

1 AN ACT in relation to police officers.

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

4 Section 5. If and only if Senate Bill 472 of the 93rd  
5 General Assembly becomes law by the override of the  
6 Governor's amendatory veto, the Illinois Police Training Act  
7 is amended by changing Section 6.1 as follows:

8 (50 ILCS 705/6.1)

9 Sec. 6.1. Decertification of full-time and part-time  
10 police officers.

11 (a) The Board must review police officer conduct and  
12 records to ensure that no police officer is certified or  
13 provided a valid waiver if that police officer has been  
14 convicted of a felony offense under the laws of this State or  
15 any other state which if committed in this State would be  
16 punishable as a felony. The Board must also ensure that no  
17 police officer is certified or provided a valid waiver if  
18 that police officer has been convicted on or after the  
19 effective date of this amendatory Act of 1999 of any  
20 misdemeanor specified in this Section or if committed in any  
21 other state would be an offense similar to Section 11-6,  
22 11-9.1, 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1, 17-2,  
23 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7 of the Criminal  
24 Code of 1961 or to Section 5 or 5.2 of the Cannabis Control  
25 Act. The Board must appoint investigators to enforce the  
26 duties conferred upon the Board by this Act.

27 (b) It is the responsibility of the sheriff or the chief  
28 executive officer of every local law enforcement agency or  
29 department within this State to report to the Board any  
30 arrest or conviction of any officer for an offense identified  
31 in this Section.

1 (c) It is the duty and responsibility of every full-time  
2 and part-time police officer in this State to report to the  
3 Board within 30 days, and the officer's sheriff or chief  
4 executive officer, of his or her arrest or conviction for an  
5 offense identified in this Section. Any full-time or  
6 part-time police officer who knowingly makes, submits, causes  
7 to be submitted, or files a false or untruthful report to the  
8 Board must have his or her certificate or waiver immediately  
9 decertified or revoked.

10 (d) Any person, or a local or State agency, or the Board  
11 is immune from liability for submitting, disclosing, or  
12 releasing information of arrests or convictions in this  
13 Section as long as the information is submitted, disclosed,  
14 or released in good faith and without malice. The Board has  
15 qualified immunity for the release of the information.

16 (e) Any full-time or part-time police officer with a  
17 certificate or waiver issued by the Board who is convicted of  
18 any offense described in this Section immediately becomes  
19 decertified or no longer has a valid waiver. The  
20 decertification and invalidity of waivers occurs as a matter  
21 of law. Failure of a convicted person to report to the Board  
22 his or her conviction as described in this Section or any  
23 continued law enforcement practice after receiving a  
24 conviction is a Class 4 felony.

25 (f) The Board's investigators are peace officers and  
26 have all the powers possessed by policemen in cities and by  
27 sheriff's, provided that the investigators may exercise those  
28 powers anywhere in the State, only after contact and  
29 cooperation with the appropriate local law enforcement  
30 authorities.

31 (g) The Board must request and receive information and  
32 assistance from any federal, state, or local governmental  
33 agency as part of the authorized criminal background  
34 investigation. The Department of State Police must process,

1 retain, and additionally provide and disseminate information  
2 to the Board concerning criminal charges, arrests,  
3 convictions, and their disposition, that have been filed  
4 before, on, or after the effective date of this amendatory  
5 Act of the 91st General Assembly against a basic academy  
6 applicant, law enforcement applicant, or law enforcement  
7 officer whose fingerprint identification cards are on file or  
8 maintained by the Department of State Police. The Federal  
9 Bureau of Investigation must provide the Board any criminal  
10 history record information contained in its files pertaining  
11 to law enforcement officers or any applicant to a Board  
12 certified basic law enforcement academy as described in this  
13 Act based on fingerprint identification. The Board must make  
14 payment of fees to the Department of State Police for each  
15 fingerprint card submission in conformance with the  
16 requirements of paragraph 22 of Section 55a of the Civil  
17 Administrative Code of Illinois.

18 (h) A police officer who has been certified or granted a  
19 valid waiver shall also be decertified or have his or her  
20 waiver revoked upon a determination by the Illinois Labor  
21 Relations Board State Panel that he or she, while under oath,  
22 has knowingly and willfully made false statements as to a  
23 material fact going to an element of the offense of murder.  
24 If an appeal is filed, the determination shall be stayed.

25 (1) In the case of an acquittal on a charge of  
26 murder, a verified complaint may be filed:

27 (A) by the defendant; or

28 (B) by a police officer with personal  
29 knowledge of perjured testimony.

30 The complaint must allege that a police officer, while under  
31 oath, knowingly and willfully made false statements as to a  
32 material fact going to an element of the offense of murder.  
33 The verified complaint must be filed with the Executive  
34 Director of the Illinois Law Enforcement Training Standards

1 Board within 2 years of the judgment of acquittal.

2 (2) Within 30 days, the Executive Director of the  
3 Illinois Law Enforcement Training Standards Board shall  
4 review the verified complaint and determine whether the  
5 verified complaint is frivolous and without merit, or  
6 whether further investigation is warranted. The Illinois  
7 Law Enforcement Training Standards Board shall notify the  
8 officer and the Executive Director of the Illinois Labor  
9 Relations Board State Panel of the filing of the  
10 complaint and any action taken thereon. If the Executive  
11 Director of the Illinois Law Enforcement Training  
12 Standards Board determines that the verified complaint is  
13 frivolous and without merit, it shall be dismissed. The  
14 Executive Director of the Illinois Law Enforcement  
15 Training Standards Board has sole discretion to make this  
16 determination and this decision is not subject to appeal.

17 (i) If the Executive Director of the Illinois Law  
18 Enforcement Training Standards Board determines that the  
19 verified complaint warrants further investigation, he or she  
20 shall refer the matter to a task force of investigators  
21 created for this purpose. This task force shall consist of 8  
22 sworn police officers: 2 from the Illinois State Police, 2  
23 from the City of Chicago Police Department, 2 from county  
24 police departments, and 2 from municipal police departments.  
25 These investigators shall have a minimum of 5 years of  
26 experience in conducting criminal investigations. The  
27 investigators shall be appointed by the Executive Director of  
28 the Illinois Law Enforcement Training Standards Board. Any  
29 officer or officers acting in this capacity pursuant to this  
30 statutory provision will have statewide police authority  
31 while acting in this investigative capacity. Their salaries  
32 and expenses for the time spent conducting investigations  
33 under this paragraph shall be reimbursed by the Illinois Law  
34 Enforcement Training Standards Board.

1       (j) Once the Executive Director of the Illinois Law  
2 Enforcement Training Standards Board has determined that an  
3 investigation is warranted, the verified complaint shall be  
4 assigned to an investigator or investigators. The  
5 investigator or investigators shall conduct an investigation  
6 of the verified complaint and shall write a report of his or  
7 her findings. This report shall be submitted to the Executive  
8 Director of the Illinois Labor Relations Board State Panel.

9       Within 30 days, the Executive Director of the Illinois  
10 Labor Relations Board State Panel shall review the  
11 investigative report and determine whether sufficient  
12 evidence exists to conduct an evidentiary hearing on the  
13 verified complaint. If the Executive Director of the Illinois  
14 Labor Relations Board State Panel determines upon his or her  
15 review of the investigatory report that a hearing should not  
16 be conducted, the complaint shall be dismissed. This decision  
17 is in the Executive Director's sole discretion, and this  
18 dismissal may not be appealed.

19       If the Executive Director of the Illinois Labor Relations  
20 Board State Panel determines that there is sufficient  
21 evidence to warrant a hearing, a hearing shall be ordered on  
22 the verified complaint, to be conducted by an administrative  
23 law judge employed by the Illinois Labor Relations Board  
24 State Panel. The Executive Director of the Illinois Labor  
25 Relations Board State Panel shall inform the Executive  
26 Director of the Illinois Law Enforcement Training Standards  
27 Board and the person who filed the complaint of either the  
28 dismissal of the complaint or the issuance of the complaint  
29 for hearing. The Executive Director shall assign the  
30 complaint to the administrative law judge within 30 days of  
31 the decision granting a hearing.

32       (k) In the case of a finding of guilt on the offense of  
33 murder, if a new trial is granted on direct appeal, or a  
34 state post-conviction evidentiary hearing is ordered, based

1 on a claim that a police officer, under oath, knowingly and  
2 willfully made false statements as to a material fact going  
3 to an element of the offense of murder, the Illinois Labor  
4 Relations Board State Panel shall hold a hearing to determine  
5 whether the officer should be decertified if an interested  
6 party requests such a hearing within 2 years of the court's  
7 decision. The complaint shall be assigned to an  
8 administrative law judge within 30 days so that a hearing can  
9 be scheduled.

10 At the hearing, the accused officer shall be afforded the  
11 opportunity to:

12 (1) Be represented by counsel of his or her own  
13 choosing;

14 (2) Be heard in his or her own defense;

15 (3) Produce evidence in his or her defense;

16 (4) Request that the Illinois Labor Relations Board  
17 State Panel compel the attendance of witnesses and  
18 production of related documents including but not limited  
19 to court documents and records.

20 Once a case has been set for hearing, the verified  
21 complaint shall be referred to the Department of Professional  
22 Regulation. That office shall prosecute the verified  
23 complaint at the hearing before the administrative law judge.  
24 The Department of Professional Regulation shall have the  
25 opportunity to produce evidence to support the verified  
26 complaint and to request the Illinois Labor Relations Board  
27 State Panel to compel the attendance of witnesses and the  
28 production of related documents, including, but not limited  
29 to, court documents and records. The Illinois Labor Relations  
30 Board State Panel shall have the power to issue subpoenas  
31 requiring the attendance of and testimony of witnesses and  
32 the production of related documents including, but not  
33 limited to, court documents and records and shall have the  
34 power to administer oaths.

1       The administrative law judge shall have the  
2 responsibility of receiving into evidence relevant testimony  
3 and documents, including court records, to support or  
4 disprove the allegations made by the person filing the  
5 verified complaint and, at the close of the case, hear  
6 arguments. If the administrative law judge finds that there  
7 is not clear and convincing evidence to support the verified  
8 complaint that the police officer has, while under oath,  
9 knowingly and willfully made false statements as to a  
10 material fact going to an element of the offense of murder,  
11 the administrative law judge shall make a written  
12 recommendation of dismissal to the Illinois Labor Relations  
13 Board State Panel. If the administrative law judge finds that  
14 there is clear and convincing evidence that the police  
15 officer has, while under oath, knowingly and willfully made  
16 false statements as to a material fact that goes to an  
17 element of the offense of murder, the administrative law  
18 judge shall make a written recommendation so concluding to  
19 the Illinois Labor Relations Board State Panel. The hearings  
20 shall be transcribed. The Executive Director of the Illinois  
21 Law Enforcement Training Standards Board shall be informed of  
22 the administrative law judge's recommended findings and  
23 decision and the Illinois Labor Relations Board State Panel's  
24 subsequent review of the recommendation.

25       (l) An officer named in any complaint filed pursuant to  
26 this Act shall be indemnified for his or her reasonable  
27 attorney's fees and costs by his or her employer. These fees  
28 shall be paid in a regular and timely manner. The State, upon  
29 application by the public employer, shall reimburse the  
30 public employer for the accused officer's reasonable  
31 attorney's fees and costs. At no time and under no  
32 circumstances will the accused officer be required to pay his  
33 or her own reasonable attorney's fees or costs.

34       (m) The accused officer shall not be placed on unpaid

1 status because of the filing or processing of the verified  
2 complaint until there is a final non-appealable order  
3 sustaining his or her guilt and his or her certification is  
4 revoked. Nothing in this Act, however, restricts the public  
5 employer from pursuing discipline against the officer in the  
6 normal course and under procedures then in place.

7 (n) The Illinois Labor Relations Board State Panel shall  
8 review the administrative law judge's recommended decision  
9 and order and determine by a majority vote whether or not  
10 there was clear and convincing evidence that the accused  
11 officer, while under oath, knowingly and willfully made false  
12 statements as to a material fact going to the offense of  
13 murder. Within 30 days of service of the administrative law  
14 judge's recommended decision and order, the parties may file  
15 exceptions to the recommended decision and order and briefs  
16 in support of their exceptions with the Illinois Labor  
17 Relations Board State Panel. The parties may file responses  
18 to the exceptions and briefs in support of the responses no  
19 later than 15 days after the service of the exceptions. If  
20 exceptions are filed by any of the parties, the Illinois  
21 Labor Relations Board State Panel shall review the matter and  
22 make a finding to uphold, vacate, or modify the recommended  
23 decision and order. If the Illinois Labor Relations Board  
24 State Panel concludes that there is clear and convincing  
25 evidence that the accused officer, while under oath,  
26 knowingly and willfully made false statements as to a  
27 material fact going to an element of the offense murder, the  
28 Illinois Labor Relations Board State Panel shall inform the  
29 Illinois Law Enforcement Training Standards Board and the  
30 Illinois Law Enforcement Training Standards Board shall  
31 revoke the accused officer's certification. If the accused  
32 officer appeals that determination to the Appellate Court, as  
33 provided by this Act, he or she may petition the Appellate  
34 Court to stay the revocation of his or her certification



1 pending the court's review of the matter.

2 (o) None of the Illinois Labor Relations Board State  
3 Panel's findings or determinations shall set any precedent in  
4 any of its decisions decided pursuant to the Illinois Public  
5 Labor Relations Act by the Illinois Labor Relations Board  
6 State Panel or the courts.

7 (p) A party aggrieved by the final order of the Illinois  
8 Labor Relations Board State Panel may apply for and obtain  
9 judicial review of an order of the Illinois Labor Relations  
10 Board State Panel, in accordance with the provisions of the  
11 Administrative Review Law, except that such judicial review  
12 shall be afforded directly in the Appellate Court for the  
13 district in which the accused officer resides. Any direct  
14 appeal to the Appellate Court shall be filed within 35 days  
15 from the date that a copy of the decision sought to be  
16 reviewed was served upon the party affected by the decision.

17 (q) Interested parties. Only interested parties to the  
18 criminal prosecution in which the police officer allegedly,  
19 while under oath, knowingly and willfully made false  
20 statements as to a material fact going to an element of the  
21 offense of murder may file a verified complaint pursuant to  
22 this Section. For purposes of this Section, "interested  
23 parties" shall be limited to the defendant and any police  
24 officer who has personal knowledge that the police officer  
25 who is the subject of the complaint has, while under oath,  
26 knowingly and willfully made false statements as to a  
27 material fact going to an element of the offense of murder.

28 (r) Semi-annual reports. The Executive Director of the  
29 Illinois Labor Relations Board shall submit semi-annual  
30 reports to the Governor, President, and Minority Leader of  
31 the Senate, and to the Speaker and Minority Leader of the  
32 House of Representatives beginning on June 30, 2004,  
33 indicating:

34 (1) the number of verified complaints received

- 1           since the date of the last report;
- 2           (2) the number of investigations initiated
- 3           since the date of the last report;
- 4           (3) the number of investigations concluded
- 5           since the date of the last report;
- 6           (4) the number of investigations pending as of
- 7           the reporting date;
- 8           (5) the number of hearings held since the date
- 9           of the last report; and
- 10          (6) the number of officers decertified since
- 11          the date of the last report.

12           (h) -- A police officer who has been certified or granted a  
 13           valid waiver may also be decertified or have his or her  
 14           waiver revoked upon a determination by the Board that he or  
 15           she, while under oath, has knowingly and willfully made false  
 16           statements as to a material fact during a homicide  
 17           proceeding. A determination may be made only after an  
 18           investigation and hearing upon a verified complaint filed  
 19           with the Illinois Law Enforcement Training Standards Board.  
 20           No action may be taken by the Board regarding a complaint  
 21           unless a majority of the members of the Board are present at  
 22           the meeting at which the action is taken.

23           (1) -- The Board shall adopt rules governing the  
 24           investigation and hearing of a verified complaint to  
 25           assure the police officer due process and to eliminate  
 26           conflicts of interest within the Board itself.

27           (2) -- Upon receipt of the initial verified complaint,  
 28           the Board must make a finding within 30 days of receipt  
 29           of the complaint as to whether sufficient evidence exists  
 30           to support the complaint. The Board is empowered to  
 31           investigate and dismiss the complaint if it finds, by a  
 32           vote of a majority of the members present, that there is  
 33           insufficient evidence to support it. Upon the initial  
 34           filing, the sheriff or police chief, or other employing

1 agency, of the accused officer may suspend, with or  
2 without pay, the accused officer pending a decision of  
3 the Board. Upon a Board finding of insufficient evidence,  
4 the police officer shall be reinstated with back pay,  
5 benefits, and seniority status as appropriate. The  
6 sheriff or police chief, or employing agency, shall take  
7 such necessary action as is ordered by the Board.

8 (3) If the Board finds, by a vote of a majority of  
9 the members present, that sufficient evidence exists to  
10 support the complaint, it shall authorize a hearing  
11 before an administrative law judge within 45 days of the  
12 Board's finding, unless, based upon the complexity and  
13 extent of the allegations and charges, additional time is  
14 needed. In no event may a hearing before an  
15 administrative law judge take place later than 60 days  
16 after the Board's finding.

17 (i) The Board shall have the power and authority to  
18 appoint administrative law judges on a contractual basis.  
19 The Administrative law judges must be attorneys licensed to  
20 practice law in the State of Illinois. The Board shall also  
21 adopt rules governing the appointment of administrative law  
22 judges and the conduct of hearings consistent with the  
23 requirements of this Section. The administrative law judge  
24 shall hear all evidence and prepare a written recommendation  
25 of his or her findings to the Board. At the hearing the  
26 accused police officer shall be afforded the opportunity to:

27 (1) Be represented by counsel;

28 (2) Be heard in his or her own defense;

29 (3) Produce evidence in his or her defense;

30 (4) Request that the Board compel the attendance of  
31 witnesses and production of court records and documents.

32 (j) Once a case has been set for hearing, the person who  
33 filed the verified complaint shall have the opportunity to  
34 produce evidence to support any charge against a police

1 officer that he or she, while under oath, has knowingly and  
2 willfully made false statements as to a material fact during  
3 a homicide proceeding.

4 (1) The person who filed the verified complaint  
5 shall have the opportunity to be represented by counsel  
6 and shall produce evidence to support his or her charges;

7 (2) The person who filed the verified complaint may  
8 request the Board to compel the attendance of witnesses  
9 and production of court records and documents.

10 (k) The Board shall have the power to issue subpoenas  
11 requiring the attendance and testimony of witnesses and the  
12 production of court records and documents and shall have the  
13 power to administer oaths.

14 (l) The administrative law judge shall have the  
15 responsibility of receiving into evidence relevant testimony  
16 and documents, including court records, to support or  
17 disprove the allegations made by the person filing the  
18 verified complaint, and, at the close of the case, hear  
19 arguments. If the administrative law judge finds that there  
20 is not clear and convincing evidence to support the verified  
21 complaint that the police officer has, while under oath,  
22 knowingly and willfully made false statements as to a  
23 material fact during a homicide proceeding, the  
24 administrative law judge shall make a written recommendation  
25 of dismissal to the Board. If the administrative law judge  
26 finds that there is clear and convincing evidence to support  
27 the verified complaint that the police officer has, while  
28 under oath, knowingly and willfully made false statements as  
29 to a material fact during a homicide proceeding, the  
30 administrative law judge shall make a written recommendation  
31 of decertification to the Board.

32 (m) Any person, with the exception of the police officer  
33 who is the subject of the hearing, who is served by the Board  
34 with a subpoena to appear, testify or produce evidence and

1 refuses--to--comply--with-the-subpoena-is-guilty-of-a-Class-B  
2 misdemeanor.-Any-circuit-court-or-judge, upon-application--by  
3 the--Board,--may--compel-compliance-with-a-subpoena-issued-by  
4 the-Board.

5 (n)--Within-15-days-of-receiving-the-recommendation,--the  
6 Board-shall-consider-the-recommendation-of-the-administrative  
7 law--judge--and-the-record-of-the-hearing-at-a-Board-meeting.  
8 If,--by-a-two-thirds-vote-of-the-members-present-at-the--Board  
9 meeting,--the--Board-finds-that-there-is-clear-and-convincing  
10 evidence-that-the--police--officer--has,--while--under--oath,  
11 knowingly--and--willfully--made--false--statements--as--to--a  
12 material--fact--during-a-homicide-proceeding, the-Board-shall  
13 order-that-the-police-officer-be-decertified-as--a--full-time  
14 or--part-time--police-officer.-If-less-than-two-thirds-of-the  
15 members-present-vote-to-decertify--the--police--officer,--the  
16 Board-shall-dismiss-the-complaint.

17 (o)--The--provisions--of--the--Administrative--Review-Law  
18 shall-govern-all-proceedings-for-the-judicial-review--of--any  
19 order--rendered--by-the-Board.-The-moving-party-shall-pay-the  
20 reasonable-costs-of-preparing-and-certifying-the--record--for  
21 review.-If--the-moving-party-is-the-police-officer-and-he-or  
22 she-prevails, the-court-may-award-the-police--officer--actual  
23 costs--incurred--in--all--proceedings,--including--reasonable  
24 attorney--fees.-If--the--court-awards-the-police-officer-the  
25 actual-costs-incurred-in-a-proceeding,--including--reasonable  
26 attorney--fees,--the--costs--and-attorney-fees-shall-be-paid,  
27 subject-to-appropriation, from-the-Illinois--Law--Enforcement  
28 Training--Standards--Board--Costs--and--Attorney-Fees-Fund, a  
29 special-fund-that-is-created-in-the-State-Treasury.-The--Fund  
30 shall--consist-of-moneys-appropriated-or-transferred-into-the  
31 Fund-for-the-purpose-of-making-payments-of-costs-and-attorney  
32 fees-in-accordance-with-this-subsection-(o).-The-Illinois-Law  
33 Enforcement-Training-Standards--Board--shall--administer--the  
34 Fund--and--adopt-rules-for-the-administration-of-the-Fund-and

1 for-the-submission-and-disposition-of-claims--for--costs--and  
2 attorney-fees-in-accordance-with-this-subsection-(e).

3 (p)--If--the--police--officer--is--decertified--under  
4 subsection-(h), the-Board-shall-notify-the-defendant-who--was  
5 a--party--to--the--proceeding--that--resulted--in--the-police  
6 officer's-decertification-and-his--or--her--attorney--of--the  
7 Board's--decision.--Notification--shall-be-by-certified-mail,  
8 return-receipt-requested, sent--to--the--party's--last--known  
9 address-and-to-the-party's-attorney-if-any.

10 (q)--Limitation-of-action.

11 (1)--No--complaint--may--be--filed--pursuant-to-this  
12 Section-until-after-a-verdict--or--other--disposition--is  
13 rendered-in-the-underlying-case-or-the-underlying-case-is  
14 dismissed-in-the-trial-court.

15 (2)--A-complaint-pursuant-to-this-Section-may-not-be  
16 filed-more-than-2-years-after-the-final-resolution-of-the  
17 case.--For--purposes-of-this-Section, final-resolution-is  
18 defined--as--the--trial--court's--ruling--on--the--State  
19 post-conviction--proceeding--in--the--case-in-which-it-is  
20 alleged-the-police-officer, while-under--oath,--knowingly  
21 and-willfully-made-false-statements-as-to-a-material-fact  
22 during--a--homicide--proceeding.--In--the--event--a  
23 post-conviction-petition-is-not-filed, an-action-pursuant  
24 to-this-Section-may-not-be-commenced-more--than--2--years  
25 after--the--denial--of--a--petition-for-certiorari-to-the  
26 United-States--Supreme--Court,--or--if--no--petition--for  
27 certiorari--is--filed,--2--years--after--the--date-such-a  
28 petition-should-have-been--filed.--In--the--event--of--an  
29 acquittal,--no--proceeding--may--be-commenced-pursuant-to  
30 this-Section-more-than-6-years-after-the-date-upon--which  
31 judgment-on-the-verdict-of-acquittal-was-entered.

32 (r)--Interested--parties.--Only-interested-parties-to-the  
33 criminal-prosecution-in-which-the-police--officer--allegedly,  
34 while--under--oath,--knowingly--and--willfully--made--false

1 statements-as-to-a-material-fact-during-a-homicide-proceeding  
2 may-file-a-verified-complaint-pursuant-to-this--Section.--For  
3 purposes--of--this--Section,--"interested-parties"--include-the  
4 defendant-and-any-police-officer-who-has--personal--knowledge  
5 that--the--police-officer-who-is-the-subject-of-the-complaint  
6 has,--while-under-oath,--knowingly--and--willfully--made--false  
7 statements---as---to---a--material--fact--during--a--homicide  
8 proceeding.

9 (Source: 93SB472enr.)

10 Section 10. If and only if Senate Bill 472 of the 93rd  
11 General Assembly becomes law by the override of the  
12 Governor's amendatory veto, the Code of Criminal Procedure of  
13 1963 is amended by changing Section 107A-10 as follows:

14 (725 ILCS 5/107A-10)

15 Sec. 107A-10. Pilot study on sequential lineup  
16 procedures.

17 (a) Legislative intent. Because the goal of a police  
18 investigation is to apprehend the person or persons  
19 responsible for committing a crime, it is useful to conduct a  
20 pilot study in the field on the effectiveness of the  
21 sequential method for lineup procedures.

22 (b) Establishment of pilot jurisdictions. The Department  
23 of State Police shall select 3 police departments to  
24 participate in a one-year pilot study on the effectiveness of  
25 the sequential lineup method for photo and live lineup  
26 procedures. One such pilot jurisdiction shall be a police  
27 district within a police department in a municipality whose  
28 population is at least 500,000 residents; one such pilot  
29 jurisdiction shall be a police department in a municipality  
30 whose population is at least 100,000 but less than 500,000;  
31 and one such pilot jurisdiction shall be a police department  
32 in a municipality whose population is less than 100,000. All

1 such pilot jurisdictions shall be selected no later than July  
2 January 1, 2004.

3 (c) Sequential lineup procedures in pilot jurisdictions.  
4 For any offense alleged to have been committed in a pilot  
5 jurisdiction on or after July January 1, 2004, selected  
6 lineup identification procedure shall be presented in the  
7 sequential method in which a witness is shown lineup  
8 participants one at a time, using the following procedures:

9 (1) The witness shall be requested to state whether  
10 the individual shown is the perpetrator of the crime  
11 prior to viewing the next lineup participant. Only one  
12 member of the lineup shall be a suspect and the remainder  
13 shall be "fillers" who are not suspects but fit the  
14 general description of the offender without the suspect  
15 unduly standing out;

16 (2) The lineup administrator shall be someone who  
17 is not aware of which member of the lineup is the suspect  
18 in the case; and

19 (3) Prior to presenting the lineup using the  
20 sequential method the lineup administrator shall:

21 (A) Inform the witness that the perpetrator  
22 may or may not be among those shown, and the witness  
23 should not feel compelled to make an identification;

24 (B) Inform the witness that he or she will  
25 view individuals one at a time and will be requested  
26 to state whether the individual shown is the  
27 perpetrator of the crime, prior to viewing the next  
28 lineup participant; and

29 (C) Ask the witness to state in his or her own  
30 words how sure he or she is that the person  
31 identified is the actual offender. During the  
32 statement, or as soon thereafter as reasonably  
33 possible, the witness's actual words shall be  
34 documented.



1 (d) Application. This Section applies to selected live  
2 lineups that are composed and presented at a police station  
3 and to selected photo lineups regardless of where presented;  
4 provided that this Section does not apply in police  
5 investigations in which a spontaneous identification is  
6 possible and no lineup procedure is being used. This Section  
7 does not affect the right to counsel afforded by the U.S. or  
8 Illinois Constitutions or State law at any stage of a  
9 criminal proceeding.

10 (e) Selection of lineups. The participating  
11 jurisdictions shall develop a protocol for the selection and  
12 administration of lineups which is practical, designed to  
13 elicit information for comparative evaluation purposes, and  
14 is consistent with objective scientific research methodology.

15 (f) Training and administrators. The Department of State  
16 Police shall offer training to police officers and any other  
17 appropriate personnel on the sequential method of conducting  
18 lineup procedures in the pilot jurisdictions and the  
19 requirements of this Section. The Department of State Police  
20 may seek funding for training and administration from the  
21 Illinois Criminal Justice Information Authority and the  
22 Illinois Law Enforcement Training Standards Board if  
23 necessary.

24 (g) Report on the pilot study. The Department of State  
25 Police shall gather information from each of the  
26 participating police departments selected as a pilot  
27 jurisdiction with respect to the effectiveness of the  
28 sequential method for lineup procedures and shall file a  
29 report of its findings with the Governor and the General  
30 Assembly no later than September ~~April~~ 1, 2005.

31 (Source: 93SB472enr.)

32 Section 95. The amendatory changes to Section 6.1 of the  
33 Illinois Police Training Act made by this amendatory Act of

1 the 93rd General Assembly and the provisions of Section  
2 107A-10 of the Code of Criminal Procedure of 1963 made by  
3 this amendatory Act of the 93rd General Assembly supersede  
4 the amendatory changes made to Section 6.1 of the Illinois  
5 Police Training Act and the provisions of Section 107A-10 of  
6 the Code of Criminal Procedures of 1963 added by Senate Bill  
7 472 of the 93rd General Assembly, if Senate Bill 472 of the  
8 93rd General Assembly becomes law.

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.