and apparent intent to immediately cause
6 death or great bodily harm ~~serious bodily injury~~ to the
7 peace officer or another person. An imminent harm is not
8 merely a fear of future harm, no matter how great the fear
9 and no matter how great the likelihood of the harm, but is
10 one that, from appearances, must be instantly confronted
11 and addressed.

12 (3) "Totality of the circumstances" means all facts
13 known to the peace officer at the time, or that would be
14 known to a reasonable officer in the same situation,
15 including the conduct of the officer and the subject
16 leading up to the use of deadly force.

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

18 (720 ILCS 5/7-5.5)

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

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

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

24 (b) A peace officer shall not use a chokehold, or any
25 lesser contact with the throat or neck area of another, in

1 order to prevent the destruction of evidence by ingestion.

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

5 "Chokehold" does not include any holding involving contact
6 with the neck that is not intended to reduce the intake of air
7 such as a headlock where the only pressure applied is to the
8 head.

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

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

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

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

17 (b) A peace officer, or any other person acting under the
18 color of law ~~on behalf of a peace officer~~, shall not use a
19 chokehold or restraint above the shoulders with risk of
20 asphyxiation, or any lesser contact with the throat or neck
21 area of another, in order to prevent the destruction of
22 evidence by ingestion.

23 (c) As used in this Section, "chokehold" means applying
24 any direct pressure to the throat, windpipe, or airway of
25 another. "Chokehold" does not include any holding involving

1 contact with the neck that is not intended to reduce the intake
2 of air such as a headlock where the only pressure applied is to
3 the head.

4 (d) As used in this Section, "restraint above the
5 shoulders with risk of positional asphyxiation" means a use of
6 a technique used to restrain a person above the shoulders,
7 including the neck or head, in a position which interferes
8 with the person's ability to breathe after the person no
9 longer poses a threat to the officer or any other person.

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

12 (i) use force as punishment or retaliation;

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

16 (iii) discharge conducted electrical weapons in a
17 manner that targets the head, chest, neck, groin, or
18 anterior pelvis;

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

21 (v) ~~(iv)~~ use chemical agents or irritants for crowd
22 control, including pepper spray and tear gas, prior to
23 issuing an order to disperse in a sufficient manner to
24 allow for ~~ensure~~ the order to be ~~is~~ heard and repeated if
25 necessary, followed by sufficient time and space to allow
26 compliance with the order unless providing such time and

1 space would unduly place an officer or another person at
2 risk of death or great bodily harm.

3 (vi) use chemical agents or irritants, including
4 pepper spray and tear gas, prior to issuing an order in a
5 sufficient manner to ensure the order is heard, and
6 repeated if necessary, to allow compliance with the order
7 unless providing such time and space would unduly place an
8 officer or another person at risk of death or great bodily
9 harm.

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

11 (720 ILCS 5/7-15)

12 (This Section may contain text from a Public Act with a
13 delayed effective date)

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

1 treatment if it is apparent that treatment is necessary, or if
2 such carrying is requested by the injured person.

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

4 (720 ILCS 5/7-16)

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

7 Sec. 7-16. Duty to intervene.

8 (a) A peace officer, or any other person acting under the
9 color of law who has an opportunity to intervene ~~on behalf of a~~
10 ~~peace officer~~, shall have an affirmative duty to intervene to
11 prevent or stop another peace officer in his or her presence
12 from using any unauthorized force or force that exceeds the
13 degree of force permitted, if any, without regard for chain of
14 command.

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

25 (c) A member of a law enforcement agency shall not

1 discipline nor retaliate in any way against a peace officer
2 for intervening as required in this Section or for reporting
3 unconstitutional or unlawful conduct, or for failing to follow
4 what the officer reasonably believes is an unconstitutional or
5 unlawful directive.

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

7 (720 ILCS 5/31-1) (from Ch. 38, par. 31-1)

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

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

11 (a) A person who knowingly resists or obstructs the
12 performance by one known to the person to be a peace officer,
13 firefighter, or correctional institution employee of any
14 authorized act within his or her official capacity commits a
15 Class A misdemeanor.

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

25 (a-7) A person convicted for a violation of this Section

1 whose violation was the proximate cause of an injury to a peace
2 officer, firefighter, or correctional institution employee is
3 guilty of a Class 4 felony.

4 (b) For purposes of this Section, "correctional
5 institution employee" means any person employed to supervise
6 and control inmates incarcerated in a penitentiary, State
7 farm, reformatory, prison, jail, house of correction, police
8 detention area, half-way house, or other institution or place
9 for the incarceration or custody of persons under sentence for
10 offenses or awaiting trial or sentence for offenses, under
11 arrest for an offense, a violation of probation, a violation
12 of parole, a violation of aftercare release, a violation of
13 mandatory supervised release, or awaiting a bail setting
14 hearing or preliminary hearing, or who are sexually dangerous
15 persons or who are sexually violent persons; and "firefighter"
16 means any individual, either as an employee or volunteer, of a
17 regularly constituted fire department of a municipality or
18 fire protection district who performs fire fighting duties,
19 including, but not limited to, the fire chief, assistant fire
20 chief, captain, engineer, driver, ladder person, hose person,
21 pipe person, and any other member of a regularly constituted
22 fire department. "Firefighter" also means a person employed by
23 the Office of the State Fire Marshal to conduct arson
24 investigations.

25 (c) It is an affirmative defense to a violation of this
26 Section if a person resists or obstructs the performance of

1 one known by the person to be a firefighter by returning to or
2 remaining in a dwelling, residence, building, or other
3 structure to rescue or to attempt to rescue any person.

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

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

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

8 (a) A person who knowingly:

9 (1) resists arrest, or

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

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

23 (a-7) A person convicted for a violation of this Section
24 whose violation was the proximate cause of an injury to a peace
25 officer, firefighter, or correctional institution employee is

1 guilty of a Class 4 felony.

2 (b) For purposes of this Section, "correctional
3 institution employee" means any person employed to supervise
4 and control inmates incarcerated in a penitentiary, State
5 farm, reformatory, prison, jail, house of correction, police
6 detention area, half-way house, or other institution or place
7 for the incarceration or custody of persons under sentence for
8 offenses or awaiting trial or sentence for offenses, under
9 arrest for an offense, a violation of probation, a violation
10 of parole, a violation of aftercare release, a violation of
11 mandatory supervised release, or awaiting a hearing or
12 preliminary hearing on setting the conditions of pretrial
13 release, or who are sexually dangerous persons or who are
14 sexually violent persons; and "firefighter" means any
15 individual, either as an employee or volunteer, of a regularly
16 constituted fire department of a municipality or fire
17 protection district who performs fire fighting duties,
18 including, but not limited to, the fire chief, assistant fire
19 chief, captain, engineer, driver, ladder person, hose person,
20 pipe person, and any other member of a regularly constituted
21 fire department. "Firefighter" also means a person employed by
22 the Office of the State Fire Marshal to conduct arson
23 investigations.

24 (c) It is an affirmative defense to a violation of this
25 Section if a person resists or obstructs the performance of
26 one known by the person to be a firefighter by returning to or

1 remaining in a dwelling, residence, building, or other
2 structure to rescue or to attempt to rescue any person.

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

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

7 (720 ILCS 5/33-9)

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

10 Sec. 33-9. Law enforcement misconduct.

11 (a) A law enforcement officer or a person acting under
12 color of law ~~on behalf of a law enforcement officer~~ commits law
13 enforcement misconduct when, in the performance of his or her
14 official duties with intent to prevent the apprehension or
15 obstruct the prosecution or defense of any person, he or she
16 ~~knowingly and intentionally~~:

17 (1) knowingly and intentionally misrepresents or fails
18 to provide material facts describing an incident in any
19 report or during any investigations regarding the law
20 enforcement employee's conduct;

21 (2) knowingly and intentionally withholds any
22 knowledge of the material misrepresentations of another
23 law enforcement officer from the law enforcement
24 employee's supervisor, investigator, or other person or
25 entity tasked with holding the law enforcement officer

1 accountable; or

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

7 (b) Sentence. Law enforcement misconduct is a Class 3
8 felony.

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

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

13 (725 ILCS 5/103-3) (from Ch. 38, par. 103-3)

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

15 Sec. 103-3. Right to communicate with attorney and family;
16 transfers.

17 (a) Persons who are arrested shall have the right to
18 communicate with an attorney of their choice and a member of
19 their family by making a reasonable number of telephone calls
20 or in any other reasonable manner. Such communication shall be
21 permitted within a reasonable time after arrival at the first
22 place of custody.

23 (b) In the event the accused is transferred to a new place
24 of custody his right to communicate with an attorney and a

1 member of his family is renewed.

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

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

4 Sec. 103-3. Right to communicate with attorney and family;
5 transfers.

6 (a) (Blank).

7 (a-5) Persons who are in police custody have the right to
8 communicate free of charge with an attorney of their choice
9 and members of their family as soon as possible upon being
10 taken into police custody, but no later than three hours after
11 arrival at the first place of custody. Persons in police
12 custody must be given:

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

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

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

22 (1) a short statement notifying persons who are in
23 police custody of their right to have access to a phone
24 within three hours after being taken into police custody;
25 and

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

4 (a-15) In addition to the information listed in subsection
5 (a-10), if the place of custody is located in a jurisdiction
6 where the court has appointed the public defender or other
7 attorney to represent persons who are in police custody, the
8 telephone number to the public defender or appointed
9 attorney's office must also be displayed. The telephone call
10 to the public defender or other attorney must not be
11 monitored, eavesdropped upon, or recorded.

12 (b) (Blank).

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

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

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

23 (f) Nothing in this Section shall interfere with a
24 person's rights or override procedures required in the Bill of
25 Rights of the Illinois and US Constitutions, including but not
26 limited to Fourth Amendment search and seizure rights, Fifth

1 Amendment due process rights and rights to be free from
2 self-incrimination and Sixth Amendment right to counsel.

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

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

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

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

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

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

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

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

18 (i) against the officer executing the search
19 warrant; or

20 (ii) against another person.

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

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

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

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

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

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

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

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

14 (ii) against another person.

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

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

19 (1) prior to entering the location described in the
20 search warrant, a supervising officer will ensure that
21 each participating member is assigned a body worn camera
22 and is following policies and procedures in accordance
23 with Section 10-20 of the Law Enforcement Officer-Worn
24 Body Camera Act; provided that the law enforcement agency
25 has implemented body worn camera in accordance with
26 Section 10-15 of the Law Enforcement Officer-Worn Body

1 Camera Act. If a law enforcement agency or each
2 participating member of a multi-jurisdictional team has
3 not implemented a body camera in accordance with Section
4 10-15 of the Law Enforcement Officer-Worn Body Camera Act,
5 the officer must attest that the interaction authorized by
6 the warrant is otherwise recorded;

7 (2) The supervising officer verified the subject
8 address listed on the warrant for ~~steps were taken in~~
9 ~~planning the search to ensure~~ accuracy and planned plan
10 for children or other vulnerable people on-site; and

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

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

17 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

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

19 Sec. 110-5. Determining the amount of bail and conditions
20 of release.

21 (a) In determining the amount of monetary bail or
22 conditions of release, if any, which will reasonably assure
23 the appearance of a defendant as required or the safety of any
24 other person or the community and the likelihood of compliance
25 by the defendant with all the conditions of bail, the court

1 shall, on the basis of available information, take into
2 account such matters as the nature and circumstances of the
3 offense charged, whether the evidence shows that as part of
4 the offense there was a use of violence or threatened use of
5 violence, whether the offense involved corruption of public
6 officials or employees, whether there was physical harm or
7 threats of physical harm to any public official, public
8 employee, judge, prosecutor, juror or witness, senior citizen,
9 child, or person with a disability, whether evidence shows
10 that during the offense or during the arrest the defendant
11 possessed or used a firearm, machine gun, explosive or metal
12 piercing ammunition or explosive bomb device or any military
13 or paramilitary armament, whether the evidence shows that the
14 offense committed was related to or in furtherance of the
15 criminal activities of an organized gang or was motivated by
16 the defendant's membership in or allegiance to an organized
17 gang, the condition of the victim, any written statement
18 submitted by the victim or proffer or representation by the
19 State regarding the impact which the alleged criminal conduct
20 has had on the victim and the victim's concern, if any, with
21 further contact with the defendant if released on bail,
22 whether the offense was based on racial, religious, sexual
23 orientation or ethnic hatred, the likelihood of the filing of
24 a greater charge, the likelihood of conviction, the sentence
25 applicable upon conviction, the weight of the evidence against
26 such defendant, whether there exists motivation or ability to

1 flee, whether there is any verification as to prior residence,
2 education, or family ties in the local jurisdiction, in
3 another county, state or foreign country, the defendant's
4 employment, financial resources, character and mental
5 condition, past conduct, prior use of alias names or dates of
6 birth, and length of residence in the community, the consent
7 of the defendant to periodic drug testing in accordance with
8 Section 110-6.5, whether a foreign national defendant is
9 lawfully admitted in the United States of America, whether the
10 government of the foreign national maintains an extradition
11 treaty with the United States by which the foreign government
12 will extradite to the United States its national for a trial
13 for a crime allegedly committed in the United States, whether
14 the defendant is currently subject to deportation or exclusion
15 under the immigration laws of the United States, whether the
16 defendant, although a United States citizen, is considered
17 under the law of any foreign state a national of that state for
18 the purposes of extradition or non-extradition to the United
19 States, the amount of unrecovered proceeds lost as a result of
20 the alleged offense, the source of bail funds tendered or
21 sought to be tendered for bail, whether from the totality of
22 the court's consideration, the loss of funds posted or sought
23 to be posted for bail will not deter the defendant from flight,
24 whether the evidence shows that the defendant is engaged in
25 significant possession, manufacture, or delivery of a
26 controlled substance or cannabis, either individually or in

1 consort with others, whether at the time of the offense
2 charged he or she was on bond or pre-trial release pending
3 trial, probation, periodic imprisonment or conditional
4 discharge pursuant to this Code or the comparable Code of any
5 other state or federal jurisdiction, whether the defendant is
6 on bond or pre-trial release pending the imposition or
7 execution of sentence or appeal of sentence for any offense
8 under the laws of Illinois or any other state or federal
9 jurisdiction, whether the defendant is under parole, aftercare
10 release, mandatory supervised release, or work release from
11 the Illinois Department of Corrections or Illinois Department
12 of Juvenile Justice or any penal institution or corrections
13 department of any state or federal jurisdiction, the
14 defendant's record of convictions, whether the defendant has
15 been convicted of a misdemeanor or ordinance offense in
16 Illinois or similar offense in other state or federal
17 jurisdiction within the 10 years preceding the current charge
18 or convicted of a felony in Illinois, whether the defendant
19 was convicted of an offense in another state or federal
20 jurisdiction that would be a felony if committed in Illinois
21 within the 20 years preceding the current charge or has been
22 convicted of such felony and released from the penitentiary
23 within 20 years preceding the current charge if a penitentiary
24 sentence was imposed in Illinois or other state or federal
25 jurisdiction, the defendant's records of juvenile adjudication
26 of delinquency in any jurisdiction, any record of appearance

1 or failure to appear by the defendant at court proceedings,
2 whether there was flight to avoid arrest or prosecution,
3 whether the defendant escaped or attempted to escape to avoid
4 arrest, whether the defendant refused to identify himself or
5 herself, or whether there was a refusal by the defendant to be
6 fingerprinted as required by law. Information used by the
7 court in its findings or stated in or offered in connection
8 with this Section may be by way of proffer based upon reliable
9 information offered by the State or defendant. All evidence
10 shall be admissible if it is relevant and reliable regardless
11 of whether it would be admissible under the rules of evidence
12 applicable at criminal trials. If the State presents evidence
13 that the offense committed by the defendant was related to or
14 in furtherance of the criminal activities of an organized gang
15 or was motivated by the defendant's membership in or
16 allegiance to an organized gang, and if the court determines
17 that the evidence may be substantiated, the court shall
18 prohibit the defendant from associating with other members of
19 the organized gang as a condition of bail or release. For the
20 purposes of this Section, "organized gang" has the meaning
21 ascribed to it in Section 10 of the Illinois Streetgang
22 Terrorism Omnibus Prevention Act.

23 (a-5) There shall be a presumption that any conditions of
24 release imposed shall be non-monetary in nature and the court
25 shall impose the least restrictive conditions or combination
26 of conditions necessary to reasonably assure the appearance of

1 the defendant for further court proceedings and protect the
2 integrity of the judicial proceedings from a specific threat
3 to a witness or participant. Conditions of release may
4 include, but not be limited to, electronic home monitoring,
5 curfews, drug counseling, stay-away orders, and in-person
6 reporting. The court shall consider the defendant's
7 socio-economic circumstance when setting conditions of release
8 or imposing monetary bail.

9 (b) The amount of bail shall be:

10 (1) Sufficient to assure compliance with the
11 conditions set forth in the bail bond, which shall include
12 the defendant's current address with a written
13 admonishment to the defendant that he or she must comply
14 with the provisions of Section 110-12 regarding any change
15 in his or her address. The defendant's address shall at
16 all times remain a matter of public record with the clerk
17 of the court.

18 (2) Not oppressive.

19 (3) Considerate of the financial ability of the
20 accused.

21 (4) When a person is charged with a drug related
22 offense involving possession or delivery of cannabis or
23 possession or delivery of a controlled substance as
24 defined in the Cannabis Control Act, the Illinois
25 Controlled Substances Act, or the Methamphetamine Control
26 and Community Protection Act, the full street value of the

1 drugs seized shall be considered. "Street value" shall be
2 determined by the court on the basis of a proffer by the
3 State based upon reliable information of a law enforcement
4 official contained in a written report as to the amount
5 seized and such proffer may be used by the court as to the
6 current street value of the smallest unit of the drug
7 seized.

8 (b-5) Upon the filing of a written request demonstrating
9 reasonable cause, the State's Attorney may request a source of
10 bail hearing either before or after the posting of any funds.
11 If the hearing is granted, before the posting of any bail, the
12 accused must file a written notice requesting that the court
13 conduct a source of bail hearing. The notice must be
14 accompanied by justifying affidavits stating the legitimate
15 and lawful source of funds for bail. At the hearing, the court
16 shall inquire into any matters stated in any justifying
17 affidavits, and may also inquire into matters appropriate to
18 the determination which shall include, but are not limited to,
19 the following:

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

22 (2) the source of any money or property deposited by
23 any surety, and whether any such money or property
24 constitutes the fruits of criminal or unlawful conduct;
25 and

26 (3) the source of any money posted as cash bail, and

1 whether any such money constitutes the fruits of criminal
2 or unlawful conduct; and

3 (4) the background, character, reputation, and
4 relationship to the accused of the person posting cash
5 bail.

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

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

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

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

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

26 (f) When a person is charged with a violation of an order

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

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

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

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

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

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

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

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

26 (8) based on the severity of the alleged incident that

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

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

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

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

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

21 the court may, in its discretion, order the respondent to
22 undergo a risk assessment evaluation using a recognized,
23 evidence-based instrument conducted by an Illinois Department
24 of Human Services approved partner abuse intervention program
25 provider, pretrial service, probation, or parole agency. These
26 agencies shall have access to summaries of the defendant's

1 criminal history, which shall not include victim interviews or
2 information, for the risk evaluation. Based on the information
3 collected from the 12 points to be considered at a bail hearing
4 under this subsection (f), the results of any risk evaluation
5 conducted and the other circumstances of the violation, the
6 court may order that the person, as a condition of bail, be
7 placed under electronic surveillance as provided in Section
8 5-8A-7 of the Unified Code of Corrections. Upon making a
9 determination whether or not to order the respondent to
10 undergo a risk assessment evaluation or to be placed under
11 electronic surveillance and risk assessment, the court shall
12 document in the record the court's reasons for making those
13 determinations. The cost of the electronic surveillance and
14 risk assessment shall be paid by, or on behalf, of the
15 defendant. As used in this subsection (f), "intimate partner"
16 means a spouse or a current or former partner in a cohabitation
17 or dating relationship.

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

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

21 Sec. 110-5. Determining the amount of bail and conditions
22 of release.

23 (a) In determining which or conditions of pretrial
24 release, if any, which will reasonably assure the appearance
25 of a defendant as required or the safety of any other person or

1 the community and the likelihood of compliance by the
2 defendant with all the conditions of pretrial release, the
3 court shall, on the basis of available information, take into
4 account such matters as:

5 (1) the nature and circumstances of the offense
6 charged;

7 (2) the weight of the evidence against the eligible
8 defendant, except that the court may consider the
9 admissibility of any evidence sought to be excluded;

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

12 (A) the eligible defendant's character, physical
13 and mental condition, family ties, employment,
14 financial resources, length of residence in the
15 community, community ties, past relating to drug or
16 alcohol abuse, conduct, history criminal history, and
17 record concerning appearance at court proceedings; and

18 (B) whether, at the time of the current offense or
19 arrest, the eligible defendant was on probation,
20 parole, or on other release pending trial, sentencing,
21 appeal, or completion of sentence for an offense under
22 federal law, or the law of this or any other state;

23 (4) the nature and seriousness of the specific, real
24 and present threat to any person that would be posed by the
25 eligible defendant's release, if applicable; as required
26 under paragraph (7.5) of Section 4 of the Rights of Crime

1 Victims and Witnesses Act; and

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

6 (b) The court shall impose any conditions that are
7 mandatory under Section 110-10. The court may impose any
8 conditions that are permissible under Section 110-10.

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

20 (1) whether the alleged incident involved harassment
21 or abuse, as defined in the Illinois Domestic Violence Act
22 of 1986;

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

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

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

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

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

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

9 (8) based on the severity of the alleged incident that
10 is the basis of the alleged offense, including, but not
11 limited to, the duration of the current incident, and
12 whether the alleged incident involved the use of a weapon,
13 physical injury, sexual assault, strangulation, abuse
14 during the alleged victim's pregnancy, abuse of pets, or
15 forcible entry to gain access to the alleged victim;

16 (9) whether a separation of the person from the victim
17 of abuse or a termination of the relationship between the
18 person and the victim of abuse has recently occurred or is
19 pending;

20 (10) whether the person has exhibited obsessive or
21 controlling behaviors toward the victim of abuse,
22 including, but not limited to, stalking, surveillance, or
23 isolation of the victim of abuse or victim's family member
24 or members;

25 (11) whether the person has expressed suicidal or
26 homicidal ideations;

1 (11.5) any other factors deemed by the court to have a
2 reasonable bearing upon the defendant's propensity or
3 reputation for violent, abusive or assaultive behavior, or
4 lack of that behavior

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

8 (1) Any evidence of the defendant's prior criminal
9 history indicative of violent, abusive or assaultive
10 behavior, or lack of that behavior. The evidence may
11 include testimony or documents received in juvenile
12 proceedings, criminal, quasi-criminal, civil commitment,
13 domestic relations or other proceedings;

14 (2) Any evidence of the defendant's psychological,
15 psychiatric or other similar social history that tends to
16 indicate a violent, abusive, or assaultive nature, or lack
17 of any such history.

18 (3) The nature of the threat which is the basis of the
19 charge against the defendant;

20 (4) Any statements made by, or attributed to the
21 defendant, together with the circumstances surrounding
22 them;

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

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

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

5 (d) The Court may use a regularly validated risk
6 assessment tool to aid its ~~it~~ determination of appropriate
7 conditions of release as provided for in Section 110-6.4. Risk
8 assessment tools may not be used as the sole basis to deny
9 pretrial release. If a risk assessment tool is used, the
10 defendant's counsel shall be provided with the information and
11 scoring system of the risk assessment tool used to arrive at
12 the determination. The defendant retains the right to
13 challenge the validity of a risk assessment tool used by the
14 court and to present evidence relevant to the defendant's
15 challenge.

16 (e) If a person remains in pretrial detention after his or
17 her pretrial conditions hearing after having been ordered
18 released with pretrial conditions, the court shall hold a
19 hearing to determine the reason for continued detention. If
20 the reason for continued detention is due to the
21 unavailability or the defendant's ineligibility for one or
22 more pretrial conditions previously ordered by the court or
23 directed by a pretrial services agency, the court shall reopen
24 the conditions of release hearing to determine what available
25 pretrial conditions exist that will reasonably assure the
26 appearance of a defendant as required or the safety of any

1 other person and the likelihood of compliance by the defendant
2 with all the conditions of pretrial release. The inability of
3 Defendant to pay for a condition of release or any other
4 ineligibility for a condition of pretrial release shall not be
5 used as a justification for the pretrial detention of that
6 Defendant.

7 (f) Prior to the defendant's first appearance, the Court
8 shall appoint the public defender or a licensed attorney at
9 law of this State to represent the Defendant for purposes of
10 that hearing, unless the defendant has obtained licensed
11 counsel for themselves.

12 (g) Electronic monitoring, GPS monitoring, or home
13 confinement can only be imposed condition of pretrial release
14 if a no less restrictive condition of release or combination
15 of less restrictive condition of release would reasonably
16 ensure the appearance of the defendant for later hearings or
17 protect an identifiable person or persons from imminent threat
18 of serious physical harm.

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

25 (i) If electronic monitoring, GPS monitoring, or home
26 confinement is imposed, the court shall determine every 60

1 days if no less restrictive condition of release or
2 combination of less restrictive conditions of release would
3 reasonably ensure the appearance, or continued appearance, of
4 the defendant for later hearings or protect an identifiable
5 person or persons from imminent threat of serious physical
6 harm. If the court finds that there are less restrictive
7 conditions of release, the court shall order that the
8 condition be removed. This subsection takes effect January 1,
9 2022.

10 (j) Crime Victims shall be given notice by the State's
11 Attorney's office of this hearing as required in paragraph (1)
12 of subsection (b) of Section 4.5 of the Rights of Crime Victims
13 and Witnesses Act and shall be informed of their opportunity
14 at this hearing to obtain an order of protection under Article
15 112A of this Code.

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

17 (725 ILCS 5/110-5.1 rep.)

18 (725 ILCS 5/110-6.3 rep.)

19 (725 ILCS 5/110-6.5 rep.)

20 (725 ILCS 5/110-7 rep.)

21 (725 ILCS 5/110-8 rep.)

22 (725 ILCS 5/110-9 rep.)

23 (725 ILCS 5/110-13 rep.)

24 (725 ILCS 5/110-14 rep.)

25 (725 ILCS 5/110-15 rep.)

1 (725 ILCS 5/110-16 rep.)

2 (725 ILCS 5/110-17 rep.)

3 (725 ILCS 5/110-18 rep.)

4 Section 60. The Code of Criminal Procedure of 1963 is
5 amended by repealing Sections 110-5.1, 110-6.3, 110-6.5,
6 110-7, 110-8, 110-9, 110-13, 110-14, 110-15, 110-16, 110-17,
7 and 110-18. This Section takes effect January 1, 2023.

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

11 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

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

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

14 (a) (1) The Department of Corrections shall prescribe rules
15 and regulations for awarding and revoking sentence credit for
16 persons committed to the Department which shall be subject to
17 review by the Prisoner Review Board.

18 (1.5) As otherwise provided by law, sentence credit may be
19 awarded for the following:

20 (A) successful completion of programming while in
21 custody of the Department or while in custody prior to
22 sentencing;

23 (B) compliance with the rules and regulations of the
24 Department; or

1 (C) service to the institution, service to a
2 community, or service to the State.

3 (2) Except as provided in paragraph (4.7) of this
4 subsection (a), the rules and regulations on sentence credit
5 shall provide, with respect to offenses listed in clause (i),
6 (ii), or (iii) of this paragraph (2) committed on or after June
7 19, 1998 or with respect to the offense listed in clause (iv)
8 of this paragraph (2) committed on or after June 23, 2005 (the
9 effective date of Public Act 94-71) or with respect to offense
10 listed in clause (vi) committed on or after June 1, 2008 (the
11 effective date of Public Act 95-625) or with respect to the
12 offense of being an armed habitual criminal committed on or
13 after August 2, 2005 (the effective date of Public Act 94-398)
14 or with respect to the offenses listed in clause (v) of this
15 paragraph (2) committed on or after August 13, 2007 (the
16 effective date of Public Act 95-134) or with respect to the
17 offense of aggravated domestic battery committed on or after
18 July 23, 2010 (the effective date of Public Act 96-1224) or
19 with respect to the offense of attempt to commit terrorism
20 committed on or after January 1, 2013 (the effective date of
21 Public Act 97-990), the following:

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

26 (ii) that a prisoner serving a sentence for attempt to

1 commit terrorism, attempt to commit first degree murder,
2 solicitation of murder, solicitation of murder for hire,
3 intentional homicide of an unborn child, predatory
4 criminal sexual assault of a child, aggravated criminal
5 sexual assault, criminal sexual assault, aggravated
6 kidnapping, aggravated battery with a firearm as described
7 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3),
8 or (e) (4) of Section 12-3.05, heinous battery as described
9 in Section 12-4.1 or subdivision (a) (2) of Section
10 12-3.05, being an armed habitual criminal, aggravated
11 battery of a senior citizen as described in Section 12-4.6
12 or subdivision (a) (4) of Section 12-3.05, or aggravated
13 battery of a child as described in Section 12-4.3 or
14 subdivision (b) (1) of Section 12-3.05 shall receive no
15 more than 4.5 days of sentence credit for each month of his
16 or her sentence of imprisonment;

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

1 (iv) that a prisoner serving a sentence for aggravated
2 discharge of a firearm, whether or not the conduct leading
3 to conviction for the offense resulted in great bodily
4 harm to the victim, shall receive no more than 4.5 days of
5 sentence credit for each month of his or her sentence of
6 imprisonment;

7 (v) that a person serving a sentence for gunrunning,
8 narcotics racketeering, controlled substance trafficking,
9 methamphetamine trafficking, drug-induced homicide,
10 aggravated methamphetamine-related child endangerment,
11 money laundering pursuant to clause (c) (4) or (5) of
12 Section 29B-1 of the Criminal Code of 1961 or the Criminal
13 Code of 2012, or a Class X felony conviction for delivery
14 of a controlled substance, possession of a controlled
15 substance with intent to manufacture or deliver,
16 calculated criminal drug conspiracy, criminal drug
17 conspiracy, street gang criminal drug conspiracy,
18 participation in methamphetamine manufacturing,
19 aggravated participation in methamphetamine
20 manufacturing, delivery of methamphetamine, possession
21 with intent to deliver methamphetamine, aggravated
22 delivery of methamphetamine, aggravated possession with
23 intent to deliver methamphetamine, methamphetamine
24 conspiracy when the substance containing the controlled
25 substance or methamphetamine is 100 grams or more shall
26 receive no more than 7.5 days sentence credit for each

1 month of his or her sentence of imprisonment;

2 (vi) that a prisoner serving a sentence for a second
3 or subsequent offense of luring a minor shall receive no
4 more than 4.5 days of sentence credit for each month of his
5 or her sentence of imprisonment; and

6 (vii) that a prisoner serving a sentence for
7 aggravated domestic battery shall receive no more than 4.5
8 days of sentence credit for each month of his or her
9 sentence of imprisonment.

10 (2.1) For all offenses, other than those enumerated in
11 subdivision (a)(2)(i), (ii), or (iii) committed on or after
12 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
13 June 23, 2005 (the effective date of Public Act 94-71) or
14 subdivision (a)(2)(v) committed on or after August 13, 2007
15 (the effective date of Public Act 95-134) or subdivision
16 (a)(2)(vi) committed on or after June 1, 2008 (the effective
17 date of Public Act 95-625) or subdivision (a)(2)(vii)
18 committed on or after July 23, 2010 (the effective date of
19 Public Act 96-1224), and other than the offense of aggravated
20 driving under the influence of alcohol, other drug or drugs,
21 or intoxicating compound or compounds, or any combination
22 thereof as defined in subparagraph (F) of paragraph (1) of
23 subsection (d) of Section 11-501 of the Illinois Vehicle Code,
24 and other than the offense of aggravated driving under the
25 influence of alcohol, other drug or drugs, or intoxicating
26 compound or compounds, or any combination thereof as defined

1 in subparagraph (C) of paragraph (1) of subsection (d) of
2 Section 11-501 of the Illinois Vehicle Code committed on or
3 after January 1, 2011 (the effective date of Public Act
4 96-1230), the rules and regulations shall provide that a
5 prisoner who is serving a term of imprisonment shall receive
6 one day of sentence credit for each day of his or her sentence
7 of imprisonment or recommitment under Section 3-3-9. Each day
8 of sentence credit shall reduce by one day the prisoner's
9 period of imprisonment or recommitment under Section 3-3-9.

10 (2.2) A prisoner serving a term of natural life
11 imprisonment or a prisoner who has been sentenced to death
12 shall receive no sentence credit.

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

23 (2.4) Except as provided in paragraph (4.7) of this
24 subsection (a), the rules and regulations on sentence credit
25 shall provide with respect to the offenses of aggravated
26 battery with a machine gun or a firearm equipped with any

1 device or attachment designed or used for silencing the report
2 of a firearm or aggravated discharge of a machine gun or a
3 firearm equipped with any device or attachment designed or
4 used for silencing the report of a firearm, committed on or
5 after July 15, 1999 (the effective date of Public Act 91-121),
6 that a prisoner serving a sentence for any of these offenses
7 shall receive no more than 4.5 days of sentence credit for each
8 month of his or her sentence of imprisonment.

9 (2.5) Except as provided in paragraph (4.7) of this
10 subsection (a), the rules and regulations on sentence credit
11 shall provide that a prisoner who is serving a sentence for
12 aggravated arson committed on or after July 27, 2001 (the
13 effective date of Public Act 92-176) shall receive no more
14 than 4.5 days of sentence credit for each month of his or her
15 sentence of imprisonment.

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

1 (3) In addition to the sentence credits earned under
2 paragraphs (2.1), (4), (4.1), and (4.7) of this subsection
3 (a), the rules and regulations shall also provide that the
4 Director may award up to 180 days of earned sentence credit for
5 good conduct in specific instances as the Director deems
6 proper. The good conduct may include, but is not limited to,
7 compliance with the rules and regulations of the Department,
8 service to the Department, service to a community, or service
9 to the State.

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

23 The Director shall not award sentence credit under this
24 paragraph (3) to an inmate unless the inmate has served a
25 minimum of 60 days of the sentence; except nothing in this
26 paragraph shall be construed to permit the Director to extend

1 an inmate's sentence beyond that which was imposed by the
2 court. Prior to awarding credit under this paragraph (3), the
3 Director shall make a written determination that the inmate:

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

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

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

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

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

14 (3.5) The Department shall provide annual written reports
15 to the Governor and the General Assembly on the award of earned
16 sentence credit no later than February 1 of each year. The
17 Department must publish both reports on its website within 48
18 hours of transmitting the reports to the Governor and the
19 General Assembly. The reports must include:

20 (A) the number of inmates awarded earned sentence
21 credit;

22 (B) the average amount of earned sentence credit
23 awarded;

24 (C) the holding offenses of inmates awarded earned
25 sentence credit; and

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

1 (4) (A) Except as provided in paragraph (4.7) of this
2 subsection (a), the rules and regulations shall also provide
3 that any prisoner who is engaged full-time in substance abuse
4 programs, correctional industry assignments, educational
5 programs, pregnancy or parenting education programs,
6 work-release programs or activities in accordance with Section
7 3-13-1, the sentence credit accumulated and retained under
8 paragraph (2.1) of subsection (a) of this Section by any
9 inmate during specific periods of time in which such inmate is
10 engaged full-time in substance abuse programs, correctional
11 industry assignments, educational programs, behavior
12 modification programs, life skills courses, or re-entry
13 planning provided by the Department under this paragraph (4)
14 and satisfactorily completes the assigned program as
15 determined by the standards of the Department, shall be
16 multiplied by a factor of 1.25 for program participation
17 before August 11, 1993 and 1.50 for program participation on
18 or after that date. The rules and regulations shall also
19 provide that sentence credit, subject to the same offense
20 limits and multiplier provided in this paragraph, may be
21 provided to an inmate who was held in pre-trial detention
22 prior to his or her current commitment to the Department of
23 Corrections and successfully completed a full-time, 60-day or
24 longer substance abuse program, educational program, behavior
25 modification program, life skills course, or re-entry planning
26 provided by the county department of corrections or county

1 jail. Calculation of this county program credit shall be done
2 at sentencing as provided in Section 5-4.5-100 of this Code
3 and shall be included in the sentencing order. However, no
4 inmate shall be eligible for the additional sentence credit
5 under this paragraph (4) or (4.1) of this subsection (a) while
6 assigned to a boot camp or electronic detention.

7 (B) The Department shall award sentence credit under this
8 paragraph (4) accumulated prior to January 1, 2020 (the
9 effective date of Public Act 101-440) ~~this amendatory Act of~~
10 ~~the 101st General Assembly~~ in an amount specified in
11 subparagraph (C) of this paragraph (4) to an inmate serving a
12 sentence for an offense committed prior to June 19, 1998, if
13 the Department determines that the inmate is entitled to this
14 sentence credit, based upon:

15 (i) documentation provided by the Department that the
16 inmate engaged in any full-time substance abuse programs,
17 correctional industry assignments, educational programs,
18 behavior modification programs, life skills courses, or
19 re-entry planning provided by the Department under this
20 paragraph (4) and satisfactorily completed the assigned
21 program as determined by the standards of the Department
22 during the inmate's current term of incarceration; or

23 (ii) the inmate's own testimony in the form of an
24 affidavit or documentation, or a third party's
25 documentation or testimony in the form of an affidavit
26 that the inmate likely engaged in any full-time substance

1 abuse programs, correctional industry assignments,
2 educational programs, behavior modification programs, life
3 skills courses, or re-entry planning provided by the
4 Department under paragraph (4) and satisfactorily
5 completed the assigned program as determined by the
6 standards of the Department during the inmate's current
7 term of incarceration.

8 (C) If the inmate can provide documentation that he or she
9 is entitled to sentence credit under subparagraph (B) in
10 excess of 45 days of participation in those programs, the
11 inmate shall receive 90 days of sentence credit. If the inmate
12 cannot provide documentation of more than 45 days of
13 participation in those programs, the inmate shall receive 45
14 days of sentence credit. In the event of a disagreement
15 between the Department and the inmate as to the amount of
16 credit accumulated under subparagraph (B), if the Department
17 provides documented proof of a lesser amount of days of
18 participation in those programs, that proof shall control. If
19 the Department provides no documentary proof, the inmate's
20 proof as set forth in clause (ii) of subparagraph (B) shall
21 control as to the amount of sentence credit provided.

22 (D) If the inmate has been convicted of a sex offense as
23 defined in Section 2 of the Sex Offender Registration Act,
24 sentencing credits under subparagraph (B) of this paragraph
25 (4) shall be awarded by the Department only if the conditions
26 set forth in paragraph (4.6) of subsection (a) are satisfied.

1 No inmate serving a term of natural life imprisonment shall
2 receive sentence credit under subparagraph (B) of this
3 paragraph (4).

4 Educational, vocational, substance abuse, behavior
5 modification programs, life skills courses, re-entry planning,
6 and correctional industry programs under which sentence credit
7 may be increased under this paragraph (4) and paragraph (4.1)
8 of this subsection (a) shall be evaluated by the Department on
9 the basis of documented standards. The Department shall report
10 the results of these evaluations to the Governor and the
11 General Assembly by September 30th of each year. The reports
12 shall include data relating to the recidivism rate among
13 program participants.

14 Availability of these programs shall be subject to the
15 limits of fiscal resources appropriated by the General
16 Assembly for these purposes. Eligible inmates who are denied
17 immediate admission shall be placed on a waiting list under
18 criteria established by the Department. The inability of any
19 inmate to become engaged in any such programs by reason of
20 insufficient program resources or for any other reason
21 established under the rules and regulations of the Department
22 shall not be deemed a cause of action under which the
23 Department or any employee or agent of the Department shall be
24 liable for damages to the inmate.

25 (4.1) Except as provided in paragraph (4.7) of this
26 subsection (a), the rules and regulations shall also provide

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

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

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

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

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

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

1 allow a prisoner placed on a waiting list to participate in and
2 complete a substance abuse education class or attend substance
3 abuse self-help meetings in lieu of a substance abuse
4 treatment program. A prisoner on a waiting list who is not
5 placed in a substance abuse program prior to release may be
6 eligible for a waiver and receive sentence credit under clause
7 (3) of this subsection (a) at the discretion of the Director.

8 (4.6) The rules and regulations on sentence credit shall
9 also provide that a prisoner who has been convicted of a sex
10 offense as defined in Section 2 of the Sex Offender
11 Registration Act shall receive no sentence credit unless he or
12 she either has successfully completed or is participating in
13 sex offender treatment as defined by the Sex Offender
14 Management Board. However, prisoners who are waiting to
15 receive treatment, but who are unable to do so due solely to
16 the lack of resources on the part of the Department, may, at
17 the Director's sole discretion, be awarded sentence credit at
18 a rate as the Director shall determine.

19 (4.7) On or after January 1, 2018 (the effective date of
20 Public Act 100-3) ~~this amendatory Act of the 100th General~~
21 ~~Assembly~~, sentence credit under paragraph (3), (4), or (4.1)
22 of this subsection (a) may be awarded to a prisoner who is
23 serving a sentence for an offense described in paragraph (2),
24 (2.3), (2.4), (2.5), or (2.6) for credit earned on or after
25 January 1, 2018 (the effective date of Public Act 100-3) ~~this~~
26 ~~amendatory Act of the 100th General Assembly~~; provided, the

1 award of the credits under this paragraph (4.7) shall not
2 reduce the sentence of the prisoner to less than the following
3 amounts:

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

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

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

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

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

7 (b) Whenever a person is or has been committed under
8 several convictions, with separate sentences, the sentences
9 shall be construed under Section 5-8-4 in granting and
10 forfeiting of sentence credit.

11 (c) The Department shall prescribe rules and regulations
12 for revoking sentence credit, including revoking sentence
13 credit awarded under paragraph (3) of subsection (a) of this
14 Section. The Department shall prescribe rules and regulations
15 for suspending or reducing the rate of accumulation of
16 sentence credit for specific rule violations, during
17 imprisonment. These rules and regulations shall provide that
18 no inmate may be penalized more than one year of sentence
19 credit for any one infraction.

20 When the Department seeks to revoke, suspend, or reduce
21 the rate of accumulation of any sentence credits for an
22 alleged infraction of its rules, it shall bring charges
23 therefor against the prisoner sought to be so deprived of
24 sentence credits before the Prisoner Review Board as provided
25 in subparagraph (a)(4) of Section 3-3-2 of this Code, if the
26 amount of credit at issue exceeds 30 days or when, during any

1 12-month ~~12-month~~ period, the cumulative amount of credit
2 revoked exceeds 30 days except where the infraction is
3 committed or discovered within 60 days of scheduled release.
4 In those cases, the Department of Corrections may revoke up to
5 30 days of sentence credit. The Board may subsequently approve
6 the revocation of additional sentence credit, if the
7 Department seeks to revoke sentence credit in excess of 30
8 days. However, the Board shall not be empowered to review the
9 Department's decision with respect to the loss of 30 days of
10 sentence credit within any calendar year for any prisoner or
11 to increase any penalty beyond the length requested by the
12 Department.

13 The Director of the Department of Corrections, in
14 appropriate cases, may restore up to 30 days of sentence
15 credits which have been revoked, suspended, or reduced. Any
16 restoration of sentence credits in excess of 30 days shall be
17 subject to review by the Prisoner Review Board. However, the
18 Board may not restore sentence credit in excess of the amount
19 requested by the Director.

20 Nothing contained in this Section shall prohibit the
21 Prisoner Review Board from ordering, pursuant to Section
22 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
23 sentence imposed by the court that was not served due to the
24 accumulation of sentence credit.

25 (d) If a lawsuit is filed by a prisoner in an Illinois or
26 federal court against the State, the Department of

1 Corrections, or the Prisoner Review Board, or against any of
2 their officers or employees, and the court makes a specific
3 finding that a pleading, motion, or other paper filed by the
4 prisoner is frivolous, the Department of Corrections shall
5 conduct a hearing to revoke up to 180 days of sentence credit
6 by bringing charges against the prisoner sought to be deprived
7 of the sentence credits before the Prisoner Review Board as
8 provided in subparagraph (a) (8) of Section 3-3-2 of this Code.
9 If the prisoner has not accumulated 180 days of sentence
10 credit at the time of the finding, then the Prisoner Review
11 Board may revoke all sentence credit accumulated by the
12 prisoner.

13 For purposes of this subsection (d):

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

18 (A) it lacks an arguable basis either in law or in
19 fact;

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

23 (C) the claims, defenses, and other legal
24 contentions therein are not warranted by existing law
25 or by a nonfrivolous argument for the extension,
26 modification, or reversal of existing law or the

1 establishment of new law;

2 (D) the allegations and other factual contentions
3 do not have evidentiary support or, if specifically so
4 identified, are not likely to have evidentiary support
5 after a reasonable opportunity for further
6 investigation or discovery; or

7 (E) the denials of factual contentions are not
8 warranted on the evidence, or if specifically so
9 identified, are not reasonably based on a lack of
10 information or belief.

11 (2) "Lawsuit" means a motion pursuant to Section 116-3
12 of the Code of Criminal Procedure of 1963, a habeas corpus
13 action under Article X of the Code of Civil Procedure or
14 under federal law (28 U.S.C. 2254), a petition for claim
15 under the Court of Claims Act, an action under the federal
16 Civil Rights Act (42 U.S.C. 1983), or a second or
17 subsequent petition for post-conviction relief under
18 Article 122 of the Code of Criminal Procedure of 1963
19 whether filed with or without leave of court or a second or
20 subsequent petition for relief from judgment under Section
21 2-1401 of the Code of Civil Procedure.

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

24 (f) Whenever the Department is to release any inmate who
25 has been convicted of a violation of an order of protection
26 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or

1 the Criminal Code of 2012, earlier than it otherwise would
2 because of a grant of sentence credit, the Department, as a
3 condition of release, shall require that the person, upon
4 release, be placed under electronic surveillance as provided
5 in Section 5-8A-7 of this Code.

6 (Source: P.A. 100-3, eff. 1-1-18; 100-575, eff. 1-8-18;
7 101-440, eff. 1-1-20; revised 8-19-20.)

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

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

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

14 (1.5) As otherwise provided by law, sentence credit may be
15 awarded for the following:

16 (A) successful completion of programming while in
17 custody of the Department or while in custody prior to
18 sentencing;

19 (B) compliance with the rules and regulations of the
20 Department; or

21 (C) service to the institution, service to a
22 community, or service to the State.

23 (2) Except as provided in paragraph (4.7) of this
24 subsection (a), the rules and regulations on sentence credit
25 shall provide, with respect to offenses listed in clause (i),

1 (ii), or (iii) of this paragraph (2) committed on or after June
2 19, 1998 or with respect to the offense listed in clause (iv)
3 of this paragraph (2) committed on or after June 23, 2005 (the
4 effective date of Public Act 94-71) or with respect to offense
5 listed in clause (vi) committed on or after June 1, 2008 (the
6 effective date of Public Act 95-625) or with respect to the
7 offense of being an armed habitual criminal committed on or
8 after August 2, 2005 (the effective date of Public Act 94-398)
9 or with respect to the offenses listed in clause (v) of this
10 paragraph (2) committed on or after August 13, 2007 (the
11 effective date of Public Act 95-134) or with respect to the
12 offense of aggravated domestic battery committed on or after
13 July 23, 2010 (the effective date of Public Act 96-1224) or
14 with respect to the offense of attempt to commit terrorism
15 committed on or after January 1, 2013 (the effective date of
16 Public Act 97-990), the following:

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

21 (ii) that a prisoner serving a sentence for attempt to
22 commit terrorism, attempt to commit first degree murder,
23 solicitation of murder, solicitation of murder for hire,
24 intentional homicide of an unborn child, predatory
25 criminal sexual assault of a child, aggravated criminal
26 sexual assault, criminal sexual assault, aggravated

1 kidnapping, aggravated battery with a firearm as described
2 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3),
3 or (e) (4) of Section 12-3.05, heinous battery as described
4 in Section 12-4.1 or subdivision (a) (2) of Section
5 12-3.05, being an armed habitual criminal, aggravated
6 battery of a senior citizen as described in Section 12-4.6
7 or subdivision (a) (4) of Section 12-3.05, or aggravated
8 battery of a child as described in Section 12-4.3 or
9 subdivision (b) (1) of Section 12-3.05 shall receive no
10 more than 4.5 days of sentence credit for each month of his
11 or her sentence of imprisonment;

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

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

1 imprisonment;

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

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

1 (vii) that a prisoner serving a sentence for
2 aggravated domestic battery shall receive no more than 4.5
3 days of sentence credit for each month of his or her
4 sentence of imprisonment.

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

1 one day of sentence credit for each day of his or her sentence
2 of imprisonment or recommitment under Section 3-3-9. Each day
3 of sentence credit shall reduce by one day the prisoner's
4 period of imprisonment or recommitment under Section 3-3-9.

5 (2.2) A prisoner serving a term of natural life
6 imprisonment or a prisoner who has been sentenced to death
7 shall receive no sentence credit.

8 (2.3) 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 (F) of
14 paragraph (1) of subsection (d) of Section 11-501 of the
15 Illinois Vehicle Code, shall receive no more than 4.5 days of
16 sentence credit for each month of his or her sentence of
17 imprisonment.

18 (2.4) Except as provided in paragraph (4.7) of this
19 subsection (a), the rules and regulations on sentence credit
20 shall provide with respect to the offenses of aggravated
21 battery with a machine gun or a firearm equipped with any
22 device or attachment designed or used for silencing the report
23 of a firearm or aggravated discharge of a machine gun or a
24 firearm equipped with any device or attachment designed or
25 used for silencing the report of a firearm, committed on or
26 after July 15, 1999 (the effective date of Public Act 91-121),

1 that a prisoner serving a sentence for any of these offenses
2 shall receive no more than 4.5 days of sentence credit for each
3 month of his or her sentence of imprisonment.

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

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

22 (3) In addition to the sentence credits earned under
23 paragraphs (2.1), (4), (4.1), (4.2), and (4.7) of this
24 subsection (a), the rules and regulations shall also provide
25 that the Director may award up to 180 days of earned sentence
26 credit for prisoners serving a sentence of incarceration of

1 less than 5 years, and up to 365 days of earned sentence credit
2 for prisoners serving a sentence of 5 years or longer. The
3 Director may grant this credit for good conduct in specific
4 instances as the Director deems proper. The good conduct may
5 include, but is not limited to, compliance with the rules and
6 regulations of the Department, service to the Department,
7 service to a community, or service to the State.

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

25 The Director shall not award sentence credit under this
26 paragraph (3) to an inmate unless the inmate has served a

1 minimum of 60 days of the sentence; except nothing in this
2 paragraph shall be construed to permit the Director to extend
3 an inmate's sentence beyond that which was imposed by the
4 court. Prior to awarding credit under this paragraph (3), the
5 Director shall make a written determination that the inmate:

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

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

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

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

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

16 (3.5) The Department shall provide annual written reports
17 to the Governor and the General Assembly on the award of earned
18 sentence credit no later than February 1 of each year. The
19 Department must publish both reports on its website within 48
20 hours of transmitting the reports to the Governor and the
21 General Assembly. The reports must include:

22 (A) the number of inmates awarded earned sentence
23 credit;

24 (B) the average amount of earned sentence credit
25 awarded;

26 (C) the holding offenses of inmates awarded earned

1 sentence credit; and

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

3 (4) (A) Except as provided in paragraph (4.7) of this
4 subsection (a), the rules and regulations shall also provide
5 that any prisoner who is engaged full-time in substance abuse
6 programs, correctional industry assignments, educational
7 programs, work-release programs or activities in accordance
8 with Article 13 of Chapter III of this Code ~~730 ILCS 5/3-13-1~~
9 ~~et seq.~~, behavior modification programs, life skills courses,
10 or re-entry planning provided by the Department under this
11 paragraph (4) and satisfactorily completes the assigned
12 program as determined by the standards of the Department,
13 shall receive ~~one day~~ of sentence credit for each day in
14 which that prisoner is engaged in the activities described in
15 this paragraph. The rules and regulations shall also provide
16 that sentence credit may be provided to an inmate who was held
17 in pre-trial detention prior to his or her current commitment
18 to the Department of Corrections and successfully completed a
19 full-time, 60-day or longer substance abuse program,
20 educational program, behavior modification program, life
21 skills course, or re-entry planning provided by the county
22 department of corrections or county jail. Calculation of this
23 county program credit shall be done at sentencing as provided
24 in Section 5-4.5-100 of this Code and shall be included in the
25 sentencing order. The rules and regulations shall also provide
26 that sentence credit may be provided to an inmate who is in

1 compliance with programming requirements in an adult
2 transition center.

3 (B) The Department shall award sentence credit under this
4 paragraph (4) accumulated prior to January 1, 2020 (the
5 effective date of Public Act 101-440) in an amount specified
6 in subparagraph (C) of this paragraph (4) to an inmate serving
7 a sentence for an offense committed prior to June 19, 1998, if
8 the Department determines that the inmate is entitled to this
9 sentence credit, based upon:

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

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

1 standards of the Department during the inmate's current
2 term of incarceration.

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

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

25 Educational, vocational, substance abuse, behavior
26 modification programs, life skills courses, re-entry planning,

1 and correctional industry programs under which sentence credit
2 may be earned ~~increased~~ under this paragraph (4) and paragraph
3 (4.1) of this subsection (a) shall be evaluated by the
4 Department on the basis of documented standards. The
5 Department shall report the results of these evaluations to
6 the Governor and the General Assembly by September 30th of
7 each year. The reports shall include data relating to the
8 recidivism rate among program participants.

9 Availability of these programs shall be subject to the
10 limits of fiscal resources appropriated by the General
11 Assembly for these purposes. Eligible inmates who are denied
12 immediate admission shall be placed on a waiting list under
13 criteria established by the Department. The rules and
14 regulations shall provide that a prisoner who has been placed
15 on a waiting list but is transferred for non-disciplinary
16 reasons before beginning a program shall receive priority
17 placement on the waitlist for appropriate programs at the new
18 facility. The inability of any inmate to become engaged in any
19 such programs by reason of insufficient program resources or
20 for any other reason established under the rules and
21 regulations of the Department shall not be deemed a cause of
22 action under which the Department or any employee or agent of
23 the Department shall be liable for damages to the inmate. The
24 rules and regulations shall provide that a prisoner who begins
25 an educational, vocational, substance abuse, work-release
26 programs or activities in accordance with Article 13 of

1 Chapter III of this Code ~~730 ILCS 5/3-13-1 et seq.~~, behavior
2 modification program, life skills course, re-entry planning,
3 or correctional industry programs but is unable to complete
4 the program due to illness, disability, transfer, lockdown, or
5 another reason outside of the prisoner's control shall receive
6 prorated sentence credits for the days in which the prisoner
7 did participate.

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

1 detention prior to the current commitment to the Department of
2 Corrections. Except as provided in paragraph (4.7) of this
3 subsection (a), the rules and regulations shall provide that
4 an additional 120 days of sentence credit shall be awarded to
5 any prisoner who obtains an ~~a~~ associate degree while the
6 prisoner is committed to the Department of Corrections,
7 regardless of the date that the associate degree was obtained,
8 including if prior to July 1, 2021 (the effective date of
9 Public Act 101-652) ~~this amendatory Act of the 101st General~~
10 ~~Assembly~~. The sentence credit awarded under this paragraph
11 (4.1) shall be in addition to, and shall not affect, the award
12 of sentence credit under any other paragraph of this Section,
13 but shall also be under the guidelines and restrictions set
14 forth in paragraph (4) of subsection (a) of this Section. The
15 sentence credit provided for in this paragraph (4.1) shall be
16 available only to those prisoners who have not previously
17 earned an associate degree prior to the current commitment to
18 the Department of Corrections. If, after an award of the
19 associate degree sentence credit has been made and the
20 Department determines that the prisoner was not eligible, then
21 the award shall be revoked. The Department may also award 120
22 days of sentence credit to any committed person who earned an
23 associate degree while he or she was held in pre-trial
24 detention prior to the current commitment to the Department of
25 Corrections.

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

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

20 Except as provided in paragraph (4.7) of this subsection
21 (a), the rules and regulations shall provide that an
22 additional 180 days of sentence credit shall be awarded to any
23 prisoner who obtains a master's or professional degree while
24 the prisoner is committed to the Department of Corrections.
25 The sentence credit awarded under this paragraph (4.1) shall
26 be in addition to, and shall not affect, the award of sentence

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

15 (4.2) The rules and regulations shall also provide that
16 any prisoner engaged in self-improvement programs, volunteer
17 work, or work assignments that are not otherwise eligible
18 activities under paragraph ~~section~~ (4), shall receive up to
19 0.5 days of sentence credit for each day in which the prisoner
20 is engaged in activities described in this paragraph.

21 (4.5) The rules and regulations on sentence credit shall
22 also provide that when the court's sentencing order recommends
23 a prisoner for substance abuse treatment and the crime was
24 committed on or after September 1, 2003 (the effective date of
25 Public Act 93-354), the prisoner shall receive no sentence
26 credit awarded under clause (3) of this subsection (a) unless

1 he or she participates in and completes a substance abuse
2 treatment program. The Director may waive the requirement to
3 participate in or complete a substance abuse treatment program
4 in specific instances if the prisoner is not a good candidate
5 for a substance abuse treatment program for medical,
6 programming, or operational reasons. Availability of substance
7 abuse treatment shall be subject to the limits of fiscal
8 resources appropriated by the General Assembly for these
9 purposes. If treatment is not available and the requirement to
10 participate and complete the treatment has not been waived by
11 the Director, the prisoner shall be placed on a waiting list
12 under criteria established by the Department. The Director may
13 allow a prisoner placed on a waiting list to participate in and
14 complete a substance abuse education class or attend substance
15 abuse self-help meetings in lieu of a substance abuse
16 treatment program. A prisoner on a waiting list who is not
17 placed in a substance abuse program prior to release may be
18 eligible for a waiver and receive sentence credit under clause
19 (3) of this subsection (a) at the discretion of the Director.

20 (4.6) The rules and regulations on sentence credit shall
21 also provide that a prisoner who has been convicted of a sex
22 offense as defined in Section 2 of the Sex Offender
23 Registration Act shall receive no sentence credit unless he or
24 she either has successfully completed or is participating in
25 sex offender treatment as defined by the Sex Offender
26 Management Board. However, prisoners who are waiting to

1 receive treatment, but who are unable to do so due solely to
2 the lack of resources on the part of the Department, may, at
3 the Director's sole discretion, be awarded sentence credit at
4 a rate as the Director shall determine.

5 (4.7) On or after January 1, 2018 (the effective date of
6 Public Act 100-3), sentence credit under paragraph (3), (4),
7 or (4.1) of this subsection (a) may be awarded to a prisoner
8 who is serving a sentence for an offense described in
9 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned
10 on or after January 1, 2018 (the effective date of Public Act
11 100-3); provided, the award of the credits under this
12 paragraph (4.7) shall not reduce the sentence of the prisoner
13 to less than the following amounts:

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

16 (ii) 60% of his or her sentence if the prisoner is
17 required to serve 75% of his or her sentence, except if the
18 prisoner is serving a sentence for gunrunning his or her
19 sentence shall not be reduced to less than 75%.

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

22 (5) Whenever the Department is to release any inmate
23 earlier than it otherwise would because of a grant of earned
24 sentence credit under paragraph (3) of subsection (a) of this
25 Section given at any time during the term, the Department
26 shall give reasonable notice of the impending release not less

1 than 14 days prior to the date of the release to the State's
2 Attorney of the county where the prosecution of the inmate
3 took place, and if applicable, the State's Attorney of the
4 county into which the inmate will be released. The Department
5 must also make identification information and a recent photo
6 of the inmate being released accessible on the Internet by
7 means of a hyperlink labeled "Community Notification of Inmate
8 Early Release" on the Department's World Wide Web homepage.
9 The identification information shall include the inmate's:
10 name, any known alias, date of birth, physical
11 characteristics, commitment offense, and county where
12 conviction was imposed. The identification information shall
13 be placed on the website within 3 days of the inmate's release
14 and the information may not be removed until either:
15 completion of the first year of mandatory supervised release
16 or return of the inmate to custody of the Department.

17 (b) Whenever a person is or has been committed under
18 several convictions, with separate sentences, the sentences
19 shall be construed under Section 5-8-4 in granting and
20 forfeiting of sentence credit.

21 (c) (1) The Department shall prescribe rules and
22 regulations for revoking sentence credit, including revoking
23 sentence credit awarded under paragraph (3) of subsection (a)
24 of this Section. The Department shall prescribe rules and
25 regulations establishing and requiring the use of a sanctions
26 matrix for revoking sentence credit. The Department shall

1 prescribe rules and regulations for suspending or reducing the
2 rate of accumulation of sentence credit for specific rule
3 violations, during imprisonment. These rules and regulations
4 shall provide that no inmate may be penalized more than one
5 year of sentence credit for any one infraction.

6 (2) When the Department seeks to revoke, suspend, or
7 reduce the rate of accumulation of any sentence credits for an
8 alleged infraction of its rules, it shall bring charges
9 therefor against the prisoner sought to be so deprived of
10 sentence credits before the Prisoner Review Board as provided
11 in subparagraph (a)(4) of Section 3-3-2 of this Code, if the
12 amount of credit at issue exceeds 30 days, whether from one
13 infraction or cumulatively from multiple infractions arising
14 out of a single event, or when, during any 12-month period, the
15 cumulative amount of credit revoked exceeds 30 days except
16 where the infraction is committed or discovered within 60 days
17 of scheduled release. In those cases, the Department of
18 Corrections may revoke up to 30 days of sentence credit. The
19 Board may subsequently approve the revocation of additional
20 sentence credit, if the Department seeks to revoke sentence
21 credit in excess of 30 days. However, the Board shall not be
22 empowered to review the Department's decision with respect to
23 the loss of 30 days of sentence credit within any calendar year
24 for any prisoner or to increase any penalty beyond the length
25 requested by the Department.

26 (3) The Director of the Department of Corrections, in

1 appropriate cases, may restore sentence credits which have
2 been revoked, suspended, or reduced. The Department shall
3 prescribe rules and regulations governing the restoration of
4 sentence credits. These rules and regulations shall provide
5 for the automatic restoration of sentence credits following a
6 period in which the prisoner maintains a record without a
7 disciplinary violation.

8 Nothing contained in this Section shall prohibit the
9 Prisoner Review Board from ordering, pursuant to Section
10 3-3-9(a) (3) (i) (B), that a prisoner serve up to one year of the
11 sentence imposed by the court that was not served due to the
12 accumulation of sentence credit.

13 (d) If a lawsuit is filed by a prisoner in an Illinois or
14 federal court against the State, the Department of
15 Corrections, or the Prisoner Review Board, or against any of
16 their officers or employees, and the court makes a specific
17 finding that a pleading, motion, or other paper filed by the
18 prisoner is frivolous, the Department of Corrections shall
19 conduct a hearing to revoke up to 180 days of sentence credit
20 by bringing charges against the prisoner sought to be deprived
21 of the sentence credits before the Prisoner Review Board as
22 provided in subparagraph (a) (8) of Section 3-3-2 of this Code.
23 If the prisoner has not accumulated 180 days of sentence
24 credit at the time of the finding, then the Prisoner Review
25 Board may revoke all sentence credit accumulated by the
26 prisoner.

1 For purposes of this subsection (d):

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

6 (A) it lacks an arguable basis either in law or in
7 fact;

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

11 (C) the claims, defenses, and other legal
12 contentions therein are not warranted by existing law
13 or by a nonfrivolous argument for the extension,
14 modification, or reversal of existing law or the
15 establishment of new law;

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

21 (E) the denials of factual contentions are not
22 warranted on the evidence, or if specifically so
23 identified, are not reasonably based on a lack of
24 information or belief.

25 (2) "Lawsuit" means a motion pursuant to Section 116-3
26 of the Code of Criminal Procedure of 1963, a habeas corpus

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

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

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

20 (Source: P.A. 100-3, eff. 1-1-18; 100-575, eff. 1-8-18;
21 101-440, eff. 1-1-20; 101-652, eff. 7-1-21; revised 4-28-21.)

22 (730 ILCS 5/3-6-7.3)

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

25 Sec. 3-6-7.3. Committed person post-partum recovery

1 requirements. The Department shall ensure that, for a period
2 of 72 hours after the birth of an infant by an committed
3 person:

4 (1) the infant is allowed to remain with the committed
5 person, unless a medical professional determines doing so
6 would pose a health or safety risk to the committed person
7 or infant based on information only available to the
8 Department. The mental health professional shall make any
9 such determination on an individualized basis and in
10 consultation with the birthing team of the pregnant person
11 and the Chief of the Women's Division. The birthing team
12 shall include the committed person's perinatal care
13 providers and doula, if available; and

14 (2) the committed person has access to any nutritional
15 or hygiene-related products necessary to care for the
16 infant, including diapers.

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

18 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

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

20 Sec. 5-8-1. Natural life imprisonment; enhancements for
21 use of a firearm; mandatory supervised release terms.

22 (a) Except as otherwise provided in the statute defining
23 the offense or in Article 4.5 of Chapter V, a sentence of
24 imprisonment for a felony shall be a determinate sentence set
25 by the court under this Section, subject to Section 5-4.5-115

1 of this Code, according to the following limitations:

2 (1) for first degree murder,

3 (a) (blank),

4 (b) if a trier of fact finds beyond a reasonable
5 doubt that the murder was accompanied by exceptionally
6 brutal or heinous behavior indicative of wanton
7 cruelty or, except as set forth in subsection
8 (a) (1) (c) of this Section, that any of the aggravating
9 factors listed in subsection (b) or (b-5) of Section
10 9-1 of the Criminal Code of 1961 or the Criminal Code
11 of 2012 are present, the court may sentence the
12 defendant, subject to Section 5-4.5-105, to a term of
13 natural life imprisonment, or

14 (c) the court shall sentence the defendant to a
15 term of natural life imprisonment if the defendant, at
16 the time of the commission of the murder, had attained
17 the age of 18, and

18 (i) has previously been convicted of first
19 degree murder under any state or federal law, or

20 (ii) is found guilty of murdering more than
21 one victim, or

22 (iii) is found guilty of murdering a peace
23 officer, fireman, or emergency management worker
24 when the peace officer, fireman, or emergency
25 management worker was killed in the course of
26 performing his official duties, or to prevent the

1 peace officer or fireman from performing his
2 official duties, or in retaliation for the peace
3 officer, fireman, or emergency management worker
4 from performing his official duties, and the
5 defendant knew or should have known that the
6 murdered individual was a peace officer, fireman,
7 or emergency management worker, or

8 (iv) is found guilty of murdering an employee
9 of an institution or facility of the Department of
10 Corrections, or any similar local correctional
11 agency, when the employee was killed in the course
12 of performing his official duties, or to prevent
13 the employee from performing his official duties,
14 or in retaliation for the employee performing his
15 official duties, or

16 (v) is found guilty of murdering an emergency
17 medical technician - ambulance, emergency medical
18 technician - intermediate, emergency medical
19 technician - paramedic, ambulance driver or other
20 medical assistance or first aid person while
21 employed by a municipality or other governmental
22 unit when the person was killed in the course of
23 performing official duties or to prevent the
24 person from performing official duties or in
25 retaliation for performing official duties and the
26 defendant knew or should have known that the

1 murdered individual was an emergency medical
2 technician - ambulance, emergency medical
3 technician - intermediate, emergency medical
4 technician - paramedic, ambulance driver, or other
5 medical assistant or first aid personnel, or

6 (vi) (blank), or

7 (vii) is found guilty of first degree murder
8 and the murder was committed by reason of any
9 person's activity as a community policing
10 volunteer or to prevent any person from engaging
11 in activity as a community policing volunteer. For
12 the purpose of this Section, "community policing
13 volunteer" has the meaning ascribed to it in
14 Section 2-3.5 of the Criminal Code of 2012.

15 For purposes of clause (v), "emergency medical
16 technician - ambulance", "emergency medical technician
17 - intermediate", "emergency medical technician -
18 paramedic", have the meanings ascribed to them in the
19 Emergency Medical Services (EMS) Systems Act.

20 (d) (i) if the person committed the offense while
21 armed with a firearm, 15 years shall be added to
22 the term of imprisonment imposed by the court;

23 (ii) if, during the commission of the offense, the
24 person personally discharged a firearm, 20 years shall
25 be added to the term of imprisonment imposed by the
26 court;

1 (iii) if, during the commission of the offense,
2 the person personally discharged a firearm that
3 proximately caused great bodily harm, permanent
4 disability, permanent disfigurement, or death to
5 another person, 25 years or up to a term of natural
6 life shall be added to the term of imprisonment
7 imposed by the court.

8 (2) (blank);

9 (2.5) for a person who has attained the age of 18 years
10 at the time of the commission of the offense and who is
11 convicted under the circumstances described in subdivision
12 (b)(1)(B) of Section 11-1.20 or paragraph (3) of
13 subsection (b) of Section 12-13, subdivision (d)(2) of
14 Section 11-1.30 or paragraph (2) of subsection (d) of
15 Section 12-14, subdivision (b)(1.2) of Section 11-1.40 or
16 paragraph (1.2) of subsection (b) of Section 12-14.1,
17 subdivision (b)(2) of Section 11-1.40 or paragraph (2) of
18 subsection (b) of Section 12-14.1 of the Criminal Code of
19 1961 or the Criminal Code of 2012, the sentence shall be a
20 term of natural life imprisonment.

21 (b) (Blank).

22 (c) (Blank).

23 (d) Subject to earlier termination under Section 3-3-8,
24 the parole or mandatory supervised release term shall be
25 written as part of the sentencing order and shall be as
26 follows:

1 (1) for first degree murder or a Class X felony except
2 for the offenses of predatory criminal sexual assault of a
3 child, aggravated criminal sexual assault, and criminal
4 sexual assault if committed on or after the effective date
5 of this amendatory Act of the 94th General Assembly and
6 except for the offense of aggravated child pornography
7 under Section 11-20.1B, 11-20.3, or 11-20.1 with
8 sentencing under subsection (c-5) of Section 11-20.1 of
9 the Criminal Code of 1961 or the Criminal Code of 2012, if
10 committed on or after January 1, 2009, 3 years;

11 (2) for a Class 1 felony or a Class 2 felony except for
12 the offense of criminal sexual assault if committed on or
13 after the effective date of this amendatory Act of the
14 94th General Assembly and except for the offenses of
15 manufacture and dissemination of child pornography under
16 clauses (a)(1) and (a)(2) of Section 11-20.1 of the
17 Criminal Code of 1961 or the Criminal Code of 2012, if
18 committed on or after January 1, 2009, 2 years;

19 (3) for a Class 3 felony or a Class 4 felony, 1 year;

20 (4) for defendants who commit the offense of predatory
21 criminal sexual assault of a child, aggravated criminal
22 sexual assault, or criminal sexual assault, on or after
23 the effective date of this amendatory Act of the 94th
24 General Assembly, or who commit the offense of aggravated
25 child pornography under Section 11-20.1B, 11-20.3, or
26 11-20.1 with sentencing under subsection (c-5) of Section

1 11-20.1 of the Criminal Code of 1961 or the Criminal Code
2 of 2012, manufacture of child pornography, or
3 dissemination of child pornography after January 1, 2009,
4 the term of mandatory supervised release shall range from
5 a minimum of 3 years to a maximum of the natural life of
6 the defendant;

7 (5) if the victim is under 18 years of age, for a
8 second or subsequent offense of aggravated criminal sexual
9 abuse or felony criminal sexual abuse, 4 years, at least
10 the first 2 years of which the defendant shall serve in an
11 electronic monitoring or home detention program under
12 Article 8A of Chapter V of this Code;

13 (6) for a felony domestic battery, aggravated domestic
14 battery, stalking, aggravated stalking, and a felony
15 violation of an order of protection, 4 years.

16 (e) (Blank).

17 (f) (Blank).

18 (Source: P.A. 100-431, eff. 8-25-17; 100-1182, eff. 6-1-19;
19 101-288, eff. 1-1-20.)

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

21 Sec. 5-8-1. Natural life imprisonment; enhancements for
22 use of a firearm; mandatory supervised release terms.

23 (a) Except as otherwise provided in the statute defining
24 the offense or in Article 4.5 of Chapter V, a sentence of
25 imprisonment for a felony shall be a determinate sentence set

1 by the court under this Section, subject to Section 5-4.5-115
2 of this Code, according to the following limitations:

3 (1) for first degree murder,

4 (a) (blank),

5 (b) if a trier of fact finds beyond a reasonable
6 doubt that the murder was accompanied by exceptionally
7 brutal or heinous behavior indicative of wanton
8 cruelty or, except as set forth in subsection
9 (a) (1) (c) of this Section, that any of the aggravating
10 factors listed in subsection (b) or (b-5) of Section
11 9-1 of the Criminal Code of 1961 or the Criminal Code
12 of 2012 are present, the court may sentence the
13 defendant, subject to Section 5-4.5-105, to a term of
14 natural life imprisonment, or

15 (c) the court shall sentence the defendant to a
16 term of natural life imprisonment if the defendant, at
17 the time of the commission of the murder, had attained
18 the age of 18, and

19 (i) has previously been convicted of first
20 degree murder under any state or federal law, or

21 (ii) is found guilty of murdering more than
22 one victim, or

23 (iii) is found guilty of murdering a peace
24 officer, fireman, or emergency management worker
25 when the peace officer, fireman, or emergency
26 management worker was killed in the course of

1 performing his official duties, or to prevent the
2 peace officer or fireman from performing his
3 official duties, or in retaliation for the peace
4 officer, fireman, or emergency management worker
5 from performing his official duties, and the
6 defendant knew or should have known that the
7 murdered individual was a peace officer, fireman,
8 or emergency management worker, or

9 (iv) is found guilty of murdering an employee
10 of an institution or facility of the Department of
11 Corrections, or any similar local correctional
12 agency, when the employee was killed in the course
13 of performing his official duties, or to prevent
14 the employee from performing his official duties,
15 or in retaliation for the employee performing his
16 official duties, or

17 (v) is found guilty of murdering an emergency
18 medical technician - ambulance, emergency medical
19 technician - intermediate, emergency medical
20 technician - paramedic, ambulance driver or other
21 medical assistance or first aid person while
22 employed by a municipality or other governmental
23 unit when the person was killed in the course of
24 performing official duties or to prevent the
25 person from performing official duties or in
26 retaliation for performing official duties and the

1 defendant knew or should have known that the
2 murdered individual was an emergency medical
3 technician - ambulance, emergency medical
4 technician - intermediate, emergency medical
5 technician - paramedic, ambulance driver, or other
6 medical assistant or first aid personnel, or

7 (vi) (blank), or

8 (vii) is found guilty of first degree murder
9 and the murder was committed by reason of any
10 person's activity as a community policing
11 volunteer or to prevent any person from engaging
12 in activity as a community policing volunteer. For
13 the purpose of this Section, "community policing
14 volunteer" has the meaning ascribed to it in
15 Section 2-3.5 of the Criminal Code of 2012.

16 For purposes of clause (v), "emergency medical
17 technician - ambulance", "emergency medical technician
18 - intermediate", "emergency medical technician -
19 paramedic", have the meanings ascribed to them in the
20 Emergency Medical Services (EMS) Systems Act.

21 (d) (i) if the person committed the offense while
22 armed with a firearm, 15 years shall be added to
23 the term of imprisonment imposed by the court;

24 (ii) if, during the commission of the offense, the
25 person personally discharged a firearm, 20 years shall
26 be added to the term of imprisonment imposed by the

1 court;

2 (iii) if, during the commission of the offense,
3 the person personally discharged a firearm that
4 proximately caused great bodily harm, permanent
5 disability, permanent disfigurement, or death to
6 another person, 25 years or up to a term of natural
7 life shall be added to the term of imprisonment
8 imposed by the court.

9 (2) (blank);

10 (2.5) for a person who has attained the age of 18 years
11 at the time of the commission of the offense and who is
12 convicted under the circumstances described in subdivision
13 (b)(1)(B) of Section 11-1.20 or paragraph (3) of
14 subsection (b) of Section 12-13, subdivision (d)(2) of
15 Section 11-1.30 or paragraph (2) of subsection (d) of
16 Section 12-14, subdivision (b)(1.2) of Section 11-1.40 or
17 paragraph (1.2) of subsection (b) of Section 12-14.1,
18 subdivision (b)(2) of Section 11-1.40 or paragraph (2) of
19 subsection (b) of Section 12-14.1 of the Criminal Code of
20 1961 or the Criminal Code of 2012, the sentence shall be a
21 term of natural life imprisonment.

22 (b) (Blank).

23 (c) (Blank).

24 (d) Subject to earlier termination under Section 3-3-8,
25 the parole or mandatory supervised release term shall be
26 written as part of the sentencing order and shall be as

1 follows:

2 (1) for first degree murder or for the offenses of
3 predatory criminal sexual assault of a child, aggravated
4 criminal sexual assault, and criminal sexual assault if
5 committed on or before December 12, 2005, 3 years;

6 (1.5) except as provided in paragraph (7) of this
7 subsection (d), for a Class X felony except for the
8 offenses of predatory criminal sexual assault of a child,
9 aggravated criminal sexual assault, and criminal sexual
10 assault if committed on or after December 13, 2005 (the
11 effective date of Public Act 94-715) and except for the
12 offense of aggravated child pornography under Section
13 11-20.1B., 11-20.3, or 11-20.1 with sentencing under
14 subsection (c-5) of Section 11-20.1 of the Criminal Code
15 of 1961 or the Criminal Code of 2012, if committed on or
16 after January 1, 2009, 18 months;

17 (2) except as provided in paragraph (7) of this
18 subsection (d), for a Class 1 felony or a Class 2 felony
19 except for the offense of criminal sexual assault if
20 committed on or after December 13, 2005 (the effective
21 date of Public Act 94-715) and except for the offenses of
22 manufacture and dissemination of child pornography under
23 clauses (a)(1) and (a)(2) of Section 11-20.1 of the
24 Criminal Code of 1961 or the Criminal Code of 2012, if
25 committed on or after January 1, 2009, 12 months;

26 (3) except as provided in paragraph (4), (6), or (7)

1 of this subsection (d), a mandatory supervised release
2 term shall not be imposed for a Class 3 felony or a Class 4
3 felony; unless:

4 (A) the Prisoner Review Board, based on a
5 validated risk and needs assessment, determines it is
6 necessary for an offender to serve a mandatory
7 supervised release term;

8 (B) if the Prisoner Review Board determines a
9 mandatory supervised release term is necessary
10 pursuant to subparagraph (A) of this paragraph (3),
11 the Prisoner Review Board shall specify the maximum
12 number of months of mandatory supervised release the
13 offender may serve, limited to a term of: (i) 12 months
14 for a Class 3 felony; and (ii) 12 months for a Class 4
15 felony;

16 (4) for defendants who commit the offense of predatory
17 criminal sexual assault of a child, aggravated criminal
18 sexual assault, or criminal sexual assault, on or after
19 the effective date of this amendatory Act of the 94th
20 General Assembly, or who commit the offense of aggravated
21 child pornography under Section 11-20.1B, 11-20.3, or
22 11-20.1 with sentencing under subsection (c-5) of Section
23 11-20.1 of the Criminal Code of 1961 or the Criminal Code
24 of 2012, manufacture of child pornography, or
25 dissemination of child pornography after January 1, 2009,
26 the term of mandatory supervised release shall range from

1 a minimum of 3 years to a maximum of the natural life of
2 the defendant;

3 (5) if the victim is under 18 years of age, for a
4 second or subsequent offense of aggravated criminal sexual
5 abuse or felony criminal sexual abuse, 4 years, at least
6 the first 2 years of which the defendant shall serve in an
7 electronic monitoring or home detention program under
8 Article 8A of Chapter V of this Code;

9 (6) for a felony domestic battery, aggravated domestic
10 battery, stalking, aggravated stalking, and a felony
11 violation of an order of protection, 4 years;

12 (7) for any felony described in paragraph (a)(2)(ii),
13 (a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3),
14 (a)(2.4), (a)(2.5), or (a)(2.6) of Article 5, Section
15 3-6-3 of the Unified Code of Corrections requiring an
16 inmate to serve a minimum of 85% of their court-imposed
17 sentence, except for the offenses of predatory criminal
18 sexual assault of a child, aggravated criminal sexual
19 assault, and criminal sexual assault if committed on or
20 after December 13, 2005 (the effective date of Public Act
21 94-715) and except for the offense of aggravated child
22 pornography under Section 11-20.1B., 11-20.3, or 11-20.1
23 with sentencing under subsection (c-5) of Section 11-20.1
24 of the Criminal Code of 1961 or the Criminal Code of 2012,
25 if committed on or after January 1, 2009 and except as
26 provided in paragraph (4) or paragraph (6) of this

1 subsection (d), the term of mandatory supervised release
2 shall be as follows:

3 (A) Class X felony, 3 years;

4 (B) Class 1 or Class 2 felonies, 2 years;

5 (C) Class 3 or Class 4 felonies, 1 year.

6 (e) (Blank).

7 (f) (Blank).

8 (g) Notwithstanding any other provisions of this Act and
9 of Public Act 101-652: (i) the provisions of paragraph (3) of
10 subsection (d) are effective on January 1, 2022 and shall
11 apply to all individuals convicted on or after the effective
12 date of paragraph (3) of subsection (d); and (ii) the
13 provisions of paragraphs (1.5) and (2) of subsection (d) are
14 effective on July 1, 2021 and shall apply to all individuals
15 convicted on or after the effective date of paragraphs (1.5)
16 and (2) of subsection (d).

17 (Source: P.A. 100-431, eff. 8-25-17; 100-1182, eff. 6-1-19;
18 101-288, eff. 1-1-20; 101-652, eff. 7-1-21.)

19 (730 ILCS 5/5-8A-4) (from Ch. 38, par. 1005-8A-4)

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

21 Sec. 5-8A-4. Program description. The supervising
22 authority may promulgate rules that prescribe reasonable
23 guidelines under which an electronic monitoring and home
24 detention program shall operate. When using electronic
25 monitoring for home detention these rules shall include but

1 not be limited to the following:

2 (A) The participant shall remain within the interior
3 premises or within the property boundaries of his or her
4 residence at all times during the hours designated by the
5 supervising authority. Such instances of approved absences
6 from the home may include but are not limited to the
7 following:

8 (1) working or employment approved by the court or
9 traveling to or from approved employment;

10 (2) unemployed and seeking employment approved for
11 the participant by the court;

12 (3) undergoing medical, psychiatric, mental health
13 treatment, counseling, or other treatment programs
14 approved for the participant by the court;

15 (4) attending an educational institution or a
16 program approved for the participant by the court;

17 (5) attending a regularly scheduled religious
18 service at a place of worship;

19 (6) participating in community work release or
20 community service programs approved for the
21 participant by the supervising authority; or

22 (7) for another compelling reason consistent with
23 the public interest, as approved by the supervising
24 authority.

25 (B) The participant shall admit any person or agent
26 designated by the supervising authority into his or her

1 residence at any time for purposes of verifying the
2 participant's compliance with the conditions of his or her
3 detention.

4 (C) The participant shall make the necessary
5 arrangements to allow for any person or agent designated
6 by the supervising authority to visit the participant's
7 place of education or employment at any time, based upon
8 the approval of the educational institution employer or
9 both, for the purpose of verifying the participant's
10 compliance with the conditions of his or her detention.

11 (D) The participant shall acknowledge and participate
12 with the approved electronic monitoring device as
13 designated by the supervising authority at any time for
14 the purpose of verifying the participant's compliance with
15 the conditions of his or her detention.

16 (E) The participant shall maintain the following:

17 (1) a working telephone in the participant's home;

18 (2) a monitoring device in the participant's home,
19 or on the participant's person, or both; and

20 (3) a monitoring device in the participant's home
21 and on the participant's person in the absence of a
22 telephone.

23 (F) The participant shall obtain approval from the
24 supervising authority before the participant changes
25 residence or the schedule described in subsection (A) of
26 this Section.

1 (G) The participant shall not commit another crime
2 during the period of home detention ordered by the Court.

3 (H) Notice to the participant that violation of the
4 order for home detention may subject the participant to
5 prosecution for the crime of escape as described in
6 Section 5-8A-4.1.

7 (I) The participant shall abide by other conditions as
8 set by the supervising authority.

9 (Source: P.A. 99-797, eff. 8-12-16.)

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

11 Sec. 5-8A-4. Program description. The supervising
12 authority may promulgate rules that prescribe reasonable
13 guidelines under which an electronic monitoring and home
14 detention program shall operate. When using electronic
15 monitoring for home detention these rules may include but not
16 be limited to the following:

17 (A) The participant may be instructed to remain within
18 the interior premises or within the property boundaries of
19 his or her residence at all times during the hours
20 designated by the supervising authority. Such instances of
21 approved absences from the home shall include but are not
22 limited to the following:

23 (1) working or employment approved by the court or
24 traveling to or from approved employment;

25 (2) unemployed and seeking employment approved for

1 the participant by the court;

2 (3) undergoing medical, psychiatric, mental health
3 treatment, counseling, or other treatment programs
4 approved for the participant by the court;

5 (4) attending an educational institution or a
6 program approved for the participant by the court;

7 (5) attending a regularly scheduled religious
8 service at a place of worship;

9 (6) participating in community work release or
10 community service programs approved for the
11 participant by the supervising authority; or

12 (7) for another compelling reason consistent with
13 the public interest, as approved by the supervising
14 authority.

15 (8) purchasing groceries, food, or other basic
16 necessities.

17 (A-1) At a minimum, any person ordered to pretrial
18 home confinement with or without electronic monitoring
19 must be provided with ~~open~~ movement spread out over no
20 fewer than two days per week, to participate in basic
21 activities such as those listed in paragraph (A).

22 (B) The participant shall admit any person or agent
23 designated by the supervising authority into his or her
24 residence at any time for purposes of verifying the
25 participant's compliance with the conditions of his or her
26 detention.

1 (C) The participant shall make the necessary
2 arrangements to allow for any person or agent designated
3 by the supervising authority to visit the participant's
4 place of education or employment at any time, based upon
5 the approval of the educational institution employer or
6 both, for the purpose of verifying the participant's
7 compliance with the conditions of his or her detention.

8 (D) The participant shall acknowledge and participate
9 with the approved electronic monitoring device as
10 designated by the supervising authority at any time for
11 the purpose of verifying the participant's compliance with
12 the conditions of his or her detention.

13 (E) The participant shall maintain the following:

14 (1) access to a working telephone;

15 (2) a monitoring device in the participant's home,
16 or on the participant's person, or both; and

17 (3) a monitoring device in the participant's home
18 and on the participant's person in the absence of a
19 telephone.

20 (F) The participant shall obtain approval from the
21 supervising authority before the participant changes
22 residence or the schedule described in subsection (A) of
23 this Section. Such approval shall not be unreasonably
24 withheld.

25 (G) The participant shall not commit another crime
26 during the period of home detention ordered by the Court.

1 (H) Notice to the participant that violation of the
2 order for home detention may subject the participant to
3 prosecution for the crime of escape as described in
4 Section 5-8A-4.1.

5 (I) The participant shall abide by other conditions as
6 set by the supervising authority.

7 (J) This Section takes effect January 1, 2022.

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

9 Section 70. The County Jail Act is amended by changing
10 Section 17.7 as follows:

11 (730 ILCS 125/17.7)

12 (This Section may contain text from a Public Act with a
13 delayed effective date)

14 Sec. 17.7. Educational ~~programming~~ ~~programming~~ for pregnant
15 prisoners. The Illinois Department of Public Health shall
16 provide the sheriff with educational programming relating to
17 pregnancy and parenting and the sheriff shall provide the
18 programming to pregnant prisoners ~~sheriff shall develop and~~
19 ~~provide to each pregnant prisoner educational programming~~
20 ~~relating to pregnancy and parenting.~~ The programming must
21 include instruction regarding:

22 (1) appropriate prenatal care and hygiene;

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

1 (3) parenting skills; and
2 (4) medical and mental health issues applicable to
3 children.
4 (Source: P.A. 101-652, eff. 7-1-21.)

5 Section 75. The Reporting of Deaths in Custody Act is
6 amended by changing Section 3-5 as follows:

7 (730 ILCS 210/3-5)

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

10 Sec. 3-5. Report of deaths of persons in custody in
11 correctional institutions.

12 (a) In this Act, "law enforcement agency" includes each
13 law enforcement entity within this State having the authority
14 to arrest and detain persons suspected of, or charged with,
15 committing a criminal offense, and each law enforcement entity
16 that operates a lock up, jail, prison, or any other facility
17 used to detain persons for legitimate law enforcement
18 purposes.

19 (b) In any case in which a person dies:

20 (1) while in the custody of:

21 (A) a law enforcement agency;

22 (B) a local or State correctional facility in this
23 State; or

24 (C) a peace officer; or

1 (2) as a result of the peace officer's use of force,
2 the law enforcement agency shall investigate and report
3 the death in writing to the Illinois Criminal Justice
4 Information Authority, no later than 30 days after the
5 date on which the person in custody or incarcerated died.
6 The written report shall contain the following
7 information:

8 (A) the following facts concerning the death that
9 are in the possession of the law enforcement agency in
10 charge of the investigation and the correctional
11 facility where the death occurred ~~including, but not~~
12 ~~limited to,~~ race, age, and gender, sexual orientation,
13 and gender identity of the decedent, and a brief
14 description of causes, contributing factors and the
15 circumstances surrounding the death;

16 (B) if the death occurred in ~~the custody of the~~
17 ~~Illinois Department of Corrections,~~ the report shall
18 also include the jurisdiction, the law enforcement
19 agency providing the investigation, and the local or
20 State facility where the death occurred;

21 (C) if the death occurred in ~~the custody of the~~
22 ~~Illinois Department of Corrections,~~ the report shall
23 also include if emergency care was requested by the
24 law enforcement agency in response to any illness,
25 injury, self-inflicted or otherwise, or other issue
26 related to rapid deterioration of physical wellness or

1 human subsistence, and details concerning emergency
2 care that were provided to the decedent if emergency
3 care was provided.

4 (c) The law enforcement agency and the involved
5 correctional administrators shall make a good faith effort to
6 obtain all relevant facts and circumstances relevant to the
7 death and include those in the report.

8 (d) The Illinois Criminal Justice Information Authority
9 shall create a standardized form to be used for the purpose of
10 collecting information as described in subsection (b). The
11 information shall comply with this Act and the Federal Death
12 in Custody Reporting Act of 2013.

13 (e) Law enforcement agencies shall use the form described
14 in subsection (d) to report all cases in which a person dies:

15 (1) while in the custody of:

16 (A) a law enforcement agency;

17 (B) a local or State correctional facility in this
18 State; or

19 (C) a peace officer; or

20 (2) as a result of the peace officer's use of force.

21 (f) The Illinois Criminal Justice Information Authority
22 may determine the manner in which the form is transmitted from
23 a law enforcement agency to the Illinois Criminal Justice
24 Information Authority. All state agencies that collect similar
25 records as required under this Act, including Illinois State
26 Police, Illinois Department of Corrections, and Illinois

1 Department of Juvenile Justice, shall collaborate with the
2 Illinois Criminal Justice and Information Authority to collect
3 the information in this Act.

4 (g) The reports shall be public records within the meaning
5 of subsection (c) of Section 2 of the Freedom of Information
6 Act and are open to public inspection, with the exception of
7 any portion of the report that the Illinois Criminal Justice
8 Information Authority determines is privileged or protected
9 under Illinois or federal law.

10 (g-5) The Illinois Criminal Justice Information Authority
11 shall begin collecting this information by January 1, 2022.
12 The reports and publications in subsections (h) and below
13 shall begin by June 1, 2022.

14 (h) The Illinois Criminal Justice Information Authority
15 shall make available to the public information of all
16 individual reports relating to deaths in custody through the
17 Illinois Criminal Justice Information Authority's website to
18 be updated on a quarterly basis.

19 (i) The Illinois Criminal Justice Information Authority
20 shall issue a public annual report tabulating and evaluating
21 trends and information on deaths in custody, including, but
22 not limited to:

23 (1) information regarding the race, gender, sexual
24 orientation, and gender identity of the decedent; and a
25 brief description of the circumstances surrounding the
26 death;

1 (2) if the death occurred in ~~the~~ custody ~~of the~~
2 ~~Illinois Department of Corrections~~, the report shall also
3 include the jurisdiction, law enforcement agency providing
4 the investigation, and local or State facility where the
5 death occurred; and

6 (3) recommendations and State and local efforts
7 underway to reduce deaths in custody.

8 The report shall be submitted to the Governor and General
9 Assembly and made available to the public on the Illinois
10 Criminal Justice Information Authority's website the first
11 week of February of each year.

12 (j) So that the State may oversee the healthcare provided
13 to any person in the custody of each law enforcement agency
14 within this State, provision of medical services to these
15 persons, general care and treatment, and any other factors
16 that may contribute to the death of any of these persons, the
17 following information shall be made available to the public on
18 the Illinois Criminal Justice Information Authority's website:

19 (1) the number of deaths that occurred during the
20 preceding calendar year;

21 (2) the known, or discoverable upon reasonable
22 inquiry, causes and contributing factors of each of the
23 in-custody deaths as defined in subsection (b); and

24 (3) the law enforcement agency's policies, procedures,
25 and protocols related to:

26 (A) treatment of a person experiencing withdrawal

1 from alcohol or substance use;

2 (B) the facility's provision, or lack of
3 provision, of medications used to treat, mitigate, or
4 address a person's symptoms; and

5 (C) notifying an inmate's next of kin after the
6 inmate's in-custody death.

7 (k) The family, next of kin, or any other person
8 reasonably nominated by the decedent as an emergency contact
9 shall be notified as soon as possible in a suitable manner
10 giving an accurate factual account of the cause of death and
11 circumstances surrounding the death in custody in accordance
12 with State and federal law.

13 (l) The law enforcement agency or correctional facility
14 shall name a staff person to act as dedicated family liaison
15 officer to be a point of contact for the family, to make and
16 maintain contact with the family, to report ongoing
17 developments and findings of investigations, and to provide
18 information and practical support. If requested by the
19 deceased's next of kin, the law enforcement agency or
20 correctional facility shall arrange for a chaplain, counselor,
21 or other suitable staff member to meet with the family and
22 discuss any faith considerations or concerns. The family has a
23 right to the medical records of a family member who has died in
24 custody and these records shall be disclosed to them in
25 accordance with State and federal law.

26 (m) Each department shall assign an employee or employees

1 to file reports under this Section. It is unlawful for a person
2 who is required under this Section to investigate a death or
3 file a report to fail to include in the report facts known or
4 discovered in the investigation to the Illinois Criminal
5 Justice Information Authority. A violation of this Section is
6 a petty offense, with fine not to exceed \$500.

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

8 Section 95. No acceleration or delay. Except as otherwise
9 expressly provided in Sections 3, 15, 55, 60, and 65, where
10 this Act makes changes in a statute that is represented in this
11 Act by text that is not yet or no longer in effect (for
12 example, a Section represented by multiple versions), the use
13 of that text does not accelerate or delay the taking effect of
14 (i) the changes made by this Act or (ii) provisions derived
15 from any other Public Act.

16 Section 97. Severability. The provisions of this Act are
17 severable under Section 1.31 of the Statute on Statutes.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law."