



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5130

Introduced 1/27/2022, by Rep. Anne Stava-Murray

SYNOPSIS AS INTRODUCED:

720 ILCS 5/7-5.5

Amends the Criminal Code of 2012. Defines "chokehold" as the intentional and prolonged application of force to the throat, windpipe, or carotid arteries that prevents or hinders breathing or blood flow, reduces the intake of air, or reduces blood flow to the head (rather than applying any direct pressure to the throat, windpipe, or airway of another).

LRB102 22376 RLC 31515 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by
5 changing Section 7-5.5 as follows:

6 (720 ILCS 5/7-5.5)

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

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

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

18 (c) As used in this Section, "chokehold" means the
19 intentional and prolonged application of force to the throat,
20 windpipe, or carotid arteries that prevents or hinders
21 breathing or blood flow, reduces the intake of air, or reduces
22 blood flow to the head ~~applying any direct pressure to the~~
23 ~~throat, windpipe, or airway of another.~~ "Chokehold" does not

1 include any holding involving contact with the neck that is
2 not intended to reduce the intake of air such as a headlock
3 where the only pressure applied is to 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, shall not:

12 (i) use force as punishment or retaliation;

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

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

20 (iv) discharge firearms or kinetic impact projectiles
21 indiscriminately into a crowd;

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

1 with the order unless providing such time and space would
2 unduly place an officer or another person at risk of death
3 or great bodily harm; or

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

11 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
12 revised 8-2-21.)