

AN ACT concerning State government.

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

Section 5. The Children and Family Services Act is amended by adding Section 21.6 as follows:

(20 ILCS 505/21.6 new)

Sec. 21.6. Front-line staff members; personal protection spray devices.

(a) As used in this Section:

"Front-line staff member" or "staff member" means an individual who engages with families in their home settings.

"Personal protection spray device" means a commercially available dispensing device designed and intended for use in self-defense which is comprised of non-lethal Oleoresin Capsicum and is specifically approved by the Department in consultation with the Illinois State Police.

(b) A front-line staff member is authorized to carry and use personal protection spray devices for self-defense purposes while investigating a report of child abuse or neglect if the front-line staff member has been trained on the proper use of such personal protection spray devices by the Department, in consultation with the Illinois State Police. By January 1, 2023, the Department, in consultation with the

Illinois State Police, shall (i) identify a list of approved personal protection spray devices and (ii) jointly develop and approve a training curriculum and program for front-line staff members on the proper use of such personal protection spray devices for self-defense purposes. The Department shall provide funding for the training program.

(c) Personal protection spray device use. A personal protection spray device may only be used if a front-line staff member:

(1) reasonably believes that use is necessary to protect the staff member from an imminent physical assault posed by another person;

(2) uses the device to incapacitate a person attempting a physical assault in order to avoid imminent physical harm and to facilitate escape from danger when there is no other alternative available to the staff member;

(3) uses a device approved by the Department, in consultation with the Illinois State Police;

(4) except in exigent circumstances, has issued a verbal warning to persons in close proximity to the spray area in accordance with the training jointly developed by the Department, in consultation with the Illinois State Police;

(5) does not intentionally spray any person other than a person attempting to physically assault the front-line

staff member; and

(6) has successfully completed training on how to use the approved devices, de-escalation techniques, pre-contact cues, and situation awareness.

A front-line staff member's use of personal protection spray devices during the performance of his or her professional duties in any manner other than as expressly authorized under this Section shall be prohibited by Department policy. Whenever a front-line staff member discharges a personal protection spray device, the front-line staff member shall complete an incident report.

(d) Duty to seek medical care for bystanders. Following the discharge of a personal protection spray device that results in exposure, the front-line staff member shall notify his or her supervisor and, if appropriate, call 9-1-1 for emergency response or responders as soon as reasonably practical and when safe to do so.

(e) Reporting. Beginning January 1, 2024, and every January 1 thereafter, the Department shall post on its website a report containing the following information for the preceding calendar year: (i) the number of front-line staff members trained to carry personal protection spray devices; (ii) the number of front-line staff members who report carrying personal protection spray devices and the make or model of the devices; and (iii) the number of reported uses of personal protection spray devices by service region. In

addition, the Department shall report each incident involving the deployment of a personal protection spray device that occurred during the preceding calendar year, including:

(1) the estimated age, gender, and race of the intended target of the personal protection spray device;

(2) whether there were injuries to the intended target resulting from the deployment of the personal protection spray device;

(3) the age, gender, and race of the front-line staff member who utilized the personal protection spray device;
and

(4) whether there were injuries to the front-line staff member resulting from the incident.

The Department shall also report yearly data on the number of personal protection spray device deployments found to be against Department policy.

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