



Sen. John Connor

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10200HB3904sam001

LRB102 16933 RLC 38341 a

1 AMENDMENT TO HOUSE BILL 3904

2 AMENDMENT NO. _____. Amend House Bill 3904 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing Section 7-5 as follows:

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

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

8 (a) A peace officer, or any person whom he has summoned or
9 directed to assist him, need not retreat or desist from
10 efforts to make a lawful arrest because of resistance or
11 threatened resistance to the arrest. He is justified in the
12 use of any force which he reasonably believes, based on the
13 totality of the circumstances, to be necessary to effect the
14 arrest and of any force which he reasonably believes, based on
15 the totality of the circumstances, to be necessary to defend
16 himself or another from bodily harm while making the arrest.

1 However, he is justified in using force likely to cause death
2 or great bodily harm only when: (i) he reasonably believes,
3 based on the totality of the circumstances, that such force is
4 necessary to prevent death or great bodily harm to himself or
5 such other person; or (ii) when he reasonably believes, based
6 on the totality of the circumstances, both that:

7 (1) Such force is necessary to prevent the arrest from
8 being defeated by resistance or escape and the officer
9 reasonably believes that the person to be arrested is
10 likely to cause great bodily harm to another; and

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

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

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

23 (a-5) Where feasible, a peace officer shall, prior to the
24 use of force, make reasonable efforts to identify himself or
25 herself as a peace officer and to warn that deadly force may be
26 used.

1 (a-10) A peace officer shall not use deadly force against
2 a person based on the danger that the person poses to himself
3 or herself if a reasonable officer would believe the person
4 does not pose an imminent threat of death or great bodily harm
5 to the peace officer or to another person.

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

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

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

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

1 feasible to a reasonable officer.

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

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

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

23 (h) As used in this Section:

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

1 "Deadly force" does not include the lawful use of a
2 conducted electrical weapon by a peace officer. In this
3 paragraph (1), "conducted electrical weapon" means a
4 less-lethal device capable of delivering electrical energy
5 into a person, either by pressing the device directly on
6 the person or by deploying small probes attached to
7 conductive wires, such as a stun gun or taser.

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

18 (3) "Totality of the circumstances" means all facts
19 known to the peace officer at the time, or that would be
20 known to a reasonable officer in the same situation,
21 including the conduct of the officer and the subject
22 leading up to the use of deadly force.

23 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
24 102-687, eff. 12-17-21.)

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.".