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## **Illinois Breathe Act (2020)**

### **ARTICLE I – SHORT TITLE; INTENT; FINDINGS**

SEC. 1-1. Short title. This Act may be cited as the Illinois Breathe Act.

SEC. 1-2. Intent. The intent of the Illinois Breathe Act is to increase public safety and decrease violence.

SEC. 1-3. Findings.

### **Creating Systems of Accountability and Transparency Around Policing**

ARTICLE II – Investigation and Transparency

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### **ARTICLE II – INVESTIGATION AND TRANSPARENCY**

SEC. 2-1. Definitions. As used in this title--

(a) “Law enforcement agency” means any agency or unit of government or any municipality or the state or any political subdivision thereof, or any agent thereof, which has constitutional or statutory authority to employ or appoint persons as officers. This term also includes any private entity which has contracted with the state or county for the operation and maintenance of a non-juvenile detention facility or any privately funded force maintained for the prevention, detection, or investigation, prosecution, or adjudication of violations of criminal laws.

(b) “Law enforcement officer” means any person who is elected, appointed, or employed full or part time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory, correctional officer, correctional probation officer, and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers.

(c) “Auxiliary law enforcement officer” means any person employed or appointed, with or without compensation, who aids or assists a full-time or part-time law enforcement officer and who, while under the direct supervision of a full-time or part-time law enforcement officer, has the authority to perform law enforcement functions.

(d) “Officer-involved death (OID)” means a death of an individual that resulted directly from an action or an omission of a law enforcement officer while the law enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of his or her law enforcement duties.

(e) “Officer-involved Shooting (OIS)” means the discharge of a firearm, whether accidental or intentional, by a police officer, whether on or off duty, that results in any physical injury to a person.

(f) “Prosecuting attorney” means any agent of any agency or unit of government or any municipality or the state or any political subdivision thereof, or any agent thereof, which has constitutional or statutory authority to bring criminal charges. The term also includes any private entity which has contracted with the state or county for said purpose. A prosecuting attorney shall include, but is not limited to, the Attorney General, State’s Attorney, and any Special Prosecutor who may be appointed.

#### SEC. 2-2. Investigation Policy.

(a) In every officer-involved shooting and officer-involved death an investigation shall be opened in accordance with this title.

(b) Every law enforcement agency shall have a publicly written policy and said policy shall be signed and/or witnessed by each law enforcement officer employed by the law enforcement agency as confirmation of receipt regarding the investigation process resulting from an officer-involved death and officer-involved shooting when the officer is employed by said law enforcement agency. The investigation process shall be transparent and avoid any appearances of any conflict of interest.

#### SEC. 2-3. Investigation Guidelines.

(a) Each policy under subsection (102) shall require an investigation conducted by at least two investigators, one of whom is the lead investigator and neither of whom is employed by a law enforcement agency that employs the officer(s) who are the subject of the investigation.

(b) If the officer-involved death or shooting being investigated is traffic-related, the policy under subsection (102) shall require the investigation to use a crash reconstruction unit from a conflict free private entity or public, independent agency that is not an ancillary entity of the law enforcement agency, and/or that do not employ a law enforcement officer involved in the officer-involved death or shooting who is under investigation.

(c) Nothing in this title shall be read to interfere with the right of any civilian or independent review board to conduct an investigation into the officer-involved death or officer-involved shooting.

#### SEC. 2-4. Investigators.

(a) Section 16 of the Illinois Compiled Statutes (20 ILCS 2610), is amended as follows: Insert “(a)” after “Sec. 16.” and immediately following the period at the end of the last sentence insert: “(b) It shall be the duty of the State Police to investigate all officer-involved shootings and officer-involved deaths, as defined in Title I, Section 101(d), (e), wherein the officer is not an agent of the state police.

(b) No law enforcement agency shall investigate any officer-involved shooting or officer-involved death when a member of that agency is the officer involved.

(c) Whenever any agent of the Department of State Police is the officer involved in an officer-involved shooting or officer-involved death, it shall be the duty of the local law enforcement agency to investigate the occurrence.

#### SEC. 2-5. Reporting Requirements.

(a) The investigators conducting the investigation under subsection (103) shall provide a complete written report to the Prosecuting Attorney and Attorney General of the State of Illinois upon the completion of the investigation.

(b) No investigation shall exceed 90 days, unless requested by written motion to a court of competent jurisdiction for an extension of time and granted for good cause. Upon a finding of good cause, an extension for investigation may be granted for not more than six months.

(c) If the Attorney General determines there is no basis and/or findings to prosecute the law enforcement officer involved in the officer-involved death or officer-involved shooting, the investigators shall immediately release the report to the public.

(d) Upon the conclusion of an investigation or prosecution, whichever occurs last, initiated pursuant to this title, any and all investigatory materials shall be considered a “public record” as defined under 5 ILCS 140/2(c).

SEC. 2-6. Initial Applicability. This act first applies to officer-involved deaths and officer-involved shootings occurring on the effective date of this subsection.

### **ARTICLE III – ACCOUNTABILITY**

SEC. 3-1. Section 3-9008 of the Illinois Compiled Statutes (55 ILCS 5), is amended as follows: Insert immediately following subsection (a-10): “*(a-11) As used in section (a), the state’s attorney is considered have an actual conflict of interest whenever the defendant is an agent of a law enforcement agency within the jurisdiction of that state’s attorney.*”

SEC 3-2. Section 3-9008 of the Illinois Compiled Statutes (55 ILCS 5), is amended as follows: Insert immediately following subsection (a-20): “*(a-25) Mandatory Special Prosecutor. For a conflict of interest arising under subsection (a-11), a special prosecutor shall be appointed from the Office of the Illinois Attorney General.*”

SEC. 3-3. Nothing in this Act shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General of the United States or of the United States or any agency or officer thereof under existing law to institute or intervene in any action or proceeding.

### **ARTICLE IV – CIVIL ACTIONS FOR DEPRIVATION OF RIGHTS**

SEC. 4-1. A peace officer, as defined in section 720 ILCS 5/2-13, employed by a local government who, under color of law, subjects or causes to be subjected, including failing to intervene, any other person to the deprivation of any individual rights that create binding obligations on government actors secured by the Bill of Rights, Article I of the state constitution, is liable to the injured party for legal or equitable relief or any other appropriate relief.

SEC. 4-2. Statutory immunities and statutory limitations on liability, damages, or attorney fees do not apply to claims brought pursuant to this section. The “Local Governmental and

Governmental Employees Tort Immunity Act”, 745 ILCS 10, does not apply to claims brought pursuant to this section.

SEC. 4-3. Qualified immunity is not a defense to liability pursuant to this section.

SEC. 4-4. Notwithstanding any other provision of law, a peace officer's employer shall indemnify its peace officers for any liability incurred by the peace officer and for any judgment or settlement entered against the peace officer for claims arising pursuant to this section; except that, if the peace officer's employer determines that the officer did not act upon a good faith and reasonable belief that the action was lawful, then the peace officer is personally liable and shall not be indemnified by the peace officer's employer for five percent of the judgment or settlement or twenty-five thousand dollars, whichever is less. Notwithstanding any provision of this section to the contrary, if the peace officer's portion of the judgment is uncollectible from the peace officer, the peace officer's employer or insurance shall satisfy the full amount of the judgment or settlement.

SEC. 4-5. Civil Action for Racial Profiling and Deprivation of Rights

a) An unlawful discriminatory practice, and cause for civil action for deprivation of rights, is established under this section when:

1. Intentional Profiling

A. An individual or organization brings an action demonstrating that a law enforcement officer has, or law enforcement officers have, intentionally engaged in unlawful profiling of one or more individuals; and

B. The governmental body, law enforcement officer, or supervisor against whom such action is brought fails to prove that:

i. Such profiling or discriminatory policing practice is necessary to achieve a compelling governmental interest; and

ii. The practice was narrowly tailored to achieve that compelling governmental interest; and

iii. The least restrictive means were used to achieve the compelling governmental interest; or

2. Disparate Impact

A. An individual or organization brings an action demonstrating that the activities of law enforcement officers have had a disparate impact on individuals based on actual or perceived race, color, ethnicity, religion, national origin, age, sex, gender identity or expression, sexual orientation, immigration or citizenship status, language, disability (including HIV status), housing status, occupation, or socioeconomic status; and

B. The governmental body, law enforcement officer, or supervisor against whom such action is brought:

i. Fails to prove a substantial justification for such activities; or

ii. The governmental body, law enforcement officer, or supervisor does prove a substantial justification for such activities; and

iii. The individual or organization demonstrates a comparably effective alternative policy or practice which results in less of a disparate impact.

b) Enforcement

- A) An individual subject to profiling/discriminatory policing practices or an organization whose interests are germane to the purpose of this section, may enforce this section in a civil action for any or all of the following remedies: compensatory and punitive damages; injunctive and declaratory relief; and such other relief as a court deems appropriate.
- B) In an action brought under this section, relief may be obtained against: Any governmental body that employed any law enforcement officer who engaged in profiling/ unlawful discriminatory policing practices; any law enforcement officer who engaged in profiling/unlawful discriminatory policing practices and any person with supervisory authority over such law enforcement officer; any civilian employee who is employed with a law enforcement agency who engaged in profiling/unlawful discriminatory policing practices and any person with supervisory authority over such law such civilian employee; and any party contracted by the law enforcement agency who engaged in profiling/ unlawful discriminatory policing practices.
- C) Upon motion, a court shall award reasonable attorney's fees and costs, including expert witness fees and other litigation expenses, to a plaintiff who is a prevailing party in any action brought: (1) under subsection (a) of this Section; or (2) to enforce a right arising under the Illinois Constitution.

SEC. 4-6. Subject to appropriations, within the Illinois Attorney General's Office, a Constitutional Rights Office shall be established which may bring affirmative litigation against the federal government whenever the federal government and/or federal agents are being accused of violating Illinois residents' civil rights.

**Demilitarization and Reducing Police Power and Interaction**

ARTICLE V – Demilitarization and Restricted Tools and Practices

ARTICLE VI – Prohibited Uses of Force

ARTICLE VII – Law Enforcement Certification

ARTICLE VIII – Reducing Police Interactions

ARTICLE IX – Repeal of the Police Officer's Bill of Rights

**ARTICLE V – DEMILITARIZATION AND RESTRICTED TOOLS AND PRACTICES**

SEC. 5-1. Definitions. As used in this Title, "property" shall include, but is not limited to:

- (a) Automatic weapons not generally recognized as particularly suitable for law enforcement purposes;
- (b) any weapons that are .30 caliber or greater;
- (c) tactical vehicles, including highly mobile multi-wheeled vehicles, armored vehicles, and mine-resistant ambush-protected vehicles;
- (d) drones;

- (e) aircraft that are combat configured or combat coded, or have no established commercial flight application;
- (f) grenades and similar explosives, including flash-bangs grenades and stun grenades, and grenade launchers;
- (g) tear gas, and other chemical agents;
- (h) rubber bullets, flash bangs, LRADs, lasers, and any other “non-lethal” forms of crowd control;
- (i) predictive policing and predictive policing software;
- (j) facial recognition technologies;
- (k) international Mobile Subscriber Identity (IMSI) catchers; any tool used to collect biometric data;
- (l) familial DNA searching;
- (m) sedatives, such as ketamine;
- (n) microchip implants;
- (o) aerial surveillance;
- (p) drones or;
- (q) silencers;
- (r) long range acoustic devices; and
- (s) any other surveillance tools or strategies, including (but not limited to) on people exercising First Amendment rights through protests that are characterized by law enforcement as riots.

#### SEC. 5-2. Restrictions.

(a) No law enforcement agency may apply for or obtain any property from the Department of Defense pursuant to section 2576a of title 10, United States Code.

(b) No law enforcement agency may use any property obtained from the Department of Defense pursuant to section 2576a of title 10, United States Code as of the date of the passage of this Act.

(c) Additionally, no LEA shall engage in the following prohibited practices:

1. Sexual violence, assault, sexual harassment, or extortion involving members of the public;
2. Any restraint that restricts breathing;
3. Body cavity searches, visual cavity searches, or strip searches;
4. Performing more frequent or more intrusive searches of transgender or gender nonconforming people;
5. Conducting searches that are performed to harass, humiliate, or sexually degrade an individual, or have the effect of harassing, humiliating, or sexually degrading an individual;
6. Requesting any warrant that permits no-knock or short-knock entries;
7. Conducting SWAT raids;
8. Conducting custodial arrests, body searches, inventory searches, and impoundment for minor infractions;
9. Conducting consent based searches of vehicles and civilians during routine traffic or pedestrian stops. Any evidence procured from consent searches will be presumptively inadmissible; and

10. Pretextual stops, where “pretextual” stop is defined as discriminatorily stopping a pedestrian for a violation of the [State/Locality] Penal Law or a motorist for a traffic violation, minor or otherwise, to allow the officer to then investigate a separate unrelated criminal offense.
  11. Any evidence derived from police questioning during a stop of a pedestrian for a violation of the State or Local Penal Law or a motorist for a traffic violation, minor or otherwise, is presumptively inadmissible except where the questioning is:
    - A. Narrowly tailored to the initial justification for the stop; or
    - B. If not so narrowly tailored, the officer nonetheless had probable cause to justify the question; and
    - C. The question did not impermissibly prolong the detention or change the fundamental nature of the stop
  12. Any evidence derived from the use of drug-sniffing dogs during a pretextual stop is presumptively inadmissible unless:
    - A. The original reason for the stop independently provides probable cause to justify the use of a drug sniffing dog such that the use of a drug sniffing dog does not impermissibly extend the scope of the stop.
- (d) Additionally, no LEA shall gather military intelligence or participate in suspicious Activity Reports; the TVPP Program, State-level fusion centers connecting local and federal agencies for information sharing, and Joint Terrorism Task Forces comprising members of local police departments, U.S. Immigration and Customs Enforcement, and the Federal Bureau of Investigation.
  - (e) The State of Illinois shall prohibit the presence of LEAs, on or off-duty in a contracted capacity, armed security, metal detectors, and other surveillance equipment from State government offices that provide social services.
  - (f) The State of Illinois shall prohibit the presence of federal law enforcement agents, including DHS agencies including ICE, CBP, HSI, and DEA and ATF agents, in and around state and municipal offices, courthouses, and schools.
  - (g) The State of Illinois shall enable survivors of violence to access victim services, compensation, and support *without* reporting crimes to police and without requiring collaboration with LEAs.
  - (h) The State of Illinois shall end non-disclosure agreements between federal, State, and/or local law enforcement agencies and make the text and contents of such agreements public.

SEC. 5-3. Any and all property obtained by any municipality, department, or any of its agents, shall be destroyed or returned within six months of the passage of this act.

#### SEC. 5-4. Decertification

- a) Wherever an individual officer is found to have violated any provision that is described in this section, there shall be a presumption that said officer shall be terminated and referred to the Illinois Law Enforcement Training Standards Board for decertification.



- b) If more than one individual officer in a particular LEA is found to have violated any provision that is described in this Section, or if any individual officer is found to have violated any provision that is described in this Section more than once (notwithstanding the termination and decertification presumption in this Section), the Chief Executive of such LEA shall be referred to the Illinois Law Enforcement Training Standards Board for decertification.
- c) No additional funds shall be appropriated to the Illinois Law Enforcement Training Standards Board for enforcing this section.

SEC. 5-5. The Office of the Illinois Attorney General is hereby empowered to take all necessary and proper steps to ensure compliance with all applicable deadlines contained herein.

## ARTICLE VI – PROHIBITED USES OF FORCE

SEC. 6-1. Section 7-5 of the Illinois Compiled Statutes (720 ILCS 5), is amended as follows: “Peace officer's use of force in making arrest. (a) *A peace officer, or any person whom he has summoned or directed to assist him,* act at all times in a manner consistent with the sanctity of human life and will refrain from using force unless all other objectively reasonable alternatives have been exhausted and they can do so in a manner that is objectively reasonable, necessary, and proportional under the totality of the circumstances and when objectively safe and feasible, ensure that force is used in a manner that that minimizes injury to the individual and to any bystanders;

~~(a) A peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he reasonably believes to be necessary to effect the arrest and of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using force likely to cause death or great bodily harm only when he reasonably believes that such force is necessary to prevent death or great bodily harm to himself or such other person, or when he reasonably believes both that:~~

~~—(1) Such force is necessary to prevent the arrest from being defeated by resistance or escape; and~~

~~—(2) The person to be arrested has committed or attempted a forcible felony which involves the infliction or threatened infliction of great bodily harm or is attempting to escape by use of a deadly weapon, or otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay.~~

~~(b) *The totality of the circumstances means all facts known to the peace officer at the time and includes the tactical conduct and decisions of the officer leading up to the use of deadly force. A peace officer making an arrest pursuant to an invalid warrant is justified in the use of any force which he would be justified in using if the warrant were valid, unless he knows that the warrant is invalid.*~~

SEC. 6-2. Section 7-6 of the Illinois Compiled Statutes (720 ILCS 5), is amended as follows: “~~(a) A private person who makes, or assists another private person in making a lawful arrest is justified in the use of any force which he would be justified in using if he were summoned or directed by a peace officer to make such arrest, except that he is justified in the use of force~~

~~likely to cause death or great bodily harm only when he reasonably believes that such force is necessary to prevent death or great bodily harm to himself or another.~~

(b) A private person who is summoned or directed by a peace officer to assist in making an arrest which is unlawful, is justified in the use of any force which he would be justified in using if the arrest were lawful, unless he knows that the arrest is unlawful.

SEC. 6-3. Section 7-8 of the Illinois Compiled Statutes (720 ILCS 5), is amended as follows:

~~“Force likely to cause death or great bodily harm. (a) Force which is likely to cause death or great bodily harm, within the meaning of Sections 7-5 and 7-6 includes: (1) The firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm; and (2) The firing of a firearm at a vehicle in which the person to be arrested is riding.~~

~~—(b) A peace officer's discharge of a firearm using ammunition designed to disable or control an individual without creating the likelihood of death or great bodily harm shall not be considered force likely to cause death or great bodily harm within the meaning of Sections 7-5 and 7-6.”~~

SEC. 6-4. Section 7-9 of the Illinois Compiled Statutes (720 ILCS 5), is amended as follows:

~~“Sec. 7-9. Use of force to prevent escape. (a) A peace officer or other person who has an arrested person in his custody is justified in the use of such force to prevent the escape of the arrested person from custody as he would be justified in using if he were arresting such person. (b) A guard or other peace officer is justified in the use of force, including force likely to cause death or great bodily harm, which he reasonably believes to be necessary to prevent the escape from a penal institution of a person whom the officer reasonably believes to be lawfully detained in such institution under sentence for an offense or awaiting trial or commitment for an offense.”~~

SEC. 6-5. Section 7 of the Illinois Compiled Statutes (870 ILCS 5) is amended as follows: Insert immediately following section 7-12: “(7-13) A peace officer is prohibited from using or employing flash-bangs grenades and stun grenades, grenade launchers, tear gas, and other chemical agents. A violation of this provision shall be considered official misconduct in violation of 720 ILCS 5/33-3.”

SEC. 6.6. Flight from an officer, even in a high crime area, is not reasonable and articulable suspicion of criminal activity.

## **ARTICLE VII – LAW ENFORCEMENT CERTIFICATION**

SEC. 7-1. Section 6.1(a) of the Illinois Compiled Statutes (50 ILCS 705) is amended as follows:

“(a) The Board must appoint investigators and enforce the duties conferred upon it by this Act, including to review police officer conduct and records to ensure that no police officer is certified or provided a valid waiver if that police officer:

(1) has been convicted of, or entered a plea of guilty to a felony offense under the laws of this State or any other state which if committed in this State would be punishable as a felony;

(2) The Board must also ensure that no police officer is certified or provided a valid waiver if that police officer has been convicted of, or entered a plea of guilty to, on or after the effective date of this amendatory Act of 1999 of any misdemeanor specified in this Section or if committed in any other state would be an offense similar to Section 11-1.50, 11-6, 11-9.1, 11-14,

11-17, 11-19, 12-2, 12-15, 16-1, 17-1, 17-2, 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7 of the Criminal Code of 1961 or the Criminal Code of 2012, to subdivision (a)(1) or (a)(2)(C) of Section 11-14.3 of the Criminal Code of 1961 or the Criminal Code of 2012, or subsection (a) of Section 17-32 of the Criminal Code of 1961 or the Criminal Code of 2012, or to Section 5 or 5.2 of the Cannabis Control Act; ~~The Board must appoint investigators to enforce the duties conferred upon the Board by this Act.~~

*(3) has been found to have used unreasonable force resulting in death or serious bodily injury, falsified an official report, or provided knowingly false testimony;*

*(4) resigned their position during the pendency of an investigation that may have resulted in termination.”*

SEC. 7-2. Section 6.1(b) of the Illinois Compiled Statutes (50 ILCS 705) is amended as follows: “It is the responsibility of the sheriff or the chief executive officer of every local law enforcement agency or department within this State to report to the Board any arrest, conviction, ~~or~~ plea of guilty, *or administrative finding* of any officer for an offense identified in this Section.”

SEC. 7-3. Section 6.1(c) of the Illinois Compiled Statutes (50 ILCS 705) is amended as follows: “It is the duty and responsibility of every full-time and part-time police officer in this State to report to the Board within 30 days, and the officer's sheriff or chief executive officer, of his or her arrest, conviction, ~~or~~ plea of guilty, *or administrative finding* for an offense identified in this Section. Any full-time or part-time police officer who knowingly makes, submits, causes to be submitted, or files a false or untruthful report to the Board must have his or her certificate or waiver immediately decertified or revoked.”

SEC. 7-4. Section 6.1(e) of the Illinois Compiled Statutes (50 ILCS 705) is amended as follows: “Any full-time or part-time police officer with a certificate or waiver issued by the Board who is convicted of, entered a plea of guilty to, *or had an administrative finding to* any offense described in this Section immediately becomes decertified or no longer has a valid waiver. The decertification and invalidity of waivers occurs as a matter of law. Failure of a convicted person to report to the Board his or her conviction as described in this Section or any continued law enforcement practice after receiving a conviction is a Class 4 felony.”

SEC. 7-5. Section 6.1(h) of the Illinois Compiled Statutes (50 ILCS 705) is amended as follows: “A police officer who has been certified or granted a valid waiver shall also be decertified or have his or her waiver revoked upon a determination by the Illinois Labor Relations Board State Panel that he or she, while under oath, has knowingly and willfully made false statements ~~as to a material fact going to an element of the offense of murder. If an appeal is filed, the determination shall be stayed.~~

*(1) In the case of an acquittal on a criminal charge wherein a law enforcement officer knowingly made false statements of murder, a verified complaint shall be filed by the subject officer's law enforcement agency within fourteen (14) days. ~~(A) by the defendant; or (B) by a police officer with personal knowledge of perjured testimony.~~ The complaint must allege that a police officer, while under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense of murder. The verified complaint must be filed with the*

Executive Director of the Illinois Law Enforcement Training Standards Board within 2 years of the judgment of acquittal.

(2) Within ~~30~~ seven (7) days, the Executive Director of the Illinois Law Enforcement Training Standards Board shall review the verified complaint and refer the matter to a task force of investigators created for this purpose. This task force shall consist of 8 7 sworn police officers: 2 from the Illinois State Police, 2 from the City of Chicago Police Department, 2 from county police departments, and 2 3 from municipal police departments. No investigator may be used from the same law enforcement agency of the subject officer. These investigators shall have a minimum of 5 years of experience in conducting criminal investigations. The investigators shall be appointed by the Executive Director of the Illinois Law Enforcement Training Standards Board. Any officer or officers acting in this capacity pursuant to this statutory provision will have statewide police authority while acting in this investigative capacity. Their salaries and expenses for the time spent conducting investigations under this paragraph shall be reimbursed by the Illinois Law Enforcement Training Standards Board. and ~~determine whether the verified complaint is frivolous and without merit, or whether further investigation is warranted. The Illinois Law Enforcement Training Standards Board shall notify the officer and the Executive Director of the Illinois Labor Relations Board State Panel of the filing of the complaint and any action taken thereon. If the Executive Director of the Illinois Law Enforcement Training Standards Board determines that the verified complaint is frivolous and without merit, it shall be dismissed. The Executive Director of the Illinois Law Enforcement Training Standards Board has sole discretion to make this determination and this decision is not subject to appeal.~~

SEC. 7-6. Section 6.1(i) of the Illinois Compiled Statutes (50 ILCS 705) is amended as follows: “~~If the Executive Director of the Illinois Law Enforcement Training Standards Board determines that the verified complaint warrants further investigation, he or she shall refer the matter to a task force of investigators created for this purpose. This task force shall consist of 8 7 sworn police officers: 2 from the Illinois State Police, 2 from the City of Chicago Police Department, 2 from county police departments, and 2 3 from municipal police departments. These investigators shall have a minimum of 5 years of experience in conducting criminal investigations. The investigators shall be appointed by the Executive Director of the Illinois Law Enforcement Training Standards Board. Any officer or officers acting in this capacity pursuant to this statutory provision will have statewide police authority while acting in this investigative capacity. Their salaries and expenses for the time spent conducting investigations under this paragraph shall be reimbursed by the Illinois Law Enforcement Training Standards Board.~~”

SEC. 7-7. Section 6.1(j) of the Illinois Compiled Statutes (50 ILCS 705) is amended as follows: “~~Once the Executive Director of the Illinois Law Enforcement Training Standards Board has determined that an investigation is warranted, the verified complaint shall be assigned to an investigator or investigators. The investigator or investigators shall conduct an investigation of the verified complaint and shall write a report of his or her findings. This report shall be submitted to the Executive Director of the Illinois Labor Relations Board State Panel.~~

Within 30 days, the Executive Director of the Illinois Labor Relations Board State Panel shall review the investigative report and determine whether sufficient evidence exists to conduct an evidentiary hearing on the verified complaint. If the Executive Director of the Illinois Labor Relations Board State Panel determines upon his or her review of the investigatory report that a

hearing should not be conducted, the complaint shall be dismissed. ~~This decision is in the Executive Director's sole discretion, and this dismissal may not be appealed.~~

If the Executive Director of the Illinois Labor Relations Board State Panel determines that there is sufficient evidence to warrant a hearing, a hearing shall be ordered on the verified complaint, to be conducted by an administrative law judge employed by the Illinois Labor Relations Board State Panel. The Executive Director of the Illinois Labor Relations Board State Panel shall inform the Executive Director of the Illinois Law Enforcement Training Standards Board and the person who filed the complaint of either the dismissal of the complaint or the issuance of the complaint for hearing. The Executive Director shall assign the complaint to the administrative law judge within ~~30~~ seven (7) days of the decision granting a hearing.”

SEC. 7-8. Section 6.1(k) of the Illinois Compiled Statutes (50 ILCS 705) is amended as follows: “In the case of a finding of guilt ~~on the offense of murder~~, if a new trial is granted on direct appeal, or a state post-conviction evidentiary hearing is ordered, based on a claim that a police officer, under oath, knowingly and willfully made false statements ~~as to a material fact going to an element of the offense of murder~~, the Illinois Labor Relations Board State Panel shall hold a hearing to determine whether the officer should be decertified ~~if an interested party requests such a hearing within 2 years of the court's decision~~. The complaint shall be assigned to an administrative law judge within 30 days so that a hearing can be scheduled.

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

- (1) Be represented by counsel of his or her own choosing;
- (2) Be heard in his or her own defense;
- (3) Produce evidence in his or her defense;
- (4) Request that the Illinois Labor Relations Board State Panel compel the attendance of

witnesses and production of related documents including but not limited to court documents and records.

Once a case has been set for hearing, the verified complaint shall be referred to the ~~Department of Professional Regulation~~ Office of the Illinois Attorney General. That office shall prosecute the verified complaint at the hearing before the administrative law judge. The ~~Department of Professional Regulation~~ Office of the Illinois Attorney General shall have the opportunity to produce evidence to support the verified complaint and to request the Illinois Labor Relations Board State Panel to compel the attendance of witnesses and the production of related documents, including, but not limited to, court documents and records. The Illinois Labor Relations Board State Panel shall have the power to issue subpoenas requiring the attendance of and testimony of witnesses and the production of related documents including, but not limited to, court documents and records and shall have the power to administer oaths.

The administrative law judge shall have the responsibility of receiving into evidence relevant testimony and documents, including court records, to support or disprove the allegations made by the person filing the verified complaint and, at the close of the case, hear arguments. If the administrative law judge finds that there is not ~~clear and convincing~~ a preponderance of evidence to support the verified complaint that the police officer has, while under oath, knowingly and willfully made false statements ~~as to a material fact going to an element of the offense of murder~~, the administrative law judge shall make a written recommendation of dismissal to the Illinois Labor Relations Board State Panel. If the administrative law judge finds that there is clear and convincing evidence that the police officer has, while under oath, knowingly and willfully made false statements ~~as to a material fact that goes to an element of the~~

~~offense of murder~~, the administrative law judge shall make a written recommendation so concluding to the Illinois Labor Relations Board State Panel. The hearings shall be transcribed. The Executive Director of the Illinois Law Enforcement Training Standards Board shall be informed of the administrative law judge's recommended findings and decision and the Illinois Labor Relations Board State Panel's subsequent review of the recommendation."

SEC. 7-9. Section 6.1(l) of the Illinois Compiled Statutes (50 ILCS 705) is amended as follows: ~~"An officer named in any complaint filed pursuant to this Act shall be indemnified for his or her reasonable attorney's fees and costs by his or her employer. These fees shall be paid in a regular and timely manner. The State, upon application by the public employer, shall reimburse the public employer for the accused officer's reasonable attorney's fees and costs. At no time and under no circumstances will the accused officer be required to pay his or her own reasonable attorney's fees or costs."~~

SEC. 7-10. Section 6.1(m) of the Illinois Compiled Statutes (50 ILCS 705) is amended as follows: ~~"The accused officer shall not be placed on unpaid status because of the filing or processing of the verified complaint until there is a final non appealable order sustaining his or her guilt and his or her certification is revoked. Nothing in this Act, however, restricts the public employer from pursuing discipline against the officer in the normal course and under procedures then in place."~~

SEC. 7-11. Section 6.1(n) of the Illinois Compiled Statutes (50 ILCS 705) is amended as follows: ~~"The Illinois Labor Relations Board State Panel shall review the administrative law judge's recommended decision and order and determine by a majority vote whether or not there was clear and convincing by a preponderance of the evidence that the accused officer, while under oath, knowingly and willfully made false statements as to a material fact going to the offense of murder. Within 30 days of service of the administrative law judge's recommended decision and order, the parties may file exceptions to the recommended decision and order and briefs in support of their exceptions with the Illinois Labor Relations Board State Panel. The parties may file responses to the exceptions and briefs in support of the responses no later than 15 days after the service of the exceptions. If exceptions are filed by any of the parties, the Illinois Labor Relations Board State Panel shall review the matter and make a finding to uphold, vacate, or modify the recommended decision and order. If the Illinois Labor Relations Board State Panel concludes that there is clear and convincing by a preponderance of the evidence that the accused officer, while under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense murder, the Illinois Labor Relations Board State Panel shall inform the Illinois Law Enforcement Training Standards Board and the Illinois Law Enforcement Training Standards Board shall revoke the accused officer's certification. If the accused officer appeals that determination to the Appellate Court, as provided by this Act, he or she may petition the Appellate Court to stay the revocation of his or her certification pending the court's review of the matter."~~

SEC. 7-12. Section 6.1(q) of the Illinois Compiled Statutes (50 ILCS 705) is amended as follows: ~~"Interested parties. Duty to Report. The state's attorney, or any agent thereof, has a duty to report any officer who makes a knowingly false statement. A violation of this provision shall be considered official misconduct in violation of 720 ILCS 5/33-3. Only interested parties to the~~

~~eriminal prosecution in which the police officer allegedly, while under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense of murder may file a verified complaint pursuant to this Section. For purposes of this Section, "interested parties" shall be limited to the defendant and any police officer who has personal knowledge that the police officer who is the subject of the complaint has, while under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense of murder."~~

## **ARTICLE VIII – REDUCING POLICE INTERACTIONS**

SEC. 8-1. Definitions. As used in this article—

(a) “Behavioral Intervention Unit” means an administrative entity that is independent of a law enforcement agency and adequately funded whose primary responsibilities are to respond to crisis calls that are determined to be related to an individual with mental illness and/or substance abuse; identify risks during a behavioral crisis, utilize crisis communication techniques to help deescalate a person in crisis; and connect persons in crisis to available community resources in order to reduce their frequency of contact with police..

(b) “Civilian review board” means an administrative entity that is independent and adequately funded; has investigatory authority and staff subpoena power, has representative community diversity, has policymaking authority, provides advocates for civilian complainants, has mandatory police power to conduct hearings; and conducts statistical studies on prevailing complaint trends.

SEC. 8-2. Funding. The S.A.F.E.R. Communities Fund is hereby established as a special fund within the State Treasury. The Department of Human Services may make grants to municipalities or counties from funds appropriated to the Department from the S.A.F.E.R. Communities Fund for the creation of Behavioral Intervention and Civilian Review Boards. The Department shall adopt such rules as it deems appropriate for the administration of such grants.

SEC. 8-3. Function. Municipalities will develop a Behavioral Health Unit that utilizes a range of strategies and approaches to provide non-police and non-criminal justice system responses to behavioral health and crisis incidents. The Behavioral Health Unit will rely on best practices in responding to behavioral health and crisis incidents. The BHU will be guided by the following requirements:

- a) The BHU will be staffed by civilians who are not employed by a law enforcement agency and who have sufficient training and experience to allow them to function as a first responders to incidents where people are experiencing a behavioral health and/or crisis incident, involving self-harm and/or non-violent behavior;
- b) The BHU should utilize alternative response teams, such as Mobile Response and Service Coordination Teams, staffed by qualified mental health professionals;
- c) The BHU should develop a pre-arrest diversion program that includes a non-police response option(s) to behavioral health and/or crisis calls; and
- d) The BHU should develop other proposals to create safer, more efficient and more productive responses to behavioral health and crisis incidents.

SEC. 8-4. Training. Municipalities shall require all call-takers, dispatchers, and their supervisors to receive trauma-informed crisis intervention training that is adequate to enable them to identify, dispatch, and appropriately respond to calls for service that involve individuals in crisis. Behavioral health and crisis incidents may be identified by call-takers and dispatchers based on direct report from a call, or from information indicating that the incident involves a person who is or may be at risk for suicide or self-harm, experiencing psychosis, overdose, or otherwise engaging in disruptive behaviors that may be attributed to behavioral health disability or crisis.

SEC. 8-5. Illinois LEAs, personnel employed or contracted for employment at Illinois State prisons and jails, District Attorneys, and the Illinois Department of Children and Welfare Services shall not use agency or department moneys, personnel, or information management systems to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including but not limited to:

- a) Inquiring into an individual's immigration status;
- b) Use immigration authorities as interpreters for law enforcement matters relating to individuals in agency or department custody;
- c) Responding to interviews, transfers, and notification requests from Immigration and Customs Enforcement (ICE) unless authorized by a judicial warrant or judicial probable cause determination; and
- d) Contracting with the federal government for use of Illinois law enforcement agency facilities to house individuals as federal detainees; and
- e) Participating in a joint task force with federal authorities, where the purpose of the task force is immigration enforcement or the enforcement or investigative duties are related to a violation of state or federal law related to immigration enforcement.

SEC. 8.6. This subsection establishes a State Community Public Safety Agency ("Agency") within the Illinois Department of Human Services.

- a) The Agency will be responsible for the following:
  - 1) The Agency will conduct research on non-carceral, non-punitive mechanisms to promote public safety so as to:
    - A) Identify model programs, policies, and best practices; and
    - B) Identify where State funding should be directed.
  - 2) Such research shall include:
    - A) Research on policies that take a preventive, non-carceral, non-punitive approach to reducing violence and increasing community safety;
    - B) Research on the various programs that are listed in Subsection \_\_\_, including their efficacy for increasing community safety and support;
    - C) Research on those participatory processes that are best designed to ensure that all community members, including those who are directly impacted by the criminal-legal system, are fully able to provide feedback and shape policy priorities; and
    - D) Surveys of innovative, public safety-focused programs that are being implemented in communities nationwide and that do not involve police, including:



- (i) Research on non-carceral, non-punitive initiatives that increase safety from domestic and sexual violence, including from stalking, lethal threats, and other forms of gender violence; and
  - (ii) Research on non-carceral, non-punitive initiatives that will particularly protect those groups that have most been harmed by the United States criminal-legal system, including Black trans people, Black women, and Black mothers.
- 3) The Agency will make grants for non-carceral, non-punitive interventions, pilot programs, and demonstration programs, including through:
  - A) Grants to community-based organizations (Subsection 2A);
  - B) Grant to establish local Community Safety Offices (Subsection 2B);
  - C) The Reimagining Public Safety Grant Program (Subsection 3); and
  - D) The Free Them All Matching Grant Program (Subsection 4).
- 4) Preferences for programs that are directly funded by the Agency, or programs that are funded with Agency dollars, shall give preference to qualified, community-based organizations, except where:
  - A) The program is primarily administrative, rather than focused on advocacy, education, programs, and/or service delivery;
  - B) The grant administrator is able to certify that no community-based organization is available to adequately perform this function; and
  - C) There are no community-based organizations located in the specified area.
- 5) When selecting community-based organizations, the Agency and all grantees must preference organizations that:
  - A) Are led by individuals who have proven ties to the community, as demonstrated by, but not limited to:
    - (i) Having lived in the specified community for at least two consecutive years;
    - (ii) Participation and membership in local organizations, associations, and commissions; and
    - (iii) Having grown up in the specified community or having loved ones continuing to reside there;
    - (iv) Have a demonstrated track record in administering the programming for which the grant is provided for at least one year with proven success;
    - (v) Have a demonstrated track record of not accepting funding connected to law enforcement or providing programming that is connected to law enforcement;
    - (vi) Have a leadership (on the management of the organization and/or on the Board) that reflects the racial diversity of the community in which the organization operates; and/or
    - (vii) Employ directly impacted persons (with “directly impacted” defined based on the programming provided by the organization).
- 6) The Agency will provide technical assistance to the following entities as they implement non-carceral, non-punitive interventions, pilot programs, and demonstration programs funded through Agency grant programs:
  - A) Local governments;
  - B) Community-based organizations; and

- C) Local Community Safety Offices.
- 7) Grantees under any grant program that is described in this Section may use their grant awards for any activities that are described in their grant application, provided that all programs are—
  - A) Non-discriminatory; and
  - B) Accessible to all individuals, including undocumented individuals.
  - C) Non-discriminatory;
  - D) Non-coercive;
  - E) Non-carceral, including no connection to law enforcement; and
  - F) Non-punitive.
- 8) Grant preferences for programs that are directly funded by the Agency, or programs that are funded with Agency dollars, shall give preference to qualified, community-based organizations, except where:
  - A) The program is primarily administrative, rather than focused on advocacy, education, programs, and/or service delivery; or
  - B) The grant administrator is able to certify that no community-based organization is available to adequately perform this function.
- 9) When selecting among community-based organizations, preference organizations that:
  - A) Are led by individuals who have criminal convictions, including individuals who are formerly incarcerated, and/or whose employees are predominantly individuals who have criminal convictions;
  - B) Are led by individuals who have proven ties to the community, as demonstrated by (but not limited to):
    - (i) Having spent the last two or more years living in the specified community;
    - (ii) Participation and membership in local organizations, associations, and commissions; and
    - (iii) Having been raised in the specified community; or
    - (iv) Having loved ones who continue to reside there;
    - (v) Have a demonstrated track record in delivering the program, service, or product for which the grant is provided;
    - (vi) Have a leadership that is comprised of DIA residents and that reflects the racial, ethnic, and other diversity of the community; and
    - (vii) Employ directly impacted persons (with “directly impacted” defined based on the programming that is provided by the organization) and DIA residents.
- 10) Hiring for the Agency must be open to all, regardless of race, sex, religion, ethnicity, sexual orientation, immigration status, or disability status, but shall show a preference for:
  - A) Individuals who are currently or formerly incarcerated;
  - B) Family members of individuals who are currently or formerly incarcerated;
  - C) Individuals who are directly impacted, as such term is defined in this bill; and
  - D) Grassroots organizers working to dismantle mass incarceration.
- 11) No later than June 2021, the Agency shall establish an Advisory Commission.
- 12) No fewer than 50% of individuals must be directly impacted, including the following:

- A) Individuals who have been detained or incarcerated within the State in the past five years;
  - B) Individuals who are currently on community supervision (i.e. probation or parole) in the State or who have been on community supervision within the past two years;
  - C) Individuals who have been arrested or cited within the past year;
  - D) Individuals who have experienced police violence within the past five years; and
  - E) Immediate family members of individuals who have experienced police violence.
- 13) Membership of the Commission shall reflect representation from racial, religious, ethnic, gender, sexual orientation, disability, and migrant communities disproportionately impacted by criminalization, including representation of Black people, trans people, lesbian, bisexual, and gay people, people with criminal convictions, women.
- 14) The Agency shall compensate Advisory Commission members who are not paid by an employer for their time on the Commission at a competitive rate.
- 15) The Director of the Agency shall be responsible for:
- A) Overseeing all research, grantmaking, and other functions of the agency;
  - B) Hiring Advisory Commission members through a publicly available and accessible process; and
  - C) Ensuring all positions on the Advisory Commission are filled according to the requirements as outlined in this Subsection.
- 16) Advisory Commission will be responsible for the following:
- A) Developing and providing final consent, via majority vote, to the process that will be used to evaluate grant applicants;
  - B) Conducting annual reviews and recommendations for Agency grants;
  - C) Approving annual priorities for research and evaluating Agency research via an annual review;
    - (i) Approving annual priorities for technical assistance and evaluating Agency technical assistance provided via an annual review; and
    - (ii) Based on these analyses, producing annual recommendations on:
      - (a) Whether current Agency activities are adequately reflecting the specific needs and interests of all individuals, including Black trans people, Black women, and Black mothers;
      - (b) Whether Agency dollars are sufficiently flowing to community-based organizations, as such organizations are defined in the bill;
      - (c) Whether the structure of Agency grant programs are adequately serving to reduce incarcerated populations and the criminal-legal system; and
      - (d) Recommendations on changes that the Agency could make to address any issues uncovered.
    - (iii) Following receipt of this Commission report, the Agency will be required to report within 30 days:
      - (a) Steps it has taken, or planned steps it will take, to implement the Commission recommendations; or

(b) For any recommendations not implemented or not planned to be implemented, an explanation as to why such recommendation was infeasible or conflicted with the Agency's statutory obligations.

## **ARTICLE IX – REPEAL OF THE POLICE OFFICER'S BILL OF RIGHTS**

SEC. 9-1. Section 3.1 of the Illinois Compiled Statutes (50 ILCS 725), is amended as follows: 50 ILCS 725/3.1 is hereby rescinded in its entirety.

SEC. 9-2. Section 3.2 of the Illinois Compiled Statutes (50 ILCS 725), is amended as follows: 50 ILCS 725/3.2 is hereby rescinded in its entirety.

SEC. 9-3. Section 3.3 of the Illinois Compiled Statutes (50 ILCS 725), is amended as follows: 50 ILCS 725/3.3 is hereby rescinded in its entirety.

SEC. 9-4. Section 3.4 of the Illinois Compiled Statutes (50 ILCS 725), is amended as follows: 50 ILCS 725/3.4 is hereby rescinded in its entirety.

SEC. 9-5. Section 3.5 of the Illinois Compiled Statutes (50 ILCS 725), is amended as follows: 50 ILCS 725/3.5 is hereby rescinded in its entirety.

SEC. 9-6. Section 3.6 of the Illinois Compiled Statutes (50 ILCS 725), is amended as follows: 50 ILCS 725/3.6 is hereby rescinded in its entirety.

SEC. 9-7. Section 3.7 of the Illinois Compiled Statutes (50 ILCS 725), is amended as follows: 50 ILCS 725/3.7 is hereby rescinded in its entirety.

SEC. 9-8. Section 3.8 of the Illinois Compiled Statutes (50 ILCS 725), is amended as follows: 50 ILCS 725/3.8 is hereby rescinded in its entirety.

SEC. 9-9. Section 3.10 of the Illinois Compiled Statutes (50 ILCS 725), is amended as follows: 50 ILCS 725/3.10 is hereby rescinded in its entirety.

SEC. 9-10. Section 3.11 of the Illinois Compiled Statutes (50 ILCS 725), is amended as follows: 50 ILCS 725/3.11 is hereby rescinded in its entirety.

SEC. 9-11. Section 7.2 of the Illinois Compiled Statutes (50 ILCS 725), is amended as follows: 50 ILCS 725/7.2 is hereby rescinded in its entirety.

## **Ending the Carceral State and Repairing Criminal-Legal System Harms**

ARTICLE X – Ending the Carceral State

ARTICLE XI – Electronic Monitoring

ARTICLE XII – Investing In Individuals

ARTICLE XIII – Pretrial Fairness

## ARTICLE X – ENDING THE CARCERAL STATE

SEC. 10-1. Subsection a of Section 9-1 of the Illinois Compiled Statutes (720 ILCS 5), is amended as follows: “First degree murder; death penalties; exceptions; separate hearings; proof; findings; appellate procedures; reversals. (a) A person who kills an individual without lawful justification commits first degree murder if, in performing the acts which cause the death: (1) he or she either intends to kill or do great bodily harm to that individual or another, or knows that such acts will cause death to that individual or another; or (2) he or she knows that such acts create a strong probability of death or great bodily harm to that individual or another; ~~or (3) he or she is attempting or committing a forcible felony other than second degree murder.~~

SEC. 10-2. Subsection b (6) of Section 9-1 of the Illinois Compiled Statutes (720 ILCS 5), is amended as follows: “~~(6) the murdered individual was killed in the course of another felony if: (a) the murdered individual: (i) was actually killed by the defendant, or (ii) received physical injuries personally inflicted by the defendant substantially contemporaneously with physical injuries caused by one or more persons for whose conduct the defendant is legally accountable under Section 5-2 of this Code, and the physical injuries inflicted by either the defendant or the other person or persons for whose conduct he is legally accountable caused the death of the murdered individual; and (b) in performing the acts which caused the death of the murdered individual or which resulted in physical injuries personally inflicted by the defendant on the murdered individual under the circumstances of subdivision (ii) of subparagraph (a) of paragraph (6) of subsection (b) of this Section, the defendant acted with the intent to kill the murdered individual or with the knowledge that his acts created a strong probability of death or great bodily harm to the murdered individual or another; and (c) the other felony was an inherently violent crime or the attempt to commit an inherently violent crime. In this subparagraph (c), "inherently violent crime" includes, but is not limited to, armed robbery, robbery, predatory criminal sexual assault of a child, aggravated criminal sexual assault, aggravated kidnapping, aggravated vehicular hijacking, aggravated arson, aggravated stalking, residential burglary, and home invasion;~~”

SEC. 10-3. Non-arrestable offenses. A peace officer who is charging a person, including a child, with committing an offense that is a Class C misdemeanor, Class B misdemeanor, or punishable by a fine only shall instead of taking the person before a magistrate, issue to the person a citation that contains written notice of the time and place the person must appear before a magistrate, the name and address of the person charged, and the offense charged.

SEC. 10-4. The following offenses shall be non-arrestable offenses only:

- a) 720 ILCS 5/31-1, Obstructing or resisting an officer
- b) 720 ILCS 5/26-1, Disorderly conduct
- c) 625 ILCS 5/11-203, Failure to obey an officer
- d) 720 ILCS 5/28-1, Gambling
- e) Making a false statement to an officer
- f) 720 ILCS 5/21-3, Misdemeanor trespassing offenses
- g) 720 ILCS 570/402(c), 720 ILCS 646/60(b)(2), 720 ILCS 550, 720 ILCS 570/404, 720 ILCS 570/402(d), 720 ILCS 570/402(b) & (c), 720 ILCS 646/60(b)(1)-(2), 720 ILCS

- 570/40720 ILCS 570/402(c); 720 ILCS 570/402(a)(11) - Drug possession for personal consumption
- h) Drinking on the public way
  - i) Narcotics-related loitering
  - j) Gang loitering
  - k) 720 ILCS 5/25-1, Mob action
  - l) Loitering
  - m) 65 ILCS 5/11-5-1, House of ill fame
  - n) 720 ILCS 5/11-14, Prostitution
  - o) 720 ILCS 5/11-14.1, Solicitation of prostitution
  - p) 720 ILCS 5/16-1(b)(1), Theft of items of less than \$1000
  - q) 720 ILCS 5/16-3(c), Fare jumping
  - r) Selling nontransferable railway tickets
  - s) Selling or Giving Away Transfers;
  - t) 720 ILCS 5/21-1.3, Misdemeanor Vandalism (criminal defacement of property);
  - u) Public Urination or Defecation;
  - v) Ragpicking, Peddling, Junk Collecting;
  - w) 625 ILCS 5/11-1006, Begging or Soliciting;
  - x) 720 ILCS 5/12C-30, Contributing to Delinquency of Minor;
  - y) Chronic Illegal Activity Premises;
  - z) Status Offenses for Youth
    - 1) Curfew (720 ILCS 5/12C-60);
    - 2) Truancy (105 ILCS 5/); and
    - 3) Juvenile Court Act of 1987 (705 ILCS § 405/3-3; § 405/3-33.5).
  - aa) Repeal all State conspiracy offenses and accessorial conduct offenses (720 ILCS 5/8-2; 720 ILCS 5/5-2 (c), 720 ILCS 570/405; 720 ILCS 646/65).
  - bb) Repeal all existing State offenses based on status as a member, associate, or affiliate in a gang, including but not limited to street gangs, youth gangs, or youth crews (720 ILCS 5/25-5; 720 ILCS 570/405.2; 720 ILCS 5/12-6.4; 740 ILCS 147/1);
  - cc) Poverty Offenses
    - 1. Repeal driver's license suspension for failure to pay (625 ILCS 5/6-306.6);
    - 2. Repeal driver's license suspension for failure to appear (625 ILCS 5/6-308 (b)) is amended as follows:
      - A. Whenever a person fails to appear in court, the court may continue the case for a minimum of 30 days and the clerk of the court shall send notice of the continued court date to the person's last known address. If the person does not appear in court on or before the continued court date or satisfy the court that the person's appearance in and surrender to the court is impossible for no fault of the person, the court shall enter an order of failure to appear. The clerk of the court shall notify the Secretary of State, on a report prescribed by the Secretary, of the court's order. The Secretary, when notified by the clerk of the court that an order of failure to appear has been entered, shall immediately suspend the person's driver's license, which shall be designated by the Secretary as a Failure to Appear suspension. The Secretary shall not remove the suspension, nor issue any permit

or privileges to the person whose license has been suspended, until notified by the ordering court that the person has appeared and resolved the violation. Upon compliance, the clerk of the court shall present the person with a notice of compliance containing the seal of the court, and shall notify the Secretary that the person has appeared and resolved the violation.

3. Courts shall not assess costs for failure to pay fines, fees (including penalties, assessments, and costs), restitution, or child-support.
4. Courts shall not issue warrants, ex parte judgments of conviction, or assess fines, penalties, assessments, or costs for failure to appear unless:
  - A. At least 3 attempts have been made to contact the individual to find out why they missed court and whether any accommodations can be made to help them get to court without conflicting with work, school, caregiving, or other court-imposed obligations. Accommodations may include but are not limited to an alternative court date and time, a virtual appearance, or transportation assistance; and
  - B. There is evidence on the record that the individual is intentionally trying to avoid court.

SEC. 10-5. Ending prison sentences for drug possession. No person convicted of an offense identified in Section 906(g) may be sentenced to a term of imprisonment.

SEC. 10-6. The Illinois Department of Juvenile Justice shall, by FY 2021, cease operating detention facilities. Minors currently being held at any such facility shall be transferred to community-based treatment centers within the county of their conviction.

SEC. 10-7. Section 7-702 of the Illinois Compiled Statutes (625 ILCS 5), is amended as follows: 625 ILCS 5/7-702 is hereby rescinded in its entirety.

SEC. 10-8. By June 2021, the Illinois State Legislature shall create a Decriminalization Commission to review the State criminal code and publish a report outlining recommendations.

- a) No less than 50% of the Commission must be comprised of:
  - 1) Civil rights advocates working to end mass incarceration;
  - 2) Public defenders;
  - 3) Police misconduct attorneys;
  - 4) Individuals who are currently or formerly incarcerated; and
  - 5) Family members of individuals who are currently or formerly incarcerated.
- b) Within one year, the Commission will:
  - 1) Identify and recommend for decriminalization or declassification:
    - A) State public order and “quality of life” offenses;
    - B) State offenses that primarily stem from homelessness, poverty and unmet health needs;
    - C) State offenses that involve inability to control other people’s actions when

there were conditions of violence, such as “failure to protect,” including the Improper Supervision of Children Act (IL St Ch 720 § 640 et seq.); and State traffic offenses.

- 2) Review implementation of the State’s “mandatory arrest” policy, including evidence or instances of:
  - A) Arrests in the context of incidents of intimate partner violence;
  - B) Cases in which there is reported police violence; and
  - C) Racial disparities or racially discriminatory impacts.
- 3) Issue a report that:
  - A) Reviews application of self-defense in criminal proceedings against survivors of violence, including racial disparities and racially discriminatory impacts; and
  - B) Proposes legislation that would afford consideration of history of domestic, sexual, homophobic or transphobic violence in any criminal proceeding against a survivor of violence acting in self-defense.
- 4) Review all remaining State misdemeanor offenses and recommend for decriminalization or downward modification offenses, including assault and related charges, whose criminal enforcement serves to widen racial disparities within the criminal-legal system;
- 5) Review all State felonies and recommend for decriminalization or downward classification all those offenses whose criminal enforcement serves to widen racial disparities;
- 6) Create a plan describing how State and local criminal-legal systems can eliminate the imposition of all fees (including, but not limited to, taxes, surcharges, and costs) by June 1, 2021 without any increase in fines imposed or any other flat, non-progressive source of income. Such plan may address:
  - A) All fees directly authorized by State law;
  - B) Whether local fees are generally mandatory or discretionary;
  - C) The general purpose of local fees;
  - D) Who generally has the authority to enforce local fees;
  - E) Who has the authority to repeal local fees;
  - F) The amount generally spent on collections; and
  - G) Where collections revenue generally goes.
- 7) While creating this report, the Commission must employ an open, participatory process that includes direct engagement with individuals who have been directly impacted by the criminal-legal system, including individuals who have experienced criminalization, police violence, or incarceration.

#### SEC. 10-9. Database Termination

- a) The Statewide Gang Database Act (20 ILCS 2640) is repealed.
- b) Illinois LEAs shall terminate and cease to maintain and/or share information contained within specified databases maintained by any Illinois LEA that contain personal identifying information, as defined by (815 ILCS 530/1), with federal law enforcement agencies, including DHS agencies including ICE, CBP and HSI, and DEA and ATF agents. Specified databases include databases where:
  - 1) A person may be designated as a suspected gang member, associate, or



- affiliate; or
  - 2) Entry reflects a designation that the person is a suspected gang member, associate, or affiliate;
  - 3) A person may be designated as a suspected terrorist or extremist; and
  - 4) Entry reflects a designation that the person is a suspected terrorist or extremist.
- c) Illinois LEAs shall permanently expunge records, per the State of Illinois Local Records Act (50 ILCS 205), contained in any State or local gang database or any State or local database that designates individuals as alleged terrorists or extremists.
- d) Illinois LEAs are prohibited from inputting any individual's personal identifying information, as defined by (815 ILCS 530/1), into:
  - 1) Any external gang designation database and database designating individuals as alleged terrorists or extremists; and
  - 2) Sharing a person's alleged gang designation or alleged terrorist or extremist designation; or
  - 3) Providing other information previously contained in terminated databases to another law enforcement agency.
- e) Illinois LEAs shall provide written notification to all individuals listed in the terminated databases, including the date the person was added to the database, the law enforcement agencies that accessed the person's record, the frequency, and for what purpose, in addition to the date the database was terminated.

#### SEC. 10-10. Shrinking Jails and Prisons

- a) An immediate moratorium shall be enacted on new prison, jail, and youth correctional and detention center construction. Where construction is already significantly underway or near completion, such facility may be repurposed for alternate community-centered uses.
- b) The immediate resentencing and early sentence termination of sentences for any person who was convicted solely of a drug offense shall be authorized.
- c) All convictions of offenses that were decriminalized under Subsection 1, shall be expunged, whether or not the individual has fulfilled every obligation of the individual's sentence.
- d) By January 1, 2022, The Director of the Illinois Department of Corrections shall create a plan to:
  - 1) Reduce the State prison population and number of people on probation, parole or criminal or civil supervision of any kind by 50% by 2023; and
  - 2) Create a roadmap for full decarceration and permanent closure of prisons that does not increase the population on probation, parole or criminal or civil supervision of any kind; and
  - 3) Present the plan to the Illinois State Legislature during a public hearing that allows for public comment.
  - 4) By February 2021, The Director of the Illinois Department of Corrections shall begin implementing the plan.
- e) By January 1, 2022, the State Attorney General shall require all sheriffs to create a plan that will:

- 1) Reduce the jail population and number of people on probation, parole or criminal or civil supervision of any kind by 50% by 2023; and
  - 2) Create a roadmap for full decarceration and permanent closure of jails that does not increase the population on probation, parole or criminal or civil supervision of any kind.
- f) By January 1, 2022, the Director of the Illinois Department of Human Services shall develop, in collaboration with disability justice advocates, individuals and families of people committed to state medical and psychiatric facilities, a plan for reducing the population of civilly committed individuals by 50% by 2023.
- g) For each plan that is described in this Subsection, the entity creating the plan must:
- 1) Specify how the population reduction will occur;
  - 2) Specify a timeline for when the population reduction will occur;
  - 3) Develop a clear process for release, including a plan that will connect released individuals to individualized, voluntary re-entry services, including basic, sustaining income, healthcare, job supports, and housing based on a comprehensive needs assessment conducted with the detained population;
  - 4) Include a plan for how the State intends to conduct surveys with the detained population and the families of detained people to develop the criteria for which prisons should close first;
  - 5) Outline the employment transition plan for employees who work in facilities being closed or programs being terminated, including a transition to non-carceral jobs; and
  - 6) Include a plan for immediate, categorical release.

#### SEC. 10-11. Sentencing

- a) Mandatory minimum sentences, including minimum monetary penalties, and “truth in sentencing” laws shall be abolished.
- b) Felony murder rule ([720 ILCS 5/9-1\(a\)\(3\)](#)) shall be eliminated.
- c) The age to be tried as an adult shall be raised to 24 years old.
- d) The practice of incarcerating individuals under 24 in adult prison and jail facilities shall categorically end.
- e) Sentencing enhancements shall end ([730 ILCS 5/5-5-3.2](#)).
- f) Life sentences, and including life sentences without the possibility of parole, and *de facto* life sentences, that make certain that an individual will die in prison before the expiration of her sentence shall end.
- g) Before imposing a custodial sentence, it shall be required that judges find by clear and convincing evidence that non-custodial sentencing options are unavailable .
- h) For any sentence of incarceration over 10 years, sentencing reconsideration that includes a presumption of release shall be required.
- i) All changes to sentences are to be made retroactively.

#### SEC. 10-12. Shrinking Community Corrections

- a) Misdemeanor probation shall be categorically eliminated.
- b) “Pay only” probation and parole, which refers to any situation in which an individual must remain under supervision solely due to an inability to pay legal financial obligations, shall be categorically eliminated.

- c) Arrest and re-incarceration for technical violations of probation and parole, including, but not limited to, missed reporting dates, positive drug screens, and failure to pay legal financial obligations shall be categorically eliminated.
- d) The use of electronic monitoring, including ankle monitors, smartphone applications, interlock devices, and any other tool used to track location shall be banned.
- e) The generalized use of drug-testing when individuals are on probation, parole, or other forms of community supervision shall be eliminated.
- f) A presumption of release in any case where imprisonment, probation, or conditional discharge is an available sentence shall be required by amending (730 ILCS 5/5-4-1)(b-1) as follows:
  - 1) Prior to In imposing a sentence of imprisonment, or periodic imprisonment, for a Class 3 or Class 4 felony for which a sentence of probation or conditional discharge is an available sentence, if the defendant has no prior sentence of probation or conditional discharge and no prior conviction for a violent crime, the court defendant shall not be sentenced to imprisonment or probation before review and consideration of a presentence report and determination and explanation of why the particular evidence, information, factor in aggravation, factual finding, or other reasons support a sentencing determination that one or more of the factors under subsection (a) of Section 5-6-1 of this Code apply and that a carceral, punitive sentence is more probation or conditional discharge is not an appropriate than a non-carceral, non-punitive alternative sentence.
- g) Sanctions for probation violations shall be eliminated by repealing 730 ILCS 5/5-6-1 and replacing with:
  - 1) The General Assembly finds that in order to protect the public, the Chief Judge of each circuit shall eliminate all structured, intermediate sanctions for violations of the terms and conditions of a sentence of probation, conditional discharge or disposition of supervision.

#### SEC.10-13. Conditions of Confinement

- a) Solitary confinement shall be banned (or HB0182, the Isolated Confinement Restriction Act, shall be passed).
- b) The State minimum wage shall be applied to incarcerated workers.
- c) Bans on in-person, contact visits shall be prohibited. Video calls do not count as “in-person” under this Section.
- d) Body cavity searches, visual cavity searches, and strip searches shall be prohibited.
- e) Use of restraints, including restraints which interfere with d/Deaf and hard of hearing people’s ability to communicate in ASL, shall be eliminated.

#### SEC. 10-14. Prosecution

- a) Prosecutors shall be prohibited from charging both attempt and completion of the same substantive offense against a person. End absolute immunity.
- b) Prosecutors shall be required to document, in writing, all plea offers made in each case.
- c) Prosecutors shall be required to proffer on the record, under penalty of perjury, a justification for all charges, changes to charges, bail requests, plea offers, and changes to plea offers and explain why all of the above satisfy due process.

- d) Prosecutors shall be barred a material change of facts, cap sentence/recommendation/next plea offer at last plea offer.
- e) Prosecutors shall be required that all discovery, including but not limited to all Brady disclosures, be provided to the defense before a plea offer is conveyed or accepted and require an in-court proffer of the same, under penalty of perjury.
- f) Prosecutors shall be prohibited from charging both attempt and completion of the same substantive offense against a person.
- g) All use of compensated informants, including Perkins informants, shall be eliminated.

SEC. 10-15. (55 ILCS 5/3-4006) is amended as follows:

The Public Defender, as directed by any the court *of competent jurisdiction*, shall act as attorney, without fee, before any court within any county for all persons who are held *in either federal or state* custody or who are charged with the commission of any criminal offense, *including for representation on related civil and other matters*, and who the court finds are unable to employ counsel.

## ARTICLE XI – ELECTRONIC MONITORING

SEC. 11-1. (730 ILCS 5/5-8A-2) (from Ch. 38, par. 1005-8A-2) is amended as follows:

Sec. 5-8A-2. Definitions. As used in this Article:

~~(A) "Approved electronic monitoring device" means a device approved by the supervising authority which is primarily intended to record or transmit information as to the defendant's presence or nonpresence in the home.~~

~~—An approved electronic monitoring device may record or transmit: oral or wire communications or an auditory sound; visual images; or information regarding the offender's activities while inside the offender's home. These devices are subject to the required consent as set forth in Section 5-8A-5 of this Article.~~

~~—An approved electronic monitoring device may be used to record a conversation between the participant and the monitoring device, or the participant and the person supervising the participant solely for the purpose of identification and not for the purpose of eavesdropping or conducting any other illegally intrusive monitoring.~~

(B) "Excluded offenses" means first degree murder, escape, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, ~~aggravated battery with a firearm, bringing or possessing a firearm,~~ ammunition or explosive in a penal institution, any "Super-X" drug offense or calculated criminal drug conspiracy or streetgang criminal drug conspiracy, or any predecessor or successor offenses with the same or substantially the same elements, ~~or any inchoate offenses relating to the foregoing offenses.~~

(C) "Home detention" means the confinement of a person convicted or charged with an offense to his or her place of residence under the terms and conditions established by the supervising authority.

(D) "Participant" means an inmate or offender placed into an electronic monitoring program.

(E) "Supervising authority" means the Department of Corrections, probation supervisory authority, sheriff, superintendent of municipal house of corrections or any other officer or agency charged with authorizing and supervising home detention.

~~(F) "Super X drug offense" means a violation of Section 401(a)(1)(B), (C), or (D); Section 401(a)(2)(B), (C), or (D); Section 401(a)(3)(B), (C), or (D); or Section 401(a)(7)(B), (C), or (D) of the Illinois Controlled Substances Act.~~

~~(Source: P.A. 88-311; 89-428, eff. 12-13-95; 89-462, eff. 5-29-96; 89-498, eff. 6-27-96.)~~

~~(730 ILCS 5/5-8A-3) (from Ch. 38, par. 1005-8A-3)~~

~~Sec. 5-8A-3. Application.~~

~~(a) Except as provided in subsection (d), a person charged with or convicted of an excluded offense may not be placed in an electronic home detention program, except for bond pending trial or appeal or while on parole or mandatory supervised release.~~

~~—(b) A person serving a sentence for a conviction of a Class 1 felony, other than an excluded offense, may be placed in an electronic home detention program for a period not to exceed the last 90 days of incarceration.~~

~~—(c) A person serving a sentence for a conviction of a Class X felony, other than an excluded offense, may be placed in an electronic home detention program for a period not to exceed the last 90 days of incarceration, provided that the person was sentenced on or after the effective date of this amendatory Act of 1993 and provided that the court has not prohibited the program for the person in the sentencing order.~~

~~—(d) A person serving a sentence for conviction of an offense other than for predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated criminal sexual abuse, or felony criminal sexual abuse, may be placed in an electronic home detention program for a period not to exceed the last 12 months of incarceration, provided that (i) the person is 55 years of age or older; (ii) the person is serving a determinate sentence; (iii) the person has served at least 25% of the sentenced prison term; and (iv) placement in an electronic home detention program is approved by the Prisoner Review Board.~~

~~(e) A person serving a sentence for conviction of a Class 2, 3 or 4 felony offense which is not an excluded offense may be placed in an electronic home detention program pursuant the following guidelines: (1) No individual shall be denied home detention because of: 1) disciplinary violations older than one year from the date of their application; 2) a homesite that is a shelter, half-way house or other non-traditional housing arrangement; 3) any history of MSR violations, outstanding municipal warrants, current security classification, or prior criminal history. Positive consideration will be given to participation in educational, vocational, life skills, and/or reentry programming, considering the availability and accessibility of such programs; job assignment history; and any other relevant information that would indicate the individuals' suitability for the home detention program; (2) Family members, loved ones, and advocates may submit applications on behalf of eligible applicants via email to the appropriate IDOC official.~~

~~(f) Applications for electronic home detention may include the following:~~

- ~~(1) Pretrial or pre-adjudicatory detention;~~
- ~~(2) probation;~~
- ~~(3) conditional discharge;~~
- ~~(4) periodic imprisonment;~~
- ~~(5) parole or mandatory supervised release;~~
- ~~(6) work release;~~
- ~~(7) furlough or~~
- ~~(8) post-trial incarceration.~~

~~(g) A person convicted of an offense described in clause (4) or (5) of subsection (d) of Section 5-8-1 of this Code shall be placed in an electronic home detention program for at least the first 2 years of the person's mandatory supervised release term.~~

~~(Source: P.A. 91-279, eff. 1-1-00.)~~

~~(730 ILCS 5/5-8A-4) (from Ch. 38, par. 1005-8A-4)~~

~~Sec. 5-8A-4. Program description. The supervising authority may promulgate rules that prescribe reasonable guidelines under which an electronic home detention program shall operate. These rules shall include but not be limited to the following:~~

~~(A) The participant shall remain within the interior premises or within the property boundaries of his or her residence at all times during the hours designated by the supervising authority. Such instances of approved absences from the home may include but are not limited to the following:~~

- ~~(1) Working or employment approved by the court or traveling to or from approved employment;~~
- ~~(2) unemployed and seeking employment approved for the participant by the court;~~
- ~~(3) undergoing medical, psychiatric, mental health treatment, counseling, or other treatment programs approved for the participant by the court;~~
- ~~(4) attending an educational institution or a program approved for the participant by the court;~~
- ~~(5) attending a regularly scheduled religious service at a place of worship;~~
- ~~(6) participating in community work release or community service programs approved for the participant by the supervising authority; or~~
- ~~(7) for another compelling reason consistent with the public interest, as approved by the supervising authority.~~

~~(B) The participant shall admit any person or agent designated by the supervising authority into his or her residence at any time for purposes of verifying the participant's compliance with the conditions of his or her detention.~~

~~(C) The participant shall make the necessary arrangements to allow for any person or agent designated by the supervising authority to visit the participant's place of education or employment at any time, based upon the approval of the educational institution employer or both, for the purpose of verifying the participant's compliance with the conditions of his or her detention.~~

~~(D) The participant shall acknowledge and participate with the approved electronic monitoring device as designated by the supervising authority at any time for the purpose of verifying the participant's compliance with the conditions of his or her detention.~~

~~(E) The participant shall maintain the following:~~

- ~~(1) A working telephone in the participant's home;~~
- ~~(2) a monitoring device in the participant's home, or on the participant's person, or both; and~~
- ~~(3) a monitoring device in the participant's home and on the participant's person in the absence of a telephone.~~

~~(F) The participant shall obtain approval from the supervising authority before the participant changes residence or the schedule described in subsection (A) of this Section.~~

(G) The participant shall not commit another crime during the period of home detention ordered by the Court.

(H) Notice to the participant that violation of the order for home detention may subject the participant to prosecution for the crime of escape as described in Section 5-8A-4.1.

(I) The participant shall abide by other conditions as set by the supervising authority.  
(Source: P.A. 91-357, eff. 7-29-99.)

(730 ILCS 5/5-8A-4.1)

Sec. 5-8A-4.1. Escape; failure to comply with a condition of the electronic home monitoring detention program.

(a) A person charged with or convicted of a felony, conditionally released from the supervising authority through an electronic home monitoring detention program, who knowingly violates a condition of the electronic home monitoring detention program is guilty of a Class 3 felony.

(b) A person charged with or convicted of a misdemeanor, conditionally released from the supervising authority through an electronic home monitoring detention program, who knowingly violates a condition of the electronic home monitoring detention program is guilty of a Class B misdemeanor.

(c) A person who violates this Section while armed with a dangerous weapon is guilty of a Class 1 felony.

(Source: P.A. 89-647, eff. 1-1-97.)

(730 ILCS 5/5-8A-5) (from Ch. 38, par. 1005-8A-5)

Sec. 5-8A-5. Consent of the participant. Before entering an order for commitment for electronic home detention, the supervising authority shall inform the participant and other persons residing in the home of the nature and extent of the approved electronic monitoring devices by doing the following:

(A) Securing the written consent of the participant in the program to comply with the rules and regulations of the program as stipulated in subsections (A) through (I) of Section 5-8A-4.

(B) Where possible, securing the written consent of other persons residing in the home of the participant, including the person in whose name the telephone is registered, at the time of the order or commitment for electronic home detention is entered and acknowledge the nature and extent of approved electronic monitoring devices.

(C) Insure that the approved electronic devices be minimally intrusive upon the privacy of the participant and other persons residing in the home while remaining in compliance with subsections (B) through (D) of Section 5-8A-4.

(D) This Section does not apply to persons subject to Electronic Home Monitoring as a term or condition of parole or mandatory supervised release under subsection (d) of Section 5-8-1 of this Code.

## ARTICLE XII– INVESTING IN INDIVIDUALS

SEC. 12-1. Section 5.2 of the Illinois Compiled Statutes (20 ILCS 2630), is amended as follows:

“(j) *Automatic Expungement.*

*(1) Cases eligible for automatic expungement. A case is eligible for automatic expungement if it (i) resulted in an acquittal on all charges; (ii) was dismissed with prejudice; or (iii) resulted in a sentence of supervision. This section does not govern automatic*

expungement of a traffic offense. A case that is dismissed with prejudice does not include a case that is dismissed with prejudice as a result of successful completion of a plea.

- (2) Process for automatic expungement. (i) If a court determines that the requirements for automatic expungement have been met, a circuit court or trial court shall: (a) issue, without a petition, an expungement order; and (b) based on information available, notify the bureau and the prosecuting agency identified in the case of the order of expungement. (ii) Upon receiving notice from the court, the law enforcement agencies identified in the case shall receive notice of the order of expungement.
- (3) Automatic deletion for traffic offense. Records for the following traffic offenses shall be deleted without a court order or notice to the prosecuting agency: (i) a traffic offense case that resulted in an acquittal on all charges; or (ii) a traffic offense case that is dismissed with prejudice, other than a case that is dismissed with prejudice as a result of successful completion of a plea.
- (4) Process for deleting traffic offenses. The Chief Judge shall make rules to provide an ongoing process for identifying and deleting records on all traffic offenses described in this article.
- (5) Time period for expungement or deletion. Reasonable efforts within available funding shall be made to expunge or delete a case as quickly as is practicable with the goal of: (i) for cases adjudicated on or after May 1, 2020, expunging a case that resulted in an acquittal on all charges, 60 days after the acquittal; (ii) expunging a case that resulted in a dismissal with prejudice 180 days after: (A) for a case in which no appeal was filed, the day on which the entire case against the individual is dismissed with prejudice; or (B) for a case in which an appeal was filed, the day on which a court issues a final unappealable order
- (6) An individual does not have a cause of action for damages as a result of the failure to automatically expunge or delete an eligible case.”

SEC.12-2. All State and local occupational licensing boards and agencies are required to adopt fair chance licensing protections. Particularly:

- a) Consistent with the EEOC guidance and research, remove automatic blanket bans from the laws.
- b) Limit the scope of criminal record inquiry for state licenses to reduce bias in the assessment of license applicants.
- c) Require assessment of candidates for licensure on a case-by-case basis, incorporating a standard that examines whether a conviction is occupation-related and how much time has passed since the conviction.
- d) Mandate consideration of license applicants’ rehabilitation and mitigating circumstances prior to any disqualifications based on the record.

SEC.12-3. HB 4469, which facilitates jail voting, shall be incorporated.

- a) Incarcerated individuals shall be allowed to vote.

SEC. 12-4. Legal Financial Obligations

- a) All outstanding debt from court fees shall be forgiven.
- b) All court-imposed fines shall be made discretionary.
- c) Minimum fines shall be removed.



- d) Monetary penalties imposed in a single case shall be capped at 1% of a person's monthly income and allow judges to consider further reduction or waiver.

SEC. 12-5. Subject to appropriations, an Illinois Legal Services Fund shall be established ("Services Fund").

- a) Defense Fund shall make grants to legal service providers that provide the following categories of legal services:
  - 1) Representation in civil actions, including Bivens actions, against federal officials who are accused of violating Illinois residents' civil rights;
  - 2) Representation in matters that relate to immigrant justice, including matters that involve a defense to deportation;
  - 3) Representation in housing court, including eviction proceedings; and
  - 4) Representation against child protective services (CPS), including the right to review, appeal, and expunge findings made resulting from hotline calls. Such counsel should meet, at minimum, the following specifications:
    - A) Made available prior to the State initiating any intervention against the parent or parents.
    - B) Shall assure that the parent has access to an attorney who is appointed or retained to assist the parent *prior* to:
      - (i) Any questioning of the parent;
      - (ii) Any home visit;
      - (iii) Any access to documents that are under the control of the parent;
      - (iv) Any request made of the parent as to their care and custody of their child; and
      - (v) Any restriction on such right being imposed.
- b) Organizational applicants need not inquire as to clients' income, but the expectation is that legal services will be delivered on a free or low-cost, affordable basis to persons who could not afford full-priced paid legal representation.
- c) Eligible beneficiaries shall be:
  - 1) Individuals of all ages who reside in Illinois, including undocumented individuals; and
  - 2) Immigrant families or families of mixed immigration status with one or more family members who live in Illinois.
- d) Eligible service providers must be:
  - 1) A community-based organization with a Federal 501(c)(3) tax-exempt status or evidence of fiscal agent relationship with a 501 (c)(3) organization; or
  - 2) A private entity, such as a coalition or association, that is partnering with one or more 501 (c)(3) organizations.

### **ARTICLE XIII – PRETRIAL FAIRNESS**

SEC. 13-1. The Statute on Statutes is amended by adding Section 1.43 as follows:

(5 ILCS 70/1. 43 new)

Sec. 1. 43. Reference to bail, bail bond, or conditions of bail. Whenever there is a reference in any Act to "bail", "bail bond", or "conditions of bail", these terms shall be construed as "pretrial release" or "conditions of "pretrial release".

SEC. 13-2. The Freedom of Information Act is amended by changing Section 2.15 (a)(v) as follows:

(5 ILCS 140/2.15) Sec. 2.15 (a)(v)

If the individual is incarcerated, the conditions of pretrial release ~~amount of any bail or bond~~.

SEC. 13-3. The State Records Act is amended by changing Section 4 (a)(5) as follows:

(5 ILCS 160/4(a)(5))

If the individual is incarcerated, the conditions of pretrial release ~~amount of any bail or bond~~.

SEC. 13-4. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by changing Section 2605-302 as follows:

(20 ILCS 2605/2605-302(a)(5))

If the individual is incarcerated, the conditions of pretrial release ~~amount of any bail or bond~~.

SEC. 13-5. The Illinois Criminal Justice Information Act is amended by adding Section 7.7 as follows:

(20 ILCS 3930/7.7 new)

Sec. 7.7. Pretrial data collection.

(a) The Executive Director of the Illinois Criminal Justice Information Authority shall convene an oversight board to be known as the Pretrial Practices Data Oversight Board to oversee the collection and analysis of data regarding pretrial practices in circuit court systems. The Board shall include, but is not limited to, designees from the Administrative Office of the Illinois Courts, the Illinois Criminal Justice Information Authority, and other entities that possess a knowledge of pretrial practices and data collection issues. Members of the Board shall serve without compensation.

(b) The Oversight Board shall:

1. Identify existing data collection processes in various circuit clerk's offices;
2. Gather and maintain records of all available pretrial data relating to the topics listed in subsection (c) from circuit clerks' offices;
3. Identify resources necessary to systematically collect and report data related to the topics listed in subsections (c) from circuit clerks' offices that are currently not collecting that data;
4. Report to the Governor and General Assembly annually on the state of pretrial data collection on the topics listed in subsection (c); and
5. Develop a plan to implement data collection processes sufficient to collect data on the topics listed in subsection (c) no later than one year after the effective date of this amendatory Act of the 101st General Assembly.

The plan and, once implemented, the reports and analysis shall be published and made publicly available on the Oversight Board 's government website.

(c) The Pretrial Practices Data Oversight Board shall develop a strategy to collect quarterly, circuit-level data on the following topics; which collection of data shall begin starting one year after the effective date of this amendatory Act of the 101st General Assembly:

1. Information on all persons arrested and charged with misdemeanor or felony charges, or both, including information on persons released directly from law enforcement custody;
2. Information on the outcomes of pretrial conditions and pretrial detention hearings in the county courts, including but not limited to the number of hearings held, the number of defendants detained, the number of defendants released, and the number of defendants released with electronic monitoring;
3. Information regarding persons detained in the county jail pretrial, including, but not limited to, the number of persons detained in the jail pretrial and the number detained in the jail for other reasons, the demographics of the pretrial jail population, including on which race, sex, age, and ethnicity, the charges pretrial defendants are detained, the average length of stay of pretrial defendants; and
4. Information regarding persons placed on electronic monitoring programs pretrial, including, but not limited to, the number of participants, the demographics participant population, including race, sex, age, and ethnicity, the charges on which participants are ordered to the program, and the average length of participation in the program;
5. Discharge data regarding persons detained pretrial in the county jail, including, but not limited to, the number who are sentenced to the Illinois Department of Corrections , the number released after being sentenced to time served, the number who are released on probation, conditional discharge, or other community supervision, the number found not guilty, the number whose cases are dismissed, the number whose cases are dismissed as part of a diversion or deferred prosecution program, and the number who are released pretrial after a hearing re-examining their pretrial detention;
6. Information on the pretrial rearrest of individuals released pretrial, including the number arrested and charged with a new misdemeanor offense while released, the number arrested and charged with a new felony offense while released, and the number arrested and charged with a new forcible felony offense while released, and how long after release these arrests occurred;
7. Information on the pretrial failure to appear rates of individuals released pretrial, including the number who missed one or more court dates and did not have a warrant issued for their arrest, how many warrants for failures to appear were issued, and how many individuals were detained pretrial or placed on electronic monitoring pretrial after a failure to appear in court;
8. What, if any, validated risk assessment tools are in use in each jurisdiction, and comparisons of the pretrial release and pretrial detention decisions of judges and the risk assessment scores of individuals; and

9. Any other information the Pretrial Practices Data Oversight Board considers important and probative of the effectiveness of pretrial practices in the state of Illinois.

SEC. 13-5. The Local Records Act is amended by changing Section 3b (a)(5) as follows:  
(50 ILCS 205/3b(a)(5))

If the individual is incarcerated, the conditions of pretrial release ~~amount of any bail or bond.~~

SEC. 13-6. The Counties Code is amended with the following changes to Sections 4-5001, 4-12001, and 4-12001.1:

- a) 55 ILCS 5/4-5001 shall reflect the following change:  
~~For taking special bail, \$1 in each county.~~
- b) 55 ILCS 5/4-5001 shall reflect the following change:  
For taking all civil bonds on legal process, ~~civil and criminal~~, in counties of first class, \$1; in second class, \$1.
- c) 55 ILCS 5/4-12001 shall reflect the following change:  
~~For taking special bail, \$5.~~
- d) 55 ILCS 5/4-12001.1 shall reflect the following change:  
~~For taking special bail, \$2.~~

SEC. 13-7. The Illinois Municipal Code is amended by repealing Section 1-2-12.1.

SEC. 13-8. The Campus Security Enhancement Act of 2008 is amended by changing Section 15(a)(5) as follows:

110 ILCS 12/15 (a)(5)

If the individual is incarcerated, the conditions of pretrial release ~~amount of any bail or bond.~~

SEC. 13-9. The Illinois Insurance Code is amended by changing Sections 143.19, 143.19.1, and 205 as follows:

- a) (215 ILCS 5/143.19(f)(5))  
5) Has been convicted , or violated conditions of pretrial release ~~forfeited bail~~, during the 36 months immediately preceding the notice of cancellation, for any felony, criminal negligence resulting in death, homicide or assault arising out of the operation of a motor vehicle, operating a motor vehicle while in an intoxicated condition or while under the influence of drugs, being intoxicated while in, or about, an automobile or while having custody of an automobile, leaving the scene of an accident without stopping to report, theft or unlawful taking of a motor vehicle, making false statement in an application for an operator's or chauffeur's license or has been convicted or pretrial release has been revoked ~~forfeited bail~~ for 3 or more violations within the 12 months immediately preceding the notice of cancellation, of any law, ordinance, or regulation limiting the speed of motor vehicles or any of the provisions of the motor vehicle laws of any state, violation of which constitutes a misdemeanor, whether or not the violations were repetitions of the same offense or different offenses;

b) (215 ILCS 5/143.19.1(e)(5)

5) Has been convicted , or violated conditions of pretrial release ~~forfeited bail~~, during the 36 months immediately preceding the notice of cancellation, for any felony, criminal negligence resulting in death, homicide or assault arising out of the operation of a motor vehicle, operating a motor vehicle while in an intoxicated condition or while under the influence of drugs, being intoxicated while in, or about, an automobile or while having custody of an automobile, leaving the scene of an accident without stopping to report, theft or unlawful taking of a motor vehicle, making false statement in an application for an operator's or chauffeur's license or has been convicted or pretrial release has been revoked ~~forfeited bail~~ for 3 or more violations within the 12 months immediately preceding the notice of cancellation, of any law, ordinance, or regulation limiting the speed of motor vehicles or any of the provisions of the motor vehicle laws of any state, violation of which constitutes a misdemeanor, whether or not the violations were repetitions of the same offense or different offenses;

c) "Bail bonds" shall be removed from list of excluded surety bonds and surety undertakings in (215 ILCS 5/205(1)(d).

SEC. 13-10. The Illinois Gambling Act is amended by changing Section 5.1 to remove "forfeited bail" and replace it with "pretrial release has been revoked."

SEC. 13-11. 725 ILCS 5 / 102-6 is amended to reflect the following changes:

Sec . 102-6. Pretrial release "~~Bail~~":

"Pretrial release" "~~Bail~~" has the meaning ascribed to bail in Section 9 of Article I of the Illinois Constitution that is non-monetary ~~means the amount of money set by the court which is required to be obligated and secured as provided by law for the release of a person in custody in order that he will appear before the court in which his appearance may be required and that he will comply with such conditions as act forth in the bail bond.~~

SEC. 13-12. 725 ILCS 5 / 102-7 is amended to reflect the following changes:

Sec. 102-7. Conditions of pretrial release "~~Bail bond~~".

"Conditions of pretrial release" "~~Bail bond~~" means the conditions established by the court ~~an undertaking secured by bail~~ entered into by a person in custody by which he binds himself to comply with such conditions as are set forth therein.

SEC. 13-13. 725 ILCS 5/103-5 is amended by removing all appearances within of the word "bail" and replacing it with "pretrial release."

SEC. 13-14. 725 ILCS 5/103-7 is amended by removing all appearances within of the word "bail" and replacing it with "pretrial release."

SEC. 13-15. 725 ILCS 5/109-1 is amended to reflect the following changes:

Sec. 109-1. Person arrested; release from law enforcement custody and court appearance.

(a) A person arrested with or without a warrant for an offense for which pretrial release may be denied, unless released by the arresting officer shall be taken without unnecessary delay before the nearest and most accessible judge in that county, except when such county is a participant in a regional jail authority, in which event such person may be taken to the nearest and most accessible judge, irrespective of the county where such judge presides, and a charge shall be filed. An arresting officer may release a person arrested for an offense for which pretrial release may be denied, other than first degree murder, attempted first degree murder, or a violent sexual offense, without an appearance before a judge if release of the person is in the public interest. Whenever a person arrested either with or without a warrant is required to be taken before a judge, a charge may be filed against such person by way of a two-way closed circuit television system, except that a hearing to deny pretrial release ~~bail~~ to the defendant may not be conducted by way of closed circuit television.

(a-3) A person arrested with or without a warrant for an offense for which pretrial release may not be denied may, except as otherwise provided in this Code, be released by the officer without appearing before a judge. The releasing officer shall issue the person a summons to appear.

(a-5) A person charged with an offense shall be allowed counsel at the hearing at which pretrial release ~~bail~~ is determined under Article 110 of this Code. If the defendant desires counsel for his or her initial appearance but is unable to obtain counsel, the court shall appoint a public defender or licensed attorney at law of this State to represent him or her for purposes of that hearing.

(a-7) A presumption in favor of pretrial release of a person shall be applied by an arresting officer in the exercise of his or her discretion under this Section.

(b) Upon initial appearance of a person before the court, the ~~The~~ judge shall:

(1) inform ~~Inform~~ the defendant of the charge against him and shall provide him with a copy of the charge;

(2) advise ~~Advise~~ the defendant of his right to counsel and if indigent shall appoint a public defender or licensed attorney at law of this State to represent him in accordance with the provisions of Section 113-3 of this Code;

(3) schedule ~~Schedule~~ a preliminary hearing in appropriate cases;

(4) admit ~~Admit~~ the defendant to pretrial release ~~bail~~ in accordance with the provisions of Article 110 of this Code, or upon verified petition of the State, proceed with the setting of a detention hearing as provided in Section 110-6.1; and

SEC. 13-16. 725 ILCS 5/109-1 (f) is amended to reflect the following changes:



## **Redistributing Resources to Build Healthy, Sustainable, and Equitable Communities for all People**

ARTICLE XIV – Reparations and Redistribution of Resources

ARTICLE XV – Redistribution of Assets

ARTICLE XVI – Cannabis Social Equity

ARTICLE XVII – Peace Commission Book Ordinance

### **ARTICLE XIV – REPARATIONS AND REDISTRIBUTION OF RESOURCES**

#### **SEC. 14-1. Police Violence Reparations**

a) Subject to appropriations, an independent Illinois Police Reparations Commission shall be established that will operate a Police Violence Reparations Fund (“Fund”).

1) By June 1, 2021, the Police Violence Reparations Commission shall develop a plan that will:

A) Provide reparations to—

(i) People who have survived State violence in Illinois, including (but not limited to) physical and sexual violence by police, probation, parole, court, and child welfare officers, penal officers, and private security; and

(ii) The families of people who were killed by State or local police, or while in State or local custody, such as while at prisons, jails, juvenile and immigration detention centers, State hospitals, and other places of involuntary confinement.

B) Propose recommendations regarding—

(i) The forms and amounts of redress that will be available under this reparations program;

(ii) The criteria for accessing reparations payments and programs;

(iii) The proposed timing for beginning these reparations payments and programs; and

(iv) The oversight mechanism that will be used to verify that such compensation is delivered to the intended beneficiaries and such programs are properly administered.

2) By February 1, 2022, the Commission shall begin the process of making reparations.

3) The Commission shall adopt the following options for reparations, among others:

A) Financial compensation directly to State violence survivors, using a process that:

(i) Is accessible to all (including undocumented individuals) and non-discriminatory;

(ii) Does not create insurmountable administrative, financial, or time burdens on individuals and their families to access reparations; and

(iii) Does not require accessing criminal, civil, or civilian oversight procedures;

B) Long-term grant funding to establish and operate community-based care and organizing centers Statewide, which:

(i) Serve survivors of State violence, their families, and their communities; and

(ii) Offer services, healing, and restoration to police violence survivors and



- their families;
  - C) Grant funding for local, community-based organizations to provide or facilitate:
    - (i) Public education and engagement programs;
    - (ii) Public art works; and
    - (iii) Public memorials commemorating State violence and struggles for justice;
  - D) Grant funding and technical support for local jurisdictions so that they can establish meaningful and accessible education and employment opportunities for State violence survivors and their families;
  - E) Grant funding and technical support so that local jurisdictions can provide procedures for State violence survivors, such as:
    - (i) Obtaining new hearings for people currently incarcerated; or
    - (ii) Criminal record expungement; and
  - F) Grant funding and technical support for local jurisdictions so that they can create procedures by which individual State actors who committed or contributed to State violence will be required to be accountable to and make amends and repair to the individuals, families, and communities they have harmed;
  - G) Grant funding and technical support for local jurisdictions to ensure cessation and non-repetition of state violence through immediate termination and decertification of law enforcement agents and state employees who were involved in and contributed to state violence, and removal and prohibition from entering into any position that would enable them to perpetrate similar harm in the future;
  - H) Grant funding and technical support for local jurisdictions to ensure cessation and non-repetition of state violence by reviewing state policies and practices that contributed to and enabled the state violence to occur, and taking immediate action to cease and prevent future actions pursuant to such policies and practices;
  - I) Grant funding and technical support for local jurisdictions so that they can review and investigate evidence of excessive force or sexual violence against, surveillance of, or harassment of protestors and/or other individuals who are engaging in protected First Amendment activity.
- 4) No less than fifty 50% of the Commission shall be comprised of:
- A) Police misconduct Plaintiffs' lawyers;
  - B) Public defenders;
  - C) Individuals who have been directly impacted by police violence; and
  - D) Family members of individuals who have been directly impacted by police violence.
- 5) The Commission shall present their findings to the Illinois State Legislature through:
- A) A public hearing that allows for public comments; and
  - B) A report that is posted online and easily accessible.
- 6) The Commission plan shall be finalized by a majority vote no later than November 1, 2021.

SEC.14-2. Reparations For Survivors Of The War On Drugs

- a) Subject to appropriations, an independent Illinois War on Drugs Reparations Commission shall be established that will operate a War on Drugs Reparations Fund (“Fund”).
  - 1) The Cannabis Regulation and Tax Act (HB1438) is amended as follows:
    - A) ~~6z-107(c)(3)(B): 20–8% shall be transferred to the Local Government Distributive Fund and allocated as provided in Section 2 of the State Revenue Sharing Act. The moneys shall be used to fund crime prevention programs, training, and interdiction efforts, including detection, enforcement, and prevention efforts, relating to the illegal cannabis market and driving under the influence of cannabis. War on Drugs Reparations Fund.~~
    - 2) 6z-107(c)(3)(F): 23.5%, or any remaining balance, shall be transferred to the General Revenue Fund.
- b) By June 1, 2021, the War on Drugs Reparations Commission shall develop a plan that will:
  - 1) Provide reparations to—
    - A) People who have lived in a Disproportionately Impacted Area, as defined in HB1438 Sec. 1-10, in 5 of the past 10 years.
    - B) People who have been arrested for, convicted of, or adjudicated delinquent for cannabis-related offenses eligible for expungement, including cannabis possession and intent to deliver.
    - C) People who have a parent, child, or spouse that has been arrested for, convicted of, or adjudicated delinquent for cannabis-related offenses eligible for expungement, including possession up to 500 grams or intent to deliver up to 30 grams.
  - 2) Propose recommendations regarding—
    - A) The forms and amounts of redress that will be available under this reparations program;
    - B) The criteria for accessing reparations payments and programs;
    - C) The proposed timing for beginning these reparations payments and programs; and
    - D) The oversight mechanism that will be used to verify that such compensation is delivered to the intended beneficiaries and such programs are properly administered.
- c) By February 1, 2022, the Commission shall begin the process of making reparations.
  - 1) The Commission shall adopt the following options for reparations, among others:
    - A) Financial compensation directly to survivors of the War on Drugs, using a process that:
      - (i) Is accessible to all (including undocumented individuals) and non-discriminatory;
      - (ii) Does not create insurmountable administrative, financial, or time burdens on individuals and their families to access reparations; and
      - (iii) Does not require accessing criminal, civil, or civilian oversight procedures;
    - B) Long-term grant funding to establish and operate community-based care

- and organizing centers Statewide, which:
- (i) Serve survivors of the War on Drugs their families, and their communities; and
  - (ii) Offer services, healing, and restoration to survivors of the War on Drugs and their families;
- C) Grant funding for local, community-based organizations to provide or facilitate:
- (i) Public education and engagement programs;
  - (ii) Public art works; and
  - (iii) Public memorials commemorating State violence through the War on Drugs and struggles for justice;
- D) Grant funding and technical support for local jurisdictions so that they can establish meaningful and accessible education and employment opportunities for survivors of the War on Drugs and their families;
- E) Grant funding and technical support so that local jurisdictions can provide procedures for survivors of the War on Drugs, such as:
- (i) Obtaining new hearings for people currently incarcerated; or
  - (ii) Criminal record expungement; and
- F) Grant funding and technical support for local jurisdictions so that they can create procedures by which individual State actors who committed or contributed to the War on Drugs will be required to be accountable to and make amends and repair to the individuals, families, and communities they have harmed;
- G) Grant funding and technical support for local jurisdictions to ensure cessation and non-repetition of state violence through immediate termination and decertification of law enforcement agents and state employees who were involved in and contributed to the War on Drugs and removal and prohibition from entering into any position that would enable them to perpetrate similar harm in the future;
- H) Grant funding and technical support for local jurisdictions to ensure cessation and non-repetition of state violence via the War on Drugs by reviewing state policies and practices that contributed to and enabled the state violence to occur, and taking immediate action to cease and preventing future actions pursuant to such policies and practices;
- d) No less than fifty 50% of the Commission shall be comprised of:
- 1) Racial justice advocates;
  - 2) Public defenders;
  - 3) Individuals who have been directly impacted by the War on Drugs; and
  - 4) Family members of individuals who have been directly impacted by the War on Drugs.
- e) The Commission shall present their findings to the Illinois State Legislature through:
- 1) A public hearing that allows for public comments; and
  - 2) A report that is posted online and easily accessible.
- f) The Commission plan shall be finalized by a majority vote no later than November 1, 2021.

SEC.14-3. Subject to appropriations, a competitive grant that funds non-carceral, non-punitive projects and programs to improve community safety shall be established.

(a) The Community Public Safety Agency will provide grants to community-based organizations that:

1. Provide non-carceral, non-punitive projects and programs to improve community safety; and/or
2. Meet the specific needs of particular criminalized groups, including:
  - A. Disabled people;
  - B. Trans and gender non-conforming people;
  - C. Lesbian, gay, bisexual people;
  - D. Pregnant people and parents;
  - E. Migrants and non-English speakers, including undocumented migrants, and non-Christian people of faith.

(b) All grants must be targeted to programs and services that will improve safety in the local community.

(c) Eligible Funding Areas include

1. Non-Carceral Accountability
  - A. Transformative justice programs (i.e., which establish community-based systems of accountability while seeking collective liberation through voluntary means); and
  - B. Healing justice programs (i.e., which establish spaces for healers to process trauma with community and themselves);
2. Violence Reduction
  - A. Violence interruption and intervention, which may include violence and conflict prevention and mitigation;
  - B. Abuse interruption, intervention, and prevention;
  - C. Infrastructure investments that are designed to improve community safety, including (but not limited to):
    1. Park redevelopment;
    2. Streetlights; and
    3. Public transportation;
  - D. Neighborhood mediation programs; and
  - E. Safe passage to school programs.
3. Public Health
  - A. Health services, including (but not limited to):
    1. Preventative, non-punitive, and respite mental health care;
    2. Non-mandatory, non-coercive, harm-reduction based substance use treatment programs, including peer support programs;
    3. Non-abstinence focused drug education programs;
    4. Voluntary harm reduction programs; and
    5. Patient-driven, community-based mental health care.
4. Housing
  - A. Quality, accessible, and long-term supportive housing for those experiencing temporary or temporary or chronic homelessness, housing insecurity or at risk of homelessness, housing insecurity or

at risk of homelessness and/or health issues (and open to their families as well);

5. Non-Carceral Crisis Intervention

- A. New, accessible methods of processing 911 calls that reduce contact between law enforcement and community members;
- B. Non-punitive first-responder agencies that are unarmed;
- C. Non-law enforcement personnel and partnerships to solve problems that do not require criminal enforcement;
- D. Programs identifying and providing skills, resources, and community engagement infrastructure to reduce communities' reliance on first-responders, including through conflict resolution, de-escalation, first aid, and other community-building skills; and
- E. The designation of an accessible emergency response number that can be used to dispatch non-punitive crisis and trauma intervention teams.

6. Healing

- A. Funding for community-based organizations that provide voluntary, non-coercive trauma-informed, health services and healing supports for communities so that they can recover from exposure to violence, abuse, and/or harmful interactions with police; and
- B. Reparations (e.g., for individuals who have experienced any harm from the police or mass criminalization), as such reparations are described in Section 4.

7. Reentry

- A. Educational programs that work with formerly incarcerated individuals, helping them to secure secondary and/or post-secondary credentials;
- B. For formerly incarcerated youth, reentry supports such as transition coordinators to ensure that young people:
  - 1. Can return to school following incarceration; and
  - 2. Their credits transfer so they can progress toward graduation; and
- C. Employment opportunities that benefit formerly incarcerated individuals, including:
  - 1. Grants for entrepreneurship;
  - 2. Technical assistance and financial incentives to businesses that hire formerly incarcerated individuals;
  - 3. State-led affirmative hiring programs;
  - 4. Subsidized employment opportunities for formerly incarcerated people; and
  - 5. Worker cooperatives operated by formerly incarcerated people.

8. Capacity-Building

- A. Capacity building funding to local nonprofits, advocates, and community-based organizations, including fellowships to individual community-based leaders so that they can develop advocacy infrastructure to meet the specific community's needs.

9. Voluntary Pretrial Supports

- A. Providing voluntary pretrial services to help accused individuals successfully navigate the pretrial process and appear at court dates, including:
1. Text-message reminders about court dates;
  2. Transportation assistance to help accused persons get to and from the courthouse; and
  3. Childcare assistance during court appointments.

SEC. 14-4.

- a) Subject to appropriations, the Community Public Safety Agency will provide a formula grant to communities that seek to establish Local Community Safety Offices.
- b) Under this bill, a Local Community Safety Office is a governmental body that is responsible for:
- 1) Identifying non-carceral, non-punitive projects and programs that will improve community safety;
  - 2) Prioritizing projects and programs given available funding;
  - 3) Vetting new projects, programs, and service providers;
  - 4) Distributing grants to select programs and projects;
  - 5) Evaluating projects and programs funded by the Community Safety Office; and
  - 6) Providing capacity-building to organizers, local advocates, and other community-based organizations.
- c) By June 1, 2021, the Community Public Safety Agency will issue a formula for these grants. Such formula may reference, but is not limited to referencing:
- 1) The population size of the jurisdiction;
  - 2) The extent to which the jurisdiction has been impacted by policing and incarceration;
  - 3) The poverty rate in the jurisdiction;
  - 4) The child poverty rate in the jurisdiction; and
  - 5) The gap in services that is evident in the jurisdiction, including services related to mental health and/or substance use.
- d) Requirements of Community Safety Office
- 1) Local Community Safety Offices must be fully non-carceral, meaning that:
    - A) The Offices operate fully outside of any criminal-legal agencies, including law enforcement, the Department of Child and Family Services, agencies that undertake civil commitment; and
    - B) No employees of the Community Safety Office may have previously served as law enforcement, private security, or correctional staff.
  - 2) Hiring for Local Community Safety Offices must be open to all, regardless of race, sex, gender, religion, ethnicity, sexual orientation, immigration status, or disability status, but shall show a preference for:
    - A) Individuals who are formerly incarcerated;
    - B) Family members of individuals who are currently or formerly incarcerated; and
    - C) Grassroots organizers working to dismantle mass incarceration.
  - 3) The decision-making process for Local Community Safety Offices must include:

- A) Ultimate governance for the Local Community Public Safety Offices shall lie with a Commission that has no fewer than 50% of individuals must be directly impacted, including the following:
    - (i) Individuals who have been detained or incarcerated within the State in the past five years;
    - (ii) Individuals who are currently on community supervision (i.e. probation or parole) in the State or who have been on community supervision within the past two years;
    - (iii) Individuals who have been arrested within the past year;
    - (iv) Individuals who have experienced police violence within the past five years;
    - (v) Immediate family members of individuals who have experienced police violence within the past five years;
    - (vi) Public defenders;
    - (vii) Police misconduct attorneys representing plaintiffs;
    - (viii) Local advocates who work on racial justice, educational equity, health equity, housing equity, and/or ending mass incarceration;
    - (ix) Community health workers;
    - (x) Teachers; or
    - (xi) Legal services attorneys.
  - B) The Commission shall be responsible for hiring and firing the Director of the Community Safety Agency.
  - C) Meaningful input from individuals who have been directly impacted (“impacted individuals”) by policing and/or incarceration, including input at the following stages:
    - (i) Designing the process for decision-making during plan development;
    - (ii) Brainstorming ideas for plan elements;
    - (iii) Developing plan proposals;
    - (iv) Voting on plan proposals; and
    - (v) In the event that the applicant pursues this plan, monitoring plan implementation.
- 4) Financial compensation will be provided to impacted individuals provide expert guidance, serve in mentorship roles, or serve on the governing commission.

SEC. 14-5. Subject to appropriations, the Community Public Safety Agency will provide a competitive Reimagining Public Safety grant to communities.

- (a) Any local government may apply for the discretionary Reimagining Public Safety Grant Program.
- (b) No later than June 1, 2021, the Community Public Safety Agency shall develop a formula for evaluating applicants. This formula shall include points for:
  - 1. Enacting policy changes and creating clear, time-bound plans to:
    - A. Reduce jail, prison, other incarcerated populations, and populations in civil commitment facilities, including facilities for youth in the juvenile criminal-legal system, and ultimately empty these facilities entirely;

- B. Reduce populations, in the adult criminal-legal and juvenile criminal-legal systems, under probation, parole, and other forms of community supervision, and ultimately end these programs entirely;
  - C. Shrink the overall size of the State and/or local adult and juvenile criminal-legal systems, as measured by budgets, staffing, and other resources allocated, and ultimately defund these systems entirely; and
  - D. Understand the core, systemic needs of the community supervision and jail populations, such as through a survey that examines issues including:
    - 1. Access to affordable housing;
    - 2. Access to social services, including services related to health;
    - 3. Legal financial obligations; and
    - 4. Access to public transportation.
2. Enacting policy changes and creating clear, time-bound plans to:
- A. Reduce the amount of contact that individuals, particularly individuals who have been most harmed by the United States criminal-legal system, have with law enforcement; and
  - B. Eradicate local laws and policies that cause unnecessary contact with police;
  - C. Reduce the number of stops, tickets, arrests, citations, and civil proceedings initiated against individuals by 50% by 2023.
3. Enacting policy changes and creating clear, time-bound plans to:
- A. End racial and economic disparities in arrest, incarceration, probation, and parole.
4. Using a participatory process that includes:
- A. Meaningful input from a broad range of individuals who have been directly impacted (“impacted individuals”) by the criminal-legal system, including input from:
    - 1. Individuals who are currently or formerly incarcerated;
    - 2. Individuals who have been arrested in the past five years;
    - 3. Individuals who have experienced police violence;
    - 4. Family members of individuals who are currently or formerly incarcerated;
    - 5. Family members of people who have experienced police violence;
    - 6. Organizations led by and serving the above-listed populations.
  - B. Input at the following stages:
    - 1. Designing the process for decision-making during plan development;
    - 2. Brainstorming ideas for plan elements;
    - 3. Developing plan proposals;
    - 4. Voting on plan proposals;
    - 5. In the event that the applicant pursues this plan, monitoring and evaluating plan implementation; and



- C. Financial compensation to impacted individuals who contribute their time and labor.
  - 5. Designing a reinvestment plan that will:
    - A. Calculate any savings incurred by the local jurisdiction when it achieves decarceral and defunding goals; and
    - B. Commit that all savings shall be applied toward non-carceral, non-punitive interventions that will improve public safety facilitated through the Reimaging Public Safety Grant.
  - 6. Establishing a Local Community Safety Office that meets the requirements in Subsection 2.
  - 7. Points system based on whether the community has been disproportionately subject to high arrest, incarceration, and community supervision rates.
- (c) Programs funded through the Reimagining Justice Grant Program may include, but are not limited to the interventions that are described in Subsection 14-14.

SEC. 14-6. Subject to appropriations, the Community Public Safety Agency will be authorized to create the “Free Them All” grant program.

- (a) The “Free Them All” grant program will offer a 50% match for savings that localities project when they close detention facilities, including local jails, youth prisons, juvenile detention facilities, or other detention facilities, provided that:
  - 1. The jurisdiction does not replace them with increased use of probation, parole, community service, civil fines or penalties, mandated treatment, services, classes, or other forms of surveillance, policing, or punishment; and
  - 2. The locality agrees to invest all resources saved and State grants received in the non-punitive, non-carceral programs and services outlined in Subsection 13-5 (b).
- (b) The Community Public Safety Agency will be responsible for verifying that the financial projections are reasonable.
- (c) If a locality transfers custody and control of individuals to a facility that is run by another locality, the locality is disqualified from receiving funds.

SEC. 14-7. Subject to appropriations, an Education Justice Innovation Grant Program will be created for local governments. The Illinois State Board of Education (DOE) shall administer this grant.

- (a) Local governments, cities or counties, are eligible for this grant. Applicants must include:
  - 1. The city governments; and
  - 2. The local school district(s) that fall within these geographic boundaries; and
  - 3. Public institutions of higher education, including community college and technical schools.
- (b) Applications must include:
  - 1. Written support from the following stakeholders:
    - A. The president of the local Teachers’ Union(s);
    - B. No fewer than three (3) representatives of parents who have children in the school district(s);

- C. No fewer than three (3) youth who attend middle or high school in the local school district(s); and
  - D. Where such groups exist, the application should also include representatives of local advocacy groups that focus on education justice, racial justice, social justice, economic justice, LGBTQ justice, and/or disability justice.
2. No later than June 2021, the ISBE shall develop a formula for evaluating applicants. This formula shall include points for:
- A. Enacting policy changes and creating clear, time-bound plans to maximally:
    - i. Ensure educational equity within the school district(s), including (but not limited to) equity for Black, Latino, indigenous, LGBTQ, disabled, low-income, homeless, English Language Learners (ELLs), and undocumented students; and
    - ii. Ensure that all students are able to graduate “college ready” or with a trade, skill, or vocation;
    - iii. Ensure access to higher education, such as by providing free access (i.e. covering the full cost of attendance, including tuition, fees, books, food, and boarding costs) and open admissions to public universities, community colleges, technical education, and educational support programs; retroactive forgiveness of student loans; and protection and increased funding for critical higher education institutions, including predominantly Black Institutions (PBI) and institutions that enroll high proportions of historically underserved students and have needs.
  - B. Decriminalizing schools, such as by:
    - i. Removing police, School Resource Officers (SROs), ICE, probation, armed security, metal detectors, and other surveillance equipment and practices from schools;
    - ii. Prohibiting schools from arming school teachers or staff;
    - iii. Demonstrating a blueprint for collecting and reporting clear, disaggregated data on discipline, student interactions with police, and school climate; and
    - iv. Creating guidance from the school district that would ban zero-tolerance policies, corporal punishment, exclusionary discipline at all levels, punishment for truancy, and subjective infractions (e.g., for disruption, disobedience, disrespect, disorderly conduct, defiance, dress code violations, or grooming code violations); ban the use of any police or other law enforcement officers to address student disciplinary issues; eliminate the use of strip searches, restraint, and seclusion on any student; codify Due Process protections for public school suspensions and expulsions; and

adopt protections related to sexual assault/harassment to prevent school pushout.

- C. Explaining how the applicant will ensure that all district schools are accessible to all students, as well as fully inclusive as that term is defined by the Americans with Disabilities Act (ADA) and the Individuals with Disabilities Education Act (IDEA).
  - D. Having a participatory process for developing the grant application, which process includes:
    - i. Meaningful input from stakeholders in the local education system, including input from school leaders, teachers, students, and parents of students and financial compensation to those individuals who offer their time and labor to provide input
    - ii. Input at the following stages: Designing the process for decision-making during plan development; Brainstorming ideas for plan elements; Developing plan proposals; Voting on plan proposals; and in the event that the applicant pursues this plan, monitoring plan implementation.
  - E. Additional points based on whether the school district is in the lowest 10% for the State, as measured by:
    - i. High school graduation rates;
    - ii. Standardized test scores;
    - iii. Percentage of students receiving free and reduced lunches;
    - iv. The proportion of Title 1 Schools within a district;
    - v. Dropout rates;
    - vi. Age of the school facilities within a district; and
    - vii. Has been disproportionately subject to high arrest and incarceration rates.
- (c) Grantees may use their funds for any program or service that is directly connected to furthering the Educational Justice Innovation Grant stated objectives, provided that such program or service meets the requirements in SEC. 14-14.
- (d) Programs that may be funded through the Educational Justice Innovation Grant may include, but are not limited to:
- 1. Providing voluntary, non-coercive wraparound services, including social workers and counselors, at schools or at nearby centers that provide voluntary, non-coercive wraparound health, educational, and other services to students and families;
    - A. Providing free, high-quality health services at schools and/or at nearby student- and family-focused resource centers, which services include reproductive body autonomy;
    - B. Providing free, high-quality physical activity and recreation programming in schools;
    - C. Ensuring all students have access to WiFi at home;
    - D. Funding community-based organizations to provide Adverse Childhood Experiences screenings;

- E. Supports for pregnant and parenting students, including free pre-kindergarten and daycare;
  - F. Supports for students in foster care;
  - G. Supports for students with incarcerated parents;
  - H. Supports for homeless students; and
  - I. Providing academic counseling and mentoring for historically underserved students.
2. Providing high-quality and healthy food to students;
  3. Developing curricula that critically examine the political, economic, and social impacts of colonialism, imperialism, capitalism, racism, white supremacy, genocide against indigenous peoples, patriarchy, and slavery, while acknowledging and addressing students' material and cultural needs; and training educators in voluntary, non-coercive restorative practices and trauma-informed approaches.
  4. Providing free transportation to students, so that they can attend both school and school-related activities.
  5. Developing robust, non-carceral, non-coercive advocacy and prevention services to:
    - A. Reduce domestic and sexual violence (including child sexual abuse) and harassment;
    - B. Effectively support survivors in pre-K, K-12, and higher education contexts; and
    - C. Prevent sexual assault survivors from being pushed out of school; and
    - D. Developing transformative justice programs in schools to prevent and address violence, such as bullying, sexual violence, and dating violence.
  6. Modernizing, renovating, or repairing facilities used by public elementary schools, public secondary schools, and public institutions of higher education, including modernization, renovation, and repairs that:
    - A. Promote physical, sensory, and environmental accessibility; and
    - B. Are consistent with a recognized green building rating system.

SEC. 14-8. Subject to appropriations, this subsection creates a Health & Family Justice Grant Program for local governments. The Illinois Department of Human Services (DHS) shall administer this grant.

- (a) Local governments are eligible applicants for this grant.
- (b) No later than June 2021, DHS shall develop a formula for evaluating applicants. This formula shall include points for:
  1. Enacting policy changes that ensure health equity across the locality, including disparities affecting Black, Latino, indigenous, LGBTQ, low-income, homeless, disabled, and undocumented individuals;
  2. Ensuring all communities have convenient access to sources of healthy food, particularly communities impacted by food apartheid, as defined in this Act;
  3. Ensuring that all communities have access to fully accessible, comprehensive, and neighborhood-based health centers.

4. Using a participatory process to develop the grant applicant and create the clear, time-bound action plans contained therein, where such process includes:
    - A. Meaningful input from individuals who have been directly impacted (“impacted individuals”) by existing health disparities (including, but not limited to, local residents with pre-existing health conditions, individuals with disabilities, uninsured or underinsured individuals, and individuals who have faced barriers to accessing comprehensive healthcare), including input at the following stages: Designing the process for decision-making during plan development; Brainstorming ideas for plan elements; Developing plan proposals; Voting on plan proposals; and, in the event that the applicant pursues this plan, monitoring plan implementation.
    - B. Financial compensation to impacted individuals who volunteer their time and labor.
  5. Explaining how the selected programs and service will maximize use of Medicaid dollars.
  6. Additional points based on whether the community is in the lowest 10% for the State, as measured by:
    - A. Life expectancy;
    - B. Mortality rate;
    - C. Poverty rate; and/or
    - D. Child poverty; and/or
    - E. Has been disproportionately subject to high arrest and incarceration rates.
- (c) Grantees may use their funds for any program or service that is directly connected to furthering the Health & Family Justice Innovation Grant stated objectives, provided that such program or service meets the requirements in SEC. 14-14.
- (d) Programs that may be funded through the Health & Family Justice Innovation Grant may include, but are not limited to:
1. Developing and sustaining food cooperatives and urban gardens;
  2. Universal access to free school meals;
  3. Expanding or enhancing the services offered at neighborhood-based health centers, including:
    - A. Culturally competent services for all people;
    - B. Accessible services for all people;
    - C. Voluntary, noncoercive, trauma-informed and wellness-focused services;
    - D. Specific services for women, girls, pregnant people, people living with HIV/AIDS, survivors of violence, and queer, gender nonconforming, and trans people;
    - E. Comprehensive, non-coercive care for disabled people;
    - F. Comprehensive sexual and reproductive healthcare, including contraception, abortion, STI prevention and care, maternal care, and gender affirming care for trans, intersex, and gender nonconforming people; and
    - G. Non-coercive behavioral health services.

4. Specialized, independent health and advocacy services for all people who are incarcerated in jails, prisons, ICE detention centers, juvenile detention centers, and other carceral institutions, including advocacy services that are for (and informed by) incarcerated survivors of domestic and sexual violence;
5. Birthing centers;
6. Midwife and doula services; and
7. Outreach programs to facilitate Medicaid and Children’s Health Insurance Program enrollment.
8. Comprehensive, high-quality childcare, including care provided by childcare cooperatives;
9. Comprehensive, high-quality elder care; and
10. “Baby boxes” for expectant parents

SEC. 14-9. By June 1, 2021, the Illinois Environmental Protection Agency (EPA) is required to present a plan that describes a cross-agency Equity Impact Mapping initiative that tracks cumulative environmental impacts, pollution hotspots, public health data, and income inequality. At a minimum, the plan will:

- a) Require an Equity Screen on major State policy actions, using the mapping initiative in this Section, through which State agencies’ climate, energy, transportation, and environmental investments, regulations, permitting and planning decisions, and other major actions will be evaluated.
- b) Guarantee that 40% of all State climate-related spending, including funding through this State Environmental Justice grant, will be invested in “Environmental Justice” communities, as these communities are defined through the State Equity Mapping Initiative.
- c) Guarantee that all jobs created through State climate-related spending, including the Green Communities Grant Program, meet the following specifications:
  - 1) Be unionized or able to unionize; and
  - 2) Pay a living wage, as defined in this bill.
  - 3) Ensure that state contracts for projects that create these jobs include requirements and incentives for meeting specific workforce diversity targets and minority business participation.
- d) Incorporate [REBUILD THE IEPA to Protect Public Health](#) pending agreement from sponsor.

SEC. 14-10. Subject to appropriations, this subsection creates a Green Communities Grant Program for local governments. The Illinois Environmental Protection Agency shall administer this grant.

- a) Local governments are eligible applicants for this grant.
- b) No later than June 2021, the Illinois Environmental Protection Agency shall develop a formula for evaluating applicants. This formula shall include points for:
  - 1) Addressing the primary issues that are causing increased vulnerability to climate change, including (but not limited to) barriers for Black, Latino, indigenous, low-income, and immigrant communities in the locality; and
  - 2) Creating a clear, time-bound plan for meeting 100 percent of the local power demand using clean, renewable, and zero-emission energy sources.

- 3) Eliminating the systemic barriers that have caused disparities in accessing clean water, clean air, and increased vulnerability to climate change, including (but not limited to) barriers for Black, Latino, indigenous, low-income, and immigrant individuals;
  - 4) Ensuring that all community members have public access to safe, clean water for housing, drinking, and food production;
  - 5) Ensuring that all community members have access to breathable air within EPA safety limits; and
  - 6) Eliminating the systemic barriers that have caused disparities in accessing clean water, clean air, and increased vulnerability to climate change, including (but not limited to) barriers for Black, Latino, indigenous, low-income, and immigrant individuals;
  - 7) Ensuring that all community members have public access to safe, clean water for housing, drinking, and food production;
  - 8) Ensuring that all community members have access to breathable air within EPA safety limits; and
  - 9) Using a participatory process, including consultation with the Illinois Environmental Justice Commission, to develop the grant applicant and create the clear, time-bound action plans contained therein, where such process includes:
    - A) Meaningful input from individuals who have been directly impacted (“impacted individuals”) by environmental disparities or increased vulnerability to climate change, including, but not limited to:
      - (i) Individuals who have experienced limitations on access to clean water or air within the last two years;
      - (ii) Individuals who have been displaced or who are expected to be displaced within ten years due to climate change;
      - (iii) Black, Latinx, Asian Pacific Islander, and Native individuals; and
      - (iv) Low-income individuals.
    - B) Input at the following stages:
      - (i) Designing the process for decision-making during plan development;
      - (ii) Brainstorming ideas for plan elements;
      - (iii) Developing plan proposals;
      - (iv) Voting on plan proposals; and
      - (v) In the event that the applicant pursues this plan, monitoring plan implementation.
    - C) Financial compensation to impacted individuals who volunteer their time and labor to provide input.
  - 10) Additional points based on whether the community:
    - A) Is an Environmental Justice community, as defined in the State Equity Mapping Initiative;
    - B) Has the majority of residents residing near a factory, landfill, oil well, and any other high-risk pollutants linked to deteriorating health impacts; and/or
    - C) Has been disproportionately subject to high arrest and incarceration rates.
- c) Grantees may use their funds for any program or service that is directly connected to furthering the Green Communities Grant stated objectives, provided that such program or service meets the requirements in SEC. 14-14.

- d) Programs that may be funded through the Green Communities Grant may include, but are not limited to:
- 1) Subsidizing community-owned sustainable energy solutions, including projects by community-based organizations;
  - 2) Increasing funding for green jobs building renewable energy (such as wind, solar, and water) infrastructure (excluding combustion-based energy, like biomass) including support for community-based organizations in identifying, recruiting, and supporting new candidates for job training, placement, and retention;
  - 3) Building or upgrading to energy-efficient, distributed, and “smart” power grids;
  - 4) Creating programs that invest in reducing energy costs, specifically in multi-family housing and aging housing;
  - 5) Upgrading existing buildings and building new buildings to achieve maximal energy efficiency, water efficiency, safety, affordability, comfort, durability, and decarbonization, including through electrification;
  - 6) Funding climate resilience to prepare for climate change-fueled disasters (such as periods of extreme heat or cold, floods, droughts, violent storms, floods, and droughts) and inequities in health care, emergency response, and disaster relief need to respond to these events.
  - 7) Overhauling transportation systems to:
    - A) Eliminate pollution and greenhouse gas emissions as much as is technologically feasible;
    - B) Mitigate high levels of diesel emissions borne by many communities;
    - C) Ensure transit is affordable, reliable, and easily accessible to all;
    - D) Ensure that electric vehicles and charging infrastructure are attainable and available to all Illinoisans; and
    - E) Ensure that state transportation plans and budgets prioritize existing communities, and invest in disadvantaged areas to improve safety, mobility, air quality, and access to economic opportunity.
  - 8) Developing a complaint office that will provide stipends to residents who had to cover medical bills for any detrimental health impacts on a person’s life due to the local jurisdiction’s oversight or actions (i.e. City failed to notify residents of risk, etc.).

SEC. 14-11. Subject to appropriations, this subsection creates an Economic Justice Grant Program for local governments. The Illinois Department of Labor (DOL) shall administer this grant.

- a) Local governments are eligible applicants for this grant.
- b) No later than June 2021, the DOL shall develop a formula for evaluating applicants. This formula shall include points for:
  - 1) Addressing the systemic issues that are causing wealth and income inequality; and
  - 2) Addressing issues of historical discrimination, including employment and housing discrimination, by giving Black Illinois residents access to labor, capital, entrepreneurship, physical resources, and information resources.
  - 3) Ensuring employment for all community members, especially those individuals who have been most excluded from employment due to employment



discrimination, including discrimination based on race, gender, sexual orientation, disability status, background checks or immigration status; and

- 4) Ensuring that all individuals working full-time jobs are paid a living wage, as defined in this bill.
- 5) Using a participatory process to develop the grant applicant and create the clear, time-bound action plans contained therein, where such process includes:
  - A) Meaningful input from individuals who have been directly impacted (“impacted individuals”) by unemployment, under-employment, or employment discrimination based on race, gender, sexual orientation, disability status, or immigration status, including input at the following stages:
    - (i) Designing the process for decision-making during plan development;
    - (ii) Brainstorming ideas for plan elements;
    - (iii) Developing plan proposals;
    - (iv) Voting on plan proposals; and
    - (v) In the event that the applicant pursues this plan, monitoring plan implementation.
  - B) Financial compensation to impacted individuals who volunteer their time and labor to provide input.
- 6) Explaining how the selected programs and service will maximize use of Medicaid dollars.
- 7) Additional points based on whether the community:
  - A) Was historically redlined;
  - B) Is defined as a Disproportionately Impacted Area (DIA);
  - C) Employment in the jurisdiction is reliant on prisons, jails, or immigrant detention centers;
  - D) Unemployment rates are high;
  - E) A large number of the population is underemployed; and/or
  - F) Has been disproportionately subject to high arrest and incarceration rates.
- c) Grantees may use their funds for any program or service that is directly connected to furthering the Economic Justice Grant stated objectives, provided that such program or service meets the requirements in SEC. 14-14.
- d) Programs that may be funded through the Economic Justice Grant may include, but are not limited to:
  - 1) Career path training and job programs that target the most economically disadvantaged individuals, including a preference for communities that were specifically targeted by redlining;
  - 2) Creating alternative high-quality job opportunities that are non-carceral and non-punitive in communities, particularly rural communities, whose economies revolve around the police, jails, prisons, the military, and Border Patrol as the only viable employment sectors;
  - 3) Pilot programs for care income, including for routine housework, childcare, tending to elderly relatives, caring for household members and other unpaid activities that are related to household maintenance;
  - 4) Establishing monthly stipends for individuals who provide reentry support to formerly incarcerated loved ones;

- 5) Pilot programs for basic income, including a preference for communities that were specifically targeted by redlining;
- 6) Establishing cash-assistance programs for the low-income primary caregivers that are commensurate with the local cost of living;
- 7) Establishing or expanding cash assistance for individuals and families with barriers to access to basic needs, such as food, health care, or other necessities
- 8) Implementing “baby bonds” programs, including a preference for communities that were specifically targeted by redlining and therefore denied wealth-building opportunities;
- 9) Start-up funds for establishing worker-owned cooperatives and businesses that are being started by individuals who have been directly impacted by the criminal-legal system (e.g. who have criminal convictions or are formerly incarcerated).

SEC. 14-12. Housing Justice

- a) This subsection will codify a “ban the box” policy to protect individuals who are formerly incarcerated from discrimination in the public and private housing markets.
- b) “Source of income” discrimination is prohibited against voucher holders.

SEC. 14-13. Subject to appropriations, this subsection creates a Housing Justice Innovation Grant Program for local governments. The Illinois Housing Development Authority (IDHA) will administer this grant program.

- a) Local governments are eligible applicants for this grant.
- b) No later than June 2021, the IDHA shall develop a formula for evaluating applicants. This formula shall include points for:
  - 1) Ensuring affordable housing for all, such as by:
    - A) Modernizing and expanding the stock of quality, accessible, and affordable housing;
    - B) Providing assisted housing for disenfranchised residents, including but not limited to those who experience chronic homelessness and disabled people;
  - 2) Ensuring affordable housing for all, such as by:
    - A) Modernizing and expanding the stock of quality, accessible, and affordable housing;
    - B) Providing assisted housing for disenfranchised residents, including but not limited to those who experience chronic homelessness and disabled people;
  - 3) Addressing the impacts of gentrification, such as by:
    - A) Rehousing displaced people; and
    - B) Supporting the development of resident-run co-ops and Community Land Trusts.
  - 4) Ensuring affordable housing for all, such as by:
    - A) Modernizing and expanding the stock of quality, accessible, and affordable housing;
    - B) Providing assisted housing for disenfranchised residents, including but not limited to those who experience chronic homelessness and disabled people;
  - 5) Addressing the impacts of gentrification, such as by:
    - A) Rehousing displaced people; and

- B) Supporting the development of resident-run co-ops and Community Land Trusts.
- 6) Facilitating the expansion of the supply of accessible and affordable housing, not restricted by geographic location, such as by:
    - A) Establishing “by-right” development, which allows jurisdictions to administratively approve new developments that are consistent with their zoning code;
    - B) Revising or eliminating off-street parking requirements to reduce the cost of housing production;
    - C) Instituting measures that incentivize owners of vacant land to redevelop the space into accessible affordable housing or other productive uses;
    - D) Revising minimum lot size requirements and bans or limits on multifamily construction to allow for denser and more affordable development;
    - E) Instituting incentives to promote dense development, such as density bonuses;
    - F) Passing inclusionary zoning ordinances that require a portion of newly developed units to be reserved for low- and moderate-income renters or homebuyers;
    - G) Streamlining regulatory requirements and shortening processes, reforming zoning codes, or other initiatives that reduce barriers to housing supply elasticity and affordability;
    - H) Allowing accessory dwelling units;
    - I) Using local tax incentives to promote development of accessible affordable housing; and
    - J) Implementing measures that protect tenants from harassment and displacement, including access to counsel for tenants facing eviction, the prohibition of eviction except for just cause, and measures intended to prevent or mitigate sudden increases in rents, or repealing laws that prevent localities from implementing those measures.
  - 7) Such changes may not include activities that alter ordinances that govern wage and hour laws, family and medical leave laws, environmental protections, or protections for workers’ health and safety, anti-discrimination, and right to organize.
  - 8) Additional points based on whether the community:
    - A) Was historically redlined; and/or
    - B) Has been disproportionately subject to high arrest and incarceration rates.
  - 9) Grantees may use their funds for any program or service that is directly connected to furthering the Housing Justice Innovation Grant stated objectives, provided that such program or service meets the requirements in SEC. 14-14.
  - 10) Programs that may be funded through the Housing Justice Innovation Grant may include, but are not limited to:
    - A) Modernizing and expanding the stock of quality, accessible, and affordable housing;
    - B) Providing assisted housing for disenfranchised residents, including but not limited to those who experience chronic homelessness, challenges due to mental health or substance use, and disabled people;

- C) Providing emergency assistance to individuals facing eviction, including cash payments and legal counsel;
- D) Provide cash assistance to rent-burdened individuals and families;
- E) Rehousing displaced people; Supporting the development of resident-run coops and Community Land Trusts;
- F) Other changes that, via the participatory process that is described in this subsection, are deemed necessary to address access to housing.

SEC. 14-14. This Subsection details funding specifications and preferences for any dollars that are authorized pursuant to this Section.

- a) Grantees under any grant program that is described in this Section may use their grant awards for any activities that are described in their grant application, provided that all programs are:
  - 1) Non-discriminatory; and
  - 2) Accessible to all individuals, including undocumented individuals.
  - 3) Non-discriminatory;
  - 4) Non-coercive;
  - 5) Non-carceral, including no connection to law enforcement; and
  - 6) Non-punitive.
- b) Where funding authorized under this Section is subgranted or contracted to a local organization, the grantee must give preference to community-based organizations for service delivery, except where:
  - 1) The program is primarily administrative, rather than focused on advocacy, education, programs, and/or service delivery; or
  - 2) The grant administrator is able to certify that no community-based organization is available to adequately perform this function.
- c) When selecting among community-based organizations, preference must be given to organizations that:
  - 1) Are led by individuals who have criminal convictions, including individuals who are formerly incarcerated, and/or whose employees are predominantly individuals who have criminal convictions;
  - 2) Are led by individuals who have proven ties to the community, as demonstrated by (but not limited to):
    - A) Having spent the last two or more years living in the specified community;
    - B) Participation and membership in local organizations, associations, and commissions; and
    - C) Having been raised in the specified community; or
    - D) Having loved ones who continue to reside there;
  - 3) Have a demonstrated track record in delivering the program, service, or product for which the grant is provided;
  - 4) Have a leadership that is comprised of DIA residents and that reflects the racial, ethnic, and other diversity of the community; and
  - 5) Employ directly impacted persons (with “directly impacted” defined based on the programming that is provided by the organization) and DIA residents.

**ARTICLE XV – REDISTRIBUTION OF ASSETS**

SEC. 15-1. Definitions. As used in this article--

(a) "Civilian review board" means an administrative entity that is independent and adequately funded; has investigatory authority and staff subpoena power, has representative community diversity, has policymaking authority, provides advocates for civilian complainants, has mandatory police power to conduct hearings; and conducts statistical studies on prevailing complaint trends.

(b) "Law enforcement agency" means any agency or unit of government or any municipality or the state or any political subdivision thereof, or any agent thereof, which has constitutional or statutory authority to employ or appoint persons as officers. This term also includes any private entity which has contracted with the state or county for the operation and maintenance of a non-juvenile detention facility or any privately funded force maintained for the prevention, detection, or investigation, prosecution, or adjudication of violations of criminal laws.

(c) "Asset forfeiture" means any item that is subject to reporting requirements of 5 ILCS 810/1.

SEC. 15-2. Section 13.2(b)(1) of the Illinois Compiled Statutes (725 ILCS 150) is amended as follows: "(i) 65% shall be distributed to the metropolitan enforcement group, local, municipal, county, or State law enforcement agency or agencies that conducted or participated in the investigation resulting in the forfeiture. The distribution shall bear a reasonable relationship to the degree of direct participation of the law enforcement agency in the effort resulting in the forfeiture, taking into account the total value of the property forfeited and the total law enforcement effort with respect to the violation of the law upon which the forfeiture is based. Amounts distributed to the agency or agencies shall be used ~~for the enforcement of laws governing cannabis and controlled substances; for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or for security cameras used for the prevention or detection of violence,~~ *for the creation of a civilian review board*, except that amounts distributed to the Secretary of State shall be deposited into the ~~Secretary of State Evidence Fund to be used as provided in Section 2-115 of the Illinois Vehicle Code~~ *the S.A.F.E.R. Communities Fund*. (ii) ~~Any local, municipal, or county law enforcement agency entitled to receive a monetary distribution of forfeiture proceeds may share those forfeiture proceeds pursuant to the terms of an intergovernmental agreement with a municipality that has a population in excess of 20,000 if: (A) the receiving agency has entered into an intergovernmental agreement with the municipality to provide police services; (B) the intergovernmental agreement for police services provides for consideration in an amount of not less than \$1,000,000 per year; (C) the seizure took place within the geographical limits of the municipality; and (D) the funds are used only for the enforcement of laws governing cannabis and controlled substances; for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or for security cameras used for the prevention or detection of violence or the establishment of a municipal police force, including the training of officers, construction of a police station, or the purchase of law enforcement equipment or vehicles."~~

SEC. 15-3. Section 13.2(b)(2) of the Illinois Compiled Statutes (725 ILCS 150) is amended as follows: "(i) 12.5% shall be distributed to the Office of the ~~State's Attorney Illinois Attorney General~~ *of the county in which the prosecution resulting in the forfeiture was instituted*, deposited in a special fund ~~in~~ *of* the county treasury and appropriated to the State's Attorney

~~General for use in the enforcement of laws governing cannabis and controlled substances; for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or, at the discretion of the State's Attorney, in addition to other authorized purposes, to make grants to local substance abuse treatment facilities and half-way houses. In counties over 3,000,000 population, 25% shall be distributed to the Office of the State's Attorney for use in the enforcement of laws governing cannabis and controlled substances; for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or at the discretion of the State's Attorney, in addition to other authorized purposes, to make grants to local substance abuse treatment facilities and half-way houses. If the prosecution is undertaken solely by the Attorney General, the portion provided shall be distributed to the Attorney General for use in the enforcement of laws governing cannabis and controlled substances or for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol whenever the Attorney General is appointed as a mandatory special prosecutor. (ii) 12.5% shall be distributed to the Office of the State's Attorneys Appellate Prosecutor and deposited in the Narcotics Profit Forfeiture Fund of that office to be used for additional expenses incurred in the investigation, prosecution and appeal of cases arising under laws governing cannabis and controlled substances, together with administrative expenses, and for legal education or for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol. The Office of the State's Attorneys Appellate Prosecutor shall not receive distribution from cases brought in counties with over 3,000,000 population.~~

SEC. 15-4. Section 13.2(b)(3) of the Illinois Compiled Statutes (725 ILCS 150) is amended as follows: “~~10-12.5%~~ shall be retained by the Department of State Police for expenses related to ~~the administration and sale of seized and forfeited property~~ *investigations into an officer-involved shooting or officer-involved death.*”

SEC. 15-5. Each civilian review board shall have the authority oversee, review, and/or implement policy with respect to (a) training; (b) recruitment, hiring, retention, and promotion of diverse law enforcement officers; (c) oversight, and (d) victim services.

SEC. 15-6. If no civilian review board is created, any asset seized by, and all moneys and sale proceeds of property forfeited to, the law enforcement agency shall be turned over to the state and be deposited in the S.A.F.E.R. Communities Fund.

SEC. 15-7. No law enforcement agency (LEA) or individual agent shall use department moneys or personnel to apply for, seek, solicit, or receive federal funding, including (but not limited to) funding from federal grant programs.

SEC. 15-8. The State of Illinois shall prohibit civil asset forfeiture (725 ILCS 150/1; 415 ILCS 5/44.1). The State of Illinois shall repeal the Drug Asset Forfeiture Act (725 ILCS 150/1).

## **ARTICLE XVI – CANNABIS SOCIAL EQUITY**

SEC. 16-1. 410 ILCS 705/1-5 (8 IAC 1300.10) will be updated to reflect the following:

A craft grower may contain up to 25,000 square feet of canopy space on its premises for plants in the flowering state. The Department may authorize an increase or decrease of flowering stage cultivation space in increments of 5,000 square feet by rule based on

market need, craft grower capacity, and the licensee's history of compliance or noncompliance, with a maximum space of 50,000 square feet for cultivating plants in the flowering stage, which must be cultivated in all stages of growth in an enclosed and secure area.

SEC. 16-2. 410 ILCS 705/55-35, Administrative Rulemaking, will be amended by adding subsections 410 ILCS 705/55-35(b) (b)(9), and (c) and (c)(6) from the Omnibus Bill (HB123).

SEC. 16-3. Use of Cannabis as a Basis for Probable Cause

- a) The smell of cannabis cannot be probable cause for a search or seizure.
- b) The sight or presence of legal amounts of cannabis cannot be probable cause for a police search or seizure.
- c) The commission of a civil violation involving cannabis cannot be probable cause for a police search.

SEC. 16-4. 410 ILCS 705/10-35(a)(2)(D) will be amended to permit possessing cannabis in a private vehicle in a “sealed container” or resealable container”.

## **ARTICLE XVII – PEACE COMMISSION BOOK ORDINANCE**

SEC. 17-1. Definitions used in this article—

- a) “Youth-led violence reduction organization” (YVRO) means an organization that is led by youth for youth on the South and West sides of Chicago that focuses on reducing intercommunal violence and over-policing. Examples of some YVROs that currently exist in Chicago include: GoodKids MadCity (“GKMC”) Southside Together Organizing for Power (“STOP”), Blocks Together, Institute for Nonviolence Chicago, Chicago Hoops, Assata’s Daughters, Circles and Ciphers, Brighton Park Neighborhood Council, and the Chicago Freedom School.
- b) “Peace Book” is a public safety resource for Chicago that highlights ways in which to repair harm and stop violence in Chicago communities most affected by gun violence without resorting to the criminal legal system. The Peace Book shall be published in various forms: as a physical book, in the form of pamphlets and zines, on a website, in a cell phone application, and in other forms as deemed appropriate by the Commission.
- c) “Peace Commission” is a collective of YVRO members responsible for administering and leading initiatives that help create peaceful, safe, vibrant communities by investing in youth leadership and peacekeeping activities.

SEC. 17-2. A Peace Commission is hereby established.

- a) The Peace Commission shall be composed of individuals affiliated with YVRO and appointed by City Council members representing neighborhoods that have been historically under resourced and demonstrate a need for sustained peace keeping activities based on arrest rates and rates of inter-communal violence.
- b) Neighborhood Peace Commissions will be comprised of 9 individuals affiliated with a YVRO who live in the neighborhood and who 1) have lived experience related to both police violence and inter-communal violence; 2) demonstrate a commitment to reducing violence in their community. Each Neighborhood Peace Commissions shall

also include an alderperson representing the neighborhood, a representative from a community organization in the neighborhood, a health official, and a social worker. For the first year of its existence, Peace Commissions will be established in the following neighborhoods: Austin, Bronzeville, North Lawndale, South Shore, Washington Park, West Englewood, and Woodlawn. After the Commission's first year, the Commission may expand to include other neighborhoods that demonstrate a need for sustained peace keeping activities.

- c) Each Neighborhood Peace Commission will select a participant to represent their neighborhood on the City Wide Peace Commission that will be responsible for coordinating peacekeeping activities across neighborhoods and throughout the City.
- d) Collectively the Peace Commission and the Neighborhood Peace Commission shall be referred to as the Peace Commissions.

SEC. 17-3. The Peace Commissions shall be responsible for the following:

- a) The development and dissemination of the Peace Book, a resource to help establish the practice of peace as a norm in the Chicago communities most harmed by gun violence. The Peace Book will:
  - 1. Identify Peace Keepers in each ward who have the experience and relationships required to conduct peace negotiation and violence interruption;
  - 2. Report data collected during public safety town halls;
  - 3. Describe Models and instructions regarding how to curate neighborhood-based peace treaties;
  - 4. Provide a resource directory that identifies an abundance of wraparound services and job opportunities for the purpose of reducing youth incarceration and suggests diversion programs and ways to further implement restorative justice practices inside schools, courts, and juvenile detention centers;
  - 5. Document the inequality that contributes to intergenerational poverty and trauma and propose solutions and propose remedies to gun violence, including but not limited to free drug treatment centers, trauma centers, trauma-informed schools, mental health care clinics, standby psychiatrists or therapists, restorative justice, community centers, transformative justice, fair housing, food justice and economic justice.

SEC. 17-4. Authorized uses of the Peace Book include

- a) Chicago Public Schools and the Chicago Police Department may use the Peace Book as an instructional tool to demonstrate to officials and officers how members of their community are making important contributions.
- b) The Chicago Police Department may use the Peace Book to contact Peace Keepers and other peace-building community members to intervene first during crises and de-escalate before they dispatch officers.
- c) The Peace Book shall not be used for any law enforcement purposes, including but not limited to arrests, surveillance, the establishment of probable cause, or for any other purpose that leads to criminalization.
- d) A misuse of the Peace Book would subject Chicago Police Department officers to discipline.



- e) The physical book shall be published twice a year at a minimum, and produced in copies sufficient to ensure distribution in the schools, libraries, and other public spaces and community centers on the South and West sides.
- f) The City of Chicago shall make public all information relevant to contact the Commission and access the Peace Book website through its primary website (e.g., [www.chicago.gov](http://www.chicago.gov)).
- g) Peace Keeping Activities
  1. To provide real time updates as to where gun violence is occurring;
  2. To create art, murals and memorials for Chicagoans lost to gun violence;
  3. To distribute funds to pay Peace Keepers, Commission members and factions who have agreed to negotiate and honor peace treaties.

SEC. 17-5. On an annual basis, the City of Chicago will divert at least 2% of the Chicago Police Department's Budget to fund the activities and initiatives further described in this ordinance. Nothing in this ordinance limits the City from funding these initiatives at an amount greater than 2% of the CPD budget.

#### **ARTICLE XVIII – MISCELLANEOUS PROVISIONS**

SEC. 18-1. Severability. If any provision of this Act, or the application of such a provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act and the application of the remaining provisions of this Act to any person or circumstance shall not be affected thereby.

SEC. 18-2. Savings Clause. The repeal of any Act by this Chapter shall not affect any right accrued or liability incurred under said repealed Act to the effective date hereof.

SEC. 18-3. Effective Date. This Act becomes effective upon ratification.