



Sen. Scott M. Bennett

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10200HB4608sam001

LRB102 23307 AWJ 38568 a

1 AMENDMENT TO HOUSE BILL 4608

2 AMENDMENT NO. _____. Amend House Bill 4608 by replacing
3 everything after the enacting clause with the following:

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

7 (50 ILCS 706/10-10)

8 Sec. 10-10. Definitions. As used in this Act:

9 "Badge" means an officer's department issued
10 identification number associated with his or her position as a
11 police officer with that department.

12 "Board" means the Illinois Law Enforcement Training
13 Standards Board created by the Illinois Police Training Act.

14 "Business offense" means a petty offense for which the
15 fine is in excess of \$1,000.

16 "Community caretaking function" means a task undertaken by

1 a law enforcement officer in which the officer is performing
2 an articulable act unrelated to the investigation of a crime.
3 "Community caretaking function" includes, but is not limited
4 to, participating in town halls or other community outreach,
5 helping a child find his or her parents, providing death
6 notifications, and performing in-home or hospital well-being
7 checks on the sick, elderly, or persons presumed missing.
8 "Community caretaking function" excludes law
9 enforcement-related encounters or activities.

10 "Fund" means the Law Enforcement Camera Grant Fund.

11 "In uniform" means a law enforcement officer who is
12 wearing any officially authorized uniform designated by a law
13 enforcement agency, or a law enforcement officer who is
14 visibly wearing articles of clothing, a badge, tactical gear,
15 gun belt, a patch, or other insignia that he or she is a law
16 enforcement officer acting in the course of his or her duties.

17 "Law enforcement officer" or "officer" means any person
18 employed by a State, county, municipality, special district,
19 college, unit of government, or any other entity authorized by
20 law to employ peace officers or exercise police authority and
21 who is primarily responsible for the prevention or detection
22 of crime and the enforcement of the laws of this State.

23 "Law enforcement agency" means all State agencies with law
24 enforcement officers, county sheriff's offices, municipal,
25 special district, college, or unit of local government police
26 departments.

1 "Law enforcement-related encounters or activities"
2 include, but are not limited to, traffic stops, pedestrian
3 stops, arrests, searches, interrogations, investigations,
4 pursuits, crowd control, traffic control, non-community
5 caretaking interactions with an individual while on patrol, or
6 any other instance in which the officer is enforcing the laws
7 of the municipality, county, or State. "Law
8 enforcement-related encounter or activities" does not include
9 when the officer is completing paperwork alone, is
10 participating in training in a classroom setting, or is only
11 in the presence of another law enforcement officer or
12 officers.

13 "Minor traffic offense" means a petty offense, business
14 offense, or Class C misdemeanor under the Illinois Vehicle
15 Code or a similar provision of a municipal or local ordinance.

16 "Officer-worn body camera" means an electronic camera
17 system for creating, generating, sending, receiving, storing,
18 displaying, and processing audiovisual recordings that may be
19 worn about the person of a law enforcement officer.

20 "Peace officer" has the meaning provided in Section 2-13
21 of the Criminal Code of 2012.

22 "Petty offense" means any offense for which a sentence of
23 imprisonment is not an authorized disposition.

24 "Recording" means the process of capturing data or
25 information stored on a recording medium as required under
26 this Act.

1 "Recording medium" means any recording medium authorized
2 by the Board for the retention and playback of recorded audio
3 and video including, but not limited to, VHS, DVD, hard drive,
4 cloud storage, solid state, digital, flash memory technology,
5 or any other electronic medium.

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

7 (50 ILCS 706/10-20)

8 Sec. 10-20. Requirements.

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

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

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

25 (3) Cameras must be turned on at all times when the

1 officer is in uniform and is responding to calls for
2 service or engaged in any law enforcement-related
3 encounter or activity that occurs while the officer is on
4 duty.

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

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

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

17 (4) Cameras must be turned off when:

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

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

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

1 (D) an officer of the Department of Revenue enters
2 a Department of Revenue facility or conducts an
3 interview during which return information will be
4 discussed or visible.

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

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

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

1 the officer from providing notice, notice must be provided
2 as soon as practicable.

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

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

14 (D) Nothing in this Act prohibits law enforcement
15 agencies from labeling officer-worn body camera video
16 within the recording medium; provided that the
17 labeling does not alter the actual recording of the
18 incident captured on the officer-worn body camera. The
19 labels, titles, and tags shall not be construed as
20 altering the officer-worn body camera video in any
21 way.

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

1 supervisor or training instructor, for the purposes of
2 instruction, training, or ensuring compliance with agency
3 policies.

4 (9) Recordings shall not be used to discipline law
5 enforcement officers unless:

6 (A) a formal or informal complaint of misconduct
7 has been made;

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

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

12 (D) as corroboration of other evidence of
13 misconduct.

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

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

26 (11) No officer may hinder or prohibit any person, not

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

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

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

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

26 (B) the law enforcement agency obtains written

1 permission of the subject or the subject's legal
2 representative;

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

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

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

21 Only recordings or portions of recordings responsive to
22 the request shall be available for inspection or reproduction.
23 Any recording disclosed under the Freedom of Information Act
24 shall be redacted to remove identification of any person that
25 appears on the recording and is not the officer, a subject of
26 the encounter, or directly involved in the encounter. Nothing

1 in this subsection (b) shall require the disclosure of any
2 recording or portion of any recording which would be exempt
3 from disclosure under the Freedom of Information Act.

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

7 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
8 102-687, eff. 12-17-21; 102-694, eff. 1-7-22.)

9 Section 10. The Law Enforcement Camera Grant Act is
10 amended by changing Sections 5 and 10 as follows:

11 (50 ILCS 707/5)

12 Sec. 5. Definitions. As used in this Act:

13 "Board" means the Illinois Law Enforcement Training
14 Standards Board created by the Illinois Police Training Act.

15 "In-car video camera" means a video camera located in a
16 law enforcement patrol vehicle.

17 "In-car video camera recording equipment" means a video
18 camera recording system located in a law enforcement patrol
19 vehicle consisting of a camera assembly, recording mechanism,
20 and an in-car video recording medium.

21 "In uniform" means a law enforcement officer who is
22 wearing any officially authorized uniform designated by a law
23 enforcement agency, or a law enforcement officer who is
24 visibly wearing articles of clothing, badge, tactical gear,

1 gun belt, a patch, or other insignia indicating that he or she
2 is a law enforcement officer acting in the course of his or her
3 duties.

4 "Law enforcement officer" or "officer" means any person
5 employed by a unit of local government ~~county, municipality,~~
6 ~~township,~~ or an Illinois public university as a policeman,
7 peace officer, or in some like position involving the
8 enforcement of the law and protection of the public interest
9 at the risk of that person's life.

10 "Officer-worn body camera" means an electronic camera
11 system for creating, generating, sending, receiving, storing,
12 displaying, and processing audiovisual recordings that may be
13 worn about the person of a law enforcement officer.

14 "Recording" means the process of capturing data or
15 information stored on a recording medium as required under
16 this Act.

17 "Recording medium" means any recording medium authorized
18 by the Board for the retention and playback of recorded audio
19 and video including, but not limited to, VHS, DVD, hard drive,
20 cloud storage, solid state, digital, flash memory technology,
21 or any other electronic medium.

22 "Unit of local government" has the meaning ascribed to it
23 in Section 1 of Article VII of the Illinois Constitution.

24 (Source: P.A. 102-16, eff. 6-17-21.)

1 Sec. 10. Law Enforcement Camera Grant Fund; creation,
2 rules.

3 (a) The Law Enforcement Camera Grant Fund is created as a
4 special fund in the State treasury. From appropriations to the
5 Board from the Fund, the Board must make grants to units of
6 local government in Illinois and Illinois public universities
7 for the purpose of (1) purchasing in-car video cameras for use
8 in law enforcement vehicles, (2) purchasing officer-worn body
9 cameras and associated technology for law enforcement
10 officers, including covering associated data storage costs,
11 and (3) training for law enforcement officers in the operation
12 of the cameras.

13 Moneys received for the purposes of this Section,
14 including, without limitation, fee receipts and gifts, grants,
15 and awards from any public or private entity, must be
16 deposited into the Fund. Any interest earned on moneys in the
17 Fund must be deposited into the Fund.

18 (b) The Board may set requirements for the distribution of
19 grant moneys and determine which law enforcement agencies are
20 eligible.

21 (b-5) The Board shall consider compliance with the Uniform
22 Crime Reporting Act as a factor in awarding grant moneys.

23 (c) (Blank).

24 (d) (Blank).

25 (e) (Blank).

26 (f) (Blank).

1 (g) (Blank).

2 (h) (Blank).

3 (Source: P.A. 102-16, eff. 6-17-21.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.".