

1 AMENDMENT TO SENATE BILL 21

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 21, on page 1, by  
3 replacing lines 7 through 23 with the following:

4 "Section 19.5. Release of prisoners to law enforcement  
5 personnel or State's Attorney. The sheriff may adopt and  
6 implement a written policy that provides for the release of a  
7 person who is in the custody of the sheriff for any criminal  
8 or supposed criminal matter to sworn law enforcement  
9 personnel or to the State's Attorney for the purpose of  
10 furthering investigations into criminal matters that are  
11 unrelated to the criminal matter for which the person is held  
12 in custody. The written policy must, at a minimum, require  
13 that there be a written request, signed by an authorized  
14 agent of the law enforcement agency or State's Attorney  
15 office, to take custody of the prisoner and that the written  
16 request shall include the name of the individual authorized  
17 to take custody of the prisoner, the purpose and scope of the  
18 criminal matter under investigation, and a statement of the  
19 fact that the individual taking custody and agency they are  
20 employed by understand the limitation of the sheriff's  
21 liability as described in this Act. Upon the release of a  
22 person to law enforcement personnel or the State's Attorney  
23 under written policy of the sheriff, the sheriff shall not be

1 liable for any injury of any kind, including but not limited  
2 to death, to either the person released or to any third party  
3 that occurs during the time period that the person is in  
4 custody of other law enforcement personnel or the State's  
5 Attorney unless the sheriff or a deputy sheriff, correctional  
6 guard, lockup keeper, or county employee is guilty of willful  
7 and wanton conduct that proximately caused the injury."