

HB3379



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3379

Introduced 2/17/2023, by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

720 ILCS 5/7-5.5

Amends the Criminal Code of 2012. Deletes a provision that a peace officer, or any other person acting under the color of law, shall not discharge kinetic impact projectiles or other non-lethal or less-lethal projectiles in a manner that targets the back.

LRB103 28498 RLC 54879 b

A BILL FOR

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.

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 applying
19 any direct pressure to the throat, windpipe, or airway of
20 another. "Chokehold" does not include any holding involving
21 contact with the neck that is not intended to reduce the intake
22 of air such as a headlock where the only pressure applied is to
23 the head.

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

7 (e) A peace officer, or any other person acting under the
8 color of law, shall not:

9 (i) use force as punishment or retaliation;

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

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

17 (iv) discharge firearms or kinetic impact projectiles
18 indiscriminately into a crowd;

19 (v) use chemical agents or irritants for crowd
20 control, including pepper spray and tear gas, prior to
21 issuing an order to disperse in a sufficient manner to
22 allow for the order to be heard and repeated if necessary,
23 followed by sufficient time and space to allow compliance
24 with the order unless providing such time and space would
25 unduly place an officer or another person at risk of death
26 or great bodily harm; or

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

8 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
9 102-687, eff. 12-17-21.)