

# HB5862



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5862

by Rep. Kevin John Olickal

### SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-5-12 new

Amends the Illinois Municipal Code. Provides that a municipality or a law enforcement agency may not enforce any provision of law restricting or punishing an individual for sleeping in public spaces in a nonobstructive manner within a municipality if the municipality's homeless population exceeds the number of available beds in homeless shelters within the municipality. Provides that "nonobstructive manner" means in a manner that does not render passageways, walkways, or roadways impassable or hazardous. Limits the concurrent exercise of home rule powers.

LRB103 41150 AWJ 74367 b

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Illinois Municipal Code is amended by  
5 adding Section 11-5-12 as follows:

6 (65 ILCS 5/11-5-12 new)

7 Sec. 11-5-12. Restrictions or punishment of homeless  
8 individual for sleeping in public.

9 (a) As used in this Section, "nonobstructive manner" means  
10 in a manner that does not render passageways, walkways, or  
11 roadways impassable or hazardous.

12 (b) A municipality or a law enforcement agency may not  
13 enforce any provision of law restricting or punishing an  
14 individual for sleeping in public spaces in a nonobstructive  
15 manner within a municipality if the municipality's homeless  
16 population exceeds the number of available beds in homeless  
17 shelters within the municipality.

18 (c) A home rule municipality may not regulate sleeping in  
19 public spaces in a manner inconsistent with this Section. This  
20 Section is a limitation under subsection (i) of Section 6 of  
21 Article VII of the Illinois Constitution on the concurrent  
22 exercise by home rule units of powers and functions exercised  
23 by the State.