



ISACO Overview of P.A. 102-0694
Criminal Justice and Law Enforcement Trailer Legislation
January 11, 2022

The following is a summary of the content within P.A. 102-0694. The Act includes an effective date January 1, 2022, but was signed into law by Governor Pritzker on January 7, 2022. The bill includes delays to the effective dates of previously enacted criminal justice reform provisions to provide additional time for compliance.

To assist with navigating the 176-page Act, the document includes the page or range of pages of statutes amended by the Act as well as the specific page numbers where the new or amended language is located. Those seeking additional details about one or more provisions are encouraged to consult the legislation. A link to the new law with page numbers is [available here](#).

This overview is not intended to be a substitute for a careful review of the legislation.

Freedom of Information Act

Pages 1-16

Provides those records contained in the Officer Professional Conduct Database under Section 9.2 (was Section 9.4) of the Illinois Police Training Act are exempt from the Freedom of Information Act (FOIA) except to the extent authorized under that Section. (Page 4)

Illinois State Police Act

Pages 16-28

In a Section addressing the automatic termination of Illinois State Police Officers, add language stating that nothing in the Section shall exempt a law enforcement agency from which the Merit Board has obtained data, documents, materials or other information or that has disclosed data, documents, materials, or other information to the Merit Board from disclosing public records in accordance with FOIA. (Page 28)

Illinois Police Training Act

Pages 28-153

Amends a section pertaining to the Officer Professional Conduct Database; reporting and transparency by removing language encouraging the voluntary participation of other governmental units and participating State agencies. (Page 29)

Adds a definition of "Law Enforcement Agency" to mean any entity with statutory police powers and the ability to employ individuals authorized to make arrests. Exempts the Illinois State Police from the definition. A law enforcement agency may include any university, college or community college. (Page 33)

Removes the definition of "governmental agency" and includes "law enforcement unit of government" within the definition of "local law enforcement agency." (Page 33)

Adds a definition of "State law enforcement agency," removes reference to "governmental unit" and replaces it with "law enforcement agency." Exempts the Illinois State Police from the definition. (Page 33)

Redefines "Police Training School" as "Basic Training School." (Pages 33-34)

Modifies language within the definitions of "Permanent Law Enforcement Officer" and "Part-Time Law Enforcement Officer" to comport with other definitions within the Illinois Police Training Act. (Pages 34-35)

Adds the definition of "Review Committee" to mean the committee at the Illinois Law Enforcement Training Standards Board ("Board") for certification of disciplinary cases in which the Panel, a law enforcement officer, or a law enforcement agency may file for reconsideration of a decertification decision made by the Board. (Page 35)

In a Section establishing the composition of the Board, creates a Review Committee to review disciplinary cases for reconsideration of decertification decisions made by the Board. Establishes the composition of the Committee. (Pages 37-38)

In a Section establishing the Illinois Law Enforcement Certification Review Panel, adds two additional members appointed by the Governor and one additional member appointed by the Attorney General. Requires that membership on the Panel must have racial, ethnic, gender and geographic diversity and have one person who is an active member of a statewide organization representing more than 3,000 active and retired law enforcement officials. (Pages 39-40)

In a Section concerning automatic decertification of full-time and part-time law enforcement officers, establishes January 7, 2022, as the date after which a law enforcement officer may not be certified or provided a valid waiver if that officer has been convicted of, found guilty of, or entered a plea of guilty to any specified misdemeanor or similar offense in another state. (Page 52).

The Section concerning decertification of law enforcement officers made by P.A. 101-0652 and this new Act apply prospectively only from July 1, 2022. (Page 56)

Provides that the Board has the authority to decertify a full-time or part-time law enforcement officer notwithstanding whether a law enforcement agency takes disciplinary action against a law enforcement officer for the same conduct. (Page 61)

Provides that the Board must maintain certain information when a “law enforcement officer is involved” in a criminal proceeding “on the same subject as the notice of violation.” (Page 66)

Provides that a State’s Attorney’s Office must notify the Board of any criminal charges filed against a law enforcement officer and must provide updates of significant developments to the Board in a timely manner but no later than 30 days after such development. (Pages 66-67)

Provides that a law enforcement agency or entity investigating a violation shall submit quarterly reports to the Board about the progress of the investigation. (Page 68)

Provides that the Board must submit a report to the investigating entity disclosing the name, address and telephone numbers of person who have knowledge of facts which are the subject of the investigation and identifying the subject matter of their knowledge. (Pages 68-69)

In a Section concerning a formal complaint hearing, provides that the Board or law enforcement officer may request to have the hearing suspended for up to 6 additional months for good cause and defines “good cause.” (Page 75)

Provides that the Board shall determine the content and extent of initial and annual training for administrative law judges. (Page 76)

Provides a process by which a law enforcement officer can object to any procedural or substantive legal portion of a report issued following a hearing before an administrative law judge. (Page 77)

Identifies what information must be disclosed by a party no later than 28 days before the hearing. (Page 77)

Provides that a Panel shall prepare a summary report as soon as practicable following a certification review meeting that will, along with any objections by the Law Enforcement Officer, be considered by the Board. (Page 79)

Establishes that reconsideration of the Board’s final decision may be filed by the Panel or law enforcement officer with the Review Committee and the Review Committee shall only consider the issues raised by the parties. The Review Committee may grant or deny the motion for reconsideration and must notify the law enforcement officer and their last employing law enforcement agency within 14 days of a denial along with the reasons. (Page 80)

Delays the curriculum requirements for law enforcement officers established under P.A. 102-0652, P.A. 102-0028 and this new Act until July 1, 2022. (Page 101)

Provides that the Board shall review a notice for reactivation from a law enforcement agency and provide a response within 30 days. A law enforcement officer shall be allowed to be employed as a full-time law enforcement officer while the law enforcement officer reactivation waiver is under review. A law enforcement agency whose request for a waiver is denied can request a review of the denial by the Board within 20 days of the waiver being denied. (Pages 106 and 108)

Provides that law enforcement agencies must pay employees for all time spent attending mandatory training and that training shall not impose any costs on employees. Each agency, academy or training provider shall maintain proof that an officer completed training and the report of training shall be submitted to the Board. (Page 109)

The Section concerning appointments, certifications and reinstatements made by P.A. 102-0694, P.A. 102-0028 and this new Act shall take effect July 1, 2022. (Page 110)

Provides that a probationary law enforcement officer shall not be used as a replacement for a full-time law enforcement officer and shall be directly supervised by a Board-certified law enforcement officer. The supervisor shall have final decision-making authority as to the actions of the recruit during duty hours. (Page 114)

Provides that a law enforcement agency or law enforcement officer whose request for a waiver from training requirements was denied can request a review of the denial by the Board. The law enforcement agency must request a review within 20 days after the waiver is denied. The burden of proof shall be on the law enforcement agency to show why the law enforcement officer is entitled to a waiver of the legislatively required training and eligibility requirements. (Page 117)

The Section concerning reactivation and training waivers made by P.A. 101-0652 and this new Act shall take effect July 1, 2022. (Page 118)

Allows for an emergency order of suspension to be for a term specified by the Board to begin no sooner than the date of the violation. Establishes the factors the Board may consider in determining the term of the suspension of a law enforcement officer's certification. (Pages 119-120)

Establishes that written communication and other evidence shall be introduced as evidence during a hearing concerning an emergency order of certification suspension and provides that the law enforcement officer shall have the opportunity to challenge the evidence and explain why their certification should not be suspended. (Page 120)

The changes made to the Section concerning an emergency order of suspension by Public Act 101-652 and this new Act shall take effect July 1, 2022. (Page 121)

In a Section concerning professional conduct, the new Act provides a 14-day period after a law enforcement officer receives notice from a law enforcement agency of a violation to provide a written objection to the Board contesting the violation. (Page 130)

Provides that a law enforcement officer shall have access to the law enforcement officer's own records on file with the Board as it pertains to the database referenced in the Section pertaining to professional conduct. (Page 134)

Provides that law enforcement agencies from which the Board obtained data, documents or materials are not exempt from disclosing public records in accordance with FOIA. (Page 135)

The changes in the Section concerning professional conduct made by P.A. 101-0652, and this new Act take effect July 1, 2022. (Page 135)

Law Enforcement Officer-Worn Body Camera Act

Pages 154-164

Provides that nothing in the Act prohibits law enforcement agencies from labeling officer-worn body camera video within the recording medium if the labeling does not alter the actual recording of the incident captured on the camera. The labels, titles and tags shall not be construed as altering the officer-worn body camera video in any way. (Page 160)

Code of Criminal Procedure

Pages 164-166

Provides that those in police custody have the right to communicate free of charge with an attorney of his or her choice and members of his or her family as soon as possible after being taken into police custody, but no later than 3 hours of arrival at the first place of detention. Persons in custody must be given access to use of a telephone via landline or cellular phone to make 3 telephone calls. Conspicuous signage with information must be placed at every police facility where a person is in police custody. If a place of detention is in a jurisdiction where the court has appointed the public defender or other attorney to represent the person in custody, the telephone number to the public defender or other attorney's office must also be displayed. Someone transferred to a new place of detention shall have their right to 3 telephone calls within 3 hours of arrival renewed. Statements made by a person detained in police custody in violation of these requirements are presumed inadmissible in court as evidence. Records of phone calls or the lack thereof shall be maintained. (Pages 164-166)

Pre-Trial Services Act

Page 167

The Illinois State Supreme Court is encouraged to establish a framework that facilitates the hiring and training of new State-employed pretrial services personnel to serve circuit courts or counties without existing pretrial services agencies. (Page 167)

Unified Code of Corrections

Pages 167-175

Amends a reference to an effective date for the punishment of defendants who commit the offense of predatory criminal sexual assault of a child, aggravated criminal sexual assault or criminal sexual assault. (Page 173)

Delays the effective date to July 1, 2022, for a provision stating that a mandatory supervised release term shall not be imposed for a Class 3 felony or Class 4 felony. (Page 175)