

In Brief

January 19, 2021

EXTENSIVE LAW ENFORCEMENT REFORM BILL AWAITS SIGNATURE

Just before its two-year legislative cycle ended on Wednesday, the Illinois legislature passed HB 3653, a 764-page bill that is expected to make extensive changes to law enforcement throughout the state. Governor Pritzker has expressed support for HB 3653, and some provisions will go into effect as early as July 1, 2021 if he signs the bill.

The first parts of the bill to become effective include provisions banning affidavit requirements to file a complaint against an officer, regulating specific communication rights of those in custody, regulating pregnant prisoner rights, and requiring misconduct records to be kept permanently. Also on July 1, the Illinois Attorney General would gain explicit authority to investigate and file civil lawsuits that target “a pattern or practice of conduct by officers that deprives any person” of statutory or constitutional rights and to seek a civil penalty for violations.

On January 1, 2022, HB 3653 would also change statewide use-of-force standards and significantly expand the authority of the Illinois Law Enforcement Training Standards Board (ILETSB). In order to keep their positions and serve as law enforcement officers, officers must hold an active certification from ILETSB. Under new reporting requirements, officers would have to verify their compliance with mandatory training and other information every three years, and local governments would have to notify ILETSB when they make final determinations about certain willful violations of law or policy. ILETSB would also have the authority to investigate and decertify officers for a wide range of misconduct, including:

- criminal acts that could support automatic decertification, even if not prosecuted,
- excessive use of force,
- failing to fulfill the duty to intervene,

- turning off a dash camera or body camera or tampering with them or their recordings for the purpose of concealing or destroying potential evidence,
- committing perjury, making false statements or knowingly tampering with or fabricating evidence (related to reporting, investigation, or prosecution of a crime), or
- engaging in any unprofessional departure from minimal standards or “unethical, deceptive, or deleterious conduct or practice harmful to the public.”

Another significant change is that law enforcement agencies would have to implement the use of body cameras for all officers. As a result, some local governments may need to purchase additional equipment and prepare to comply with the requirements of the *Law Enforcement Officer-Worn Body Camera Act*. The deadlines for implementing body cameras vary with the jurisdiction’s population as follows:

Population	Deadline
500,000 or more	January 1, 2022
100,000 – 499,999	January 1, 2023
50,000 – 99,999	January 1, 2024
Less than 50,000	January 1, 2025

Finally, HB 3653 has provisions that would make Illinois the first state to end cash bail and would require election redistricting to account for incarcerated populations based on their legal residence. The provisions regarding bail would go into effect January 1, 2023, and the provisions related to redistricting would go into effect January 1, 2025.

For questions about this bill and how it may impact you, please contact your Robbins Schwartz attorney.