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SUMMARY OF HOUSE BILL 3653

Many of the provisions in House Bill 3653 started in House Bill 163, as it was amended during the 2021 lame duck session of the Illinois 101st General Assembly. These amendments were added to House Bill 3653 by a Senate amendment on January 13, 2021 while the bill was in that chamber. Unlike House Bill 163, House Bill 3653 does **not** contain provisions eliminating immunities such as qualified immunity or Local Governmental and Governmental Employees Tort Immunity. Moreover, it did **not** contain penalties withholding twenty percent (20%) of a unit of local government Local Government Distributive Fund distribution for failing to comply with certain body camera and reporting requirements. The bill passed out of the Senate by a vote of 32-23. After passing out of the Senate, House Bill 3653 went immediately back to the House for a concurrence vote. The House then concurred, or approved the bill as amended in the Senate, by a vote of 60-50. In a single day, House Bill 3653, was amended, passed out of the Senate, and passed out of the House. House Bill 3653 has not yet been signed by the Governor; however, he is expected to do so promptly upon receiving the legislation in the coming days.

We continue to closely monitor this legislation and the anticipated follow-up legislation and have been in contact with the Illinois Sheriff's Association and have reached out to the Illinois State's Attorney Association to ensure a coordinated response to any future developments.

ARTICLE 1 – STATEWIDE USE OF FORCE STANDARDIZATION ACT **Effective July 1, 2021**

Creates the Statewide Use of Force Standardization Act, which provides that “it is the intent of the General Assembly to establish statewide use of force standards for law enforcement agencies effective January 1, 2022.”

ARTICLE 2 – NO REPRESENTATION WITHOUT POPULATION ACT **Effective January 1, 2025**

Requires the Department of Corrections (DOC) to collect and maintain an electronic record of the legal residence, outside of any correctional facility, and other demographic data for each person in custody or entering custody.

Within 30 days of the effective date of this Act, and on or before May 1 of each year where the federal decennial census is taken but in which the United States Bureau of Census allocates incarcerated persons as residents of correctional facilities, DOC is required to deliver a report to the State Board of Election which contains certain specified information about each incarcerated person subject to the jurisdiction of DOC on the date for which the decennial census reports population.

Requires the State Board of Elections to request each agency that operates a federal facility in Illinois to provide a report that includes the information that DOC is required to provide in the report just described above.

Requires the State Board of Elections to prepare redistricting population data to reflect incarcerated persons at their residential address rather than at a correctional facility. This data will only be used as the basis for determining Legislative and Representative Districts and will not be used in the distribution of any State or Federal aid.

ARTICLE 3 – DEATHS IN CUSTODY **Effective July 1, 2021**

This Article creates the Reporting of Deaths in Custody Act and applies to all law enforcement agencies which include each law enforcement entity within this State having the authority to arrest and detain persons suspected of, or charged with, committing a criminal offense, and each law enforcement entity that operates a lock up, jail, prison, or any other facility used to detain persons for legitimate law enforcement purposes.

Requires a law enforcement agency to investigate and report a death to the Illinois Criminal Justice Information Authority (ICJIA) within 30 days if a person dies in the custody of a law enforcement agency, local or state correctional facility, or a peace officer, or as a result of a peace officer's use of force. The written report is required to contain certain specified information. The reports will be public records pursuant to FOIA and are open to public inspection, with the exception of any portion of the report the ICJIA determines is privileged or protected under Illinois or federal law.

The ICJIA shall issue an annual report tabulating and evaluating trends and information on deaths in custody, which shall be submitted to the Governor and General Assembly and made available to the public on the ICJIA's website the first week of February each year.

ARTICLE 4 – TASK FORCE ON CONSTITUTIONAL RIGHTS AND REMEDIES ACT **Effective July 1, 2021**

Creates a Task Force on Constitutional Rights and Remedies for the purpose of developing and proposing policies and procedures to review and reform constitutional rights and remedies, including qualified immunity for peace officers.

The task force will be comprised of the following;

- the president of a statewide association representing trial lawyers (or his or her designee),

- the executive director of a statewide association advocating for the advancement of civil liberties (or his or her designee),
- a representative representing statewide labor,
- four members of the public appointed, one appointed by the Speaker of the House of Representatives, one appointed by the Minority Leader of the House of Representatives, one appointed by the President of the Senate, and one appointed by the Minority Leader of the Senate;
- the president of a statewide bar association or his or her designee
- the executive director of a statewide association representing county sheriffs or his or her designee,
- the executive director of a statewide association representing chiefs of police
- a representative of the Chicago Police Department
- the Director of the Illinois State Police (or his or her designee);
- the Attorney General (or his or her designee);
- a retired judge appointed by the Governor;
- one State Representative, appointed by the Speaker of the House of Representatives;
- one State Representative, appointed by the Minority Leader of the House of Representatives;
- one State Senator, appointed by the President of the Senate;
- one State Senator, appointed by the Minority Leader of the Senate.

The President of the Senate and the Speaker of the House of Representatives shall appoint co-chairpersons for the Task Force. The Task Force shall have all appointments made within 30 days of the effective date of this Act.

Requires the Task Force to meet at least 3 times with the first meeting occurring within 60 days of the effective date of the Act. The Task Force is required to review available research, best practices, and effective interventions to formulate recommendations. The Task Force is required to produce a report to the General Assembly and Governor detailing its findings and recommendations and needed resources by May 1, 2021.

ARTICLE 10 – VARIOUS AMENDATORY PROVISIONS
Effective July 1, 2021 & January 1, 2023

Definitions Related to Bail & Pretrial Release: Statute of Statutes, FOIA, etc.

Replaces references to “bail”, “bail bond”, or “conditions of bail” to be construed as “pretrial release” or “conditions of pretrial release” and makes corresponding changes in several statutes, including but not limited to the *Statute on Statutes, Freedom of Information Act, County Jail Act, and the County Jail Good Behavior Allowance Act*.

Amends Section 2.15 of FOIA. Section 2.15 requires public bodies to disclose certain information relating to arrest reports within 72 hours of an arrest. The bill amends subsection 2.15(a)(v), which requires a public body to disclose, among other things, the amount of bail or bond. The amendment to section 2.15(a)(v) will require the public body to identify the “conditions of pretrial release” instead. This provision will become effective on January 1, 2023

The Illinois Public Labor Relations Act

In the case of peace officers, makes changes to the provision relating to arbitration decisions which are limited to wage, hours, and conditions of employment. In municipalities over 100,000, an arbitrator's decision cannot address residency requirements.

Community-Law Enforcement and Other First Responder Partnership for Deflection and Substance Use Disorder Treatment Act

Imposes the requirements of the Act on "other first responders" which is defined to include "emergency medical services providers that are public units of government, fire departments and districts, and officials and responders representing and employed by these entities."

Changes the definition of "deflection program" by adding "co-responder approaches that incorporate behavior health, peer, or social work professionals with law enforcement or other first responders at the scene" to the definition.

Adds language indicating that in addition to providing treatment in lieu of arrest, an additional intent of the deflection program is to avoid unnecessary admissions to emergency department.

Requires that if another first responder entity establishes a deflection program, the program shall also include a law enforcement agency.

Requires that to receive funding for certain activities under the Act, planning for the deflection program must include an agreement with participating licensed treatment providers authorizing the release of statistical data to the Illinois Criminal Justice Information Authority, in compliance with State and Federal law.

Contains a list of subjects that law enforcement agencies or other first responder entities in programs that receiving funding for services shall be trained in.

States that funding for deflection programs shall be prioritized for communities that have been impacted by the war on drugs, communities that have a police/community relations issue, and communities that have a disproportionate lack of access to mental health and drug treatment.

Attorney General Act

Adds a section stating that no governmental authority, or agent of a governmental authority, or person acting on behalf of a governmental authority, shall engage in a pattern or practice of conduct by officers that deprives any person of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States or by the Constitution or laws of Illinois. Allows the Attorney General to conduct a preliminary investigation of such violations.

Act authorizes the Attorney General to commence a civil action in the name of the People of the State of Illinois to obtain appropriate equitable and declaratory relief to eliminate a pattern or

practice that violates a person’s civil rights. In addition to providing equitable and declaratory relief, there are provisions allowing a court to impose civil penalties if the defendant is adjudged to have committed a civil rights violation. These cases are required to take place in either Cook or Sangamon County.

Illinois Criminal Justice Information Act

Creates an oversight board to oversee the collection and analysis of data regarding pretrial practices in in circuit court systems. Requires the oversight board to gather and maintain records of pretrial data from various people/entities including, but not limited to, circuit clerk’s offices, sheriff’s departments, jails, State’s Attorneys’ offices, and public defender’s offices.

Requires the oversight board to collect county-level data on certain topics on a quarterly basis.

Public Officer Prohibited Activities Act

Prohibits a unit of local government, or their agents, representatives or employees, from retaliating against an employee or contractor who (1) reports improper governmental action under this Section; (2) cooperates with an investigation by an auditing official related to a report of improper governmental action; or (3) testifies in a proceeding or prosecution arising out of an improper governmental action. An employee seeking to invoke the protection against retaliation to make a written report of improper governmental action to the appropriate auditing official. To the extent allowed by law, the identity of an employee reporting information about improper governmental action shall be kept confidential unless the employee waives confidentiality in writing.

An employee who believes he or she has been retaliated against in violation of this Section must submit a written report to the auditing official within 60 days of gaining knowledge of the retaliatory action.

Requires an auditing official to establish written processes and procedures for managing complaints.

Provides remedies for employees subjected to adverse actions for reporting improper government action and penalties for a person found to have engaged in prohibited retaliatory action.

Local Records Act

States that all public records and nonpublic records related to complaints, investigations, and adjudications of police misconduct shall be permanently retained and may not be destroyed. This provision is effective on July 1, 2021. There is also an amendment to include a provision mirroring the FOIA requirement for public bodies to release information in arrest reports within 72 hours of the arrest, including information on the “conditions of pretrial release.” This provision goes into effect on January 1, 2023.

Illinois Police Training Act

Requires the Illinois Law Enforcement Training Standards Board (“Standards Board”) to establish statewide standards for minimum standards regarding regular mental health screenings for probationary and permanent police officers, ensuring that counseling sessions and screenings remain confidential.

Adds requirement that all law enforcement agencies notify the Standards Board of any final determination of willful violation of department or agency policy, official misconduct or violation of law when the officer resigns during the course of an investigation and after the officer has been served notice that he or she is under investigation that is based on the commission of any felony or sex offense. Previously this requirement was triggered only if the offense was a Class 2 or greater felony.

Makes changes to the Rules and Standards for Schools. Requires that the curriculum for probationary police officers include crisis intervention training. Also requires the curriculum for probationary police officers to include: (1) at least 12 hours of hands-on, scenario-based role-playing; (2) at least 6 hours of instruction on use of force techniques, including the use of de-escalation techniques to prevent or reduce the need for force whenever safe and feasible; (3) specific training on officer safety techniques, including cover, concealment, and time; and (4) at least 6 hours of training focused on high-risk traffic stops.

Adds implicit bias and racial and ethnic sensitivity training to list of minimum in-service training requirements that a police officer must complete every 3 years.

Adds emergency medical response training and certification, crisis intervention training, and officer wellness and mental health to the minimum in-service training requirements that a police officer must complete at least annually.

Adds provisions regarding mandatory training to be completed every 3 years. States the Standards Board shall adopt rules and minimum standards for in-service training requirements as set forth in this Section. The training shall provide officers with knowledge of policies and laws regulating the use of force; equip officers with tactics and skills, including de-escalation techniques, to prevent or reduce the need to use force or, when force must be used, to use force that is objectively reasonable, necessary, and proportional under the totality of the circumstances; and ensure appropriate supervision and accountability. The training shall consist of at least 30 hours of training every 3 years and shall include: (1) at least 12 hours of hands-on, scenario-based role-playing; (2) at least 6 hours of instruction on use of force techniques, including the use of de-escalation techniques to prevent or reduce the need for force whenever safe and feasible; (3) specific training on the law concerning stops, searches, and the use of force under the Fourth Amendment to the United States Constitution; (4) specific training on officer safety techniques, including cover, concealment, and time; and (5) at least 6 hours of training focused on high-risk traffic stops.

Requires the Standards Board to approve a standard curriculum for certified training programs in crisis intervention of at least 40 hours. Requires the Crisis Intervention Team training programs

to be a collaboration between law enforcement professionals, mental health providers, families, and consumer advocates and must minimally include the following components: (1) basic information about mental illnesses and how to recognize them; (2) information about mental health laws and resources; (3) learning from family members of individuals with mental illness and their experiences; and (4) verbal de-escalation training and role-plays.

Law Enforcement Officer-Worn Body Camera Act

Requires all law enforcement agencies to employ the use of officer-worn body cameras in accordance with the Act, but allows the cameras to be turned off inside a correctional facility that is equipped with its own camera system. Counties and municipalities must implement the use of body cameras consistent with the following population-based deadlines:

<u>Population</u>	<u>Deadline</u>
500,000 or more	January 1, 2022
100,000 or more but under 500,000	January 1, 2023
50,000 or more but under 100,000	January 1, 2024
under 50,000	January 1, 2025

Law enforcement agencies that comply with these requirements will receive preference by the Standards Board in awarding grant funding under the Law Enforcement Camera Grant Act.

Contains provision regarding access to recordings.

Requires each law enforcement agency to provide an annual report on the use of officer-word body cameras to the Standards Board on or before May 1 of each year.

The Uniform Crime Reporting Act

Requires the Department of State Police to participate in and regularly submit use of force information to the Federal Bureau of Investigation (FBI) National Use of Force Database.

Beginning on July 1, 2021, requires all law enforcement agencies to include in its monthly report to the State Police a report on any incident where a law enforcement officer was dispatched to deal with a person experiencing a mental health crisis or incident. The report shall include the number of incidents, the level of law enforcement response and the outcome of each incident. The monthly reports shall also include a report on use of force, including any action that resulted in the death or serious bodily injury of a person or the discharge of a firearm at or in the direction of a person. The report shall include information required by the Department of State Police, pursuant to Section 5-11 of this Act.

Requires the Department of State Police to annually report to the Standards Board and the Illinois Department of Revenue any law enforcement agency not in compliance with the reporting requirements. When awarding grant funding under the Law Enforcement Camera Grant Act, the Standards Board is to give preference to those law enforcement agencies in compliance with these reporting requirements.

Uniform Peace Officer's Disciplinary Act

Removes requirement that a person filing a complaint against a sworn peace officer to have the complaint supported by sworn affidavit or any other legal documentation. Adds a provision regarding the implementation of an anonymous complaint policy.

Counties Code

Removes provisions concerning bail that relate to fees of sheriffs.

Prohibits the sheriff's department from requesting or receiving certain equipment from a military surplus program or otherwise utilizing the specified equipment. Also states that this is a limitation on home rule counties. Provides that if the sheriff requests property from a military equipment surplus program, the sheriff shall publish notice of the request on a publicly accessible website maintained by the sheriff or the county within 14 days after the request. NOTE: Makes similar changes to the Municipal Code.

Criminal Code of 2012

Makes amendments and/or adds provisions to the Criminal Code relating to use of force, prohibiting chokeholds or restraints above the shoulders with risk of asphyxiation, use of force to prevent escape, the duty to render aid, duty to intervene to prevent or stop another peace officer from using unauthorized force, and law enforcement misconduct.

Provides that "Pretrial release" has the meaning ascribed to bail in Section 9 of Article I of the Illinois Constitution that is non-monetary.

Abolishes monetary bail. Provides a presumption for pretrial release on personal recognizance. Allows the court to order pretrial detention in certain circumstances.

ARTICLE 25 – OFFICER CERTIFICATION & DECERTIFICATION
Effective January 1, 2022

Certification/Decertification of Law Enforcement Officer (other than state police)

The Illinois Police Training Act (IPTA) is amended to provide for the state-wide certification of law enforcement officers (full- and part-time) and county corrections officers. An employing agency may not grant a person status as a law enforcement officer unless the person has been granted an active law enforcement officer certification by the Illinois Law Enforcement Training Standards Board (ILETSB). The amendment adds the definition of "full-time law enforcement officer", which are those officers who have completed their probationary period and are employed on a full-time basis as officers by a local government agency, State government agency, or as a campus police officer by a participating State-controlled university, college, or public community college. Local governmental agency means any local governmental unit or municipal corporation in this State and also includes any state-controlled university, college or public community college. Presumably, this includes counties despite using "local governmental unit" instead of the

constitutional defined term of “unit of local government”, which would include both counties and municipalities.

The ILETSB, which already exists and is charged with overseeing minimum standards for officer training, will now be tasked with the following additional duties and powers:

- Review and ensure all officers remain in compliance with the IPTA and any related administrative rules.
- Suspend any certificate for a definite period, limit or restrict any certificate, or revoke any certificate.
- Subpoena people in this state to secure their testimony.
- Administer state certification examinations.

The amendments expand the role of ILETSB in approving reviewing applicants to ensure they are of good character and not been convicted of or plead guilty to certain crimes (expanding the number of misdemeanors to be considered). The expanded list of offenses also applies to certification and decertification of officers, new and existing.

Automatic Decertification

ILETSB will be required to automatically decertify officers who have been convicted of felonies and certain misdemeanors, plead guilty or enter a plea of *nolo contendere* to the same. This includes a review of law enforcement conduct **and** records, which could result in current officers being automatically decertified based upon the expanded list of offenses as well as the consideration of *nolo contendere* pleas. Officers are required to report any of the above-mentioned bases for decertification within 14 days, and filing false reports to ILETSB will result in an officer’s certificate or waiver being immediately decertified or revoked. Moreover, decertification and invalidity of waiver occurs immediately as a matter of law upon applicable conviction, finding of guilt, entry of pleas of guilty or *nolo contendere*.

Discretionary decertification of full-time and part-time law enforcement officers

ILETSB has authority to decertify officers upon a determination by the Board that the officer has engaged in:

- acts that would constitute a felony or misdemeanor, which could serve as the basis for automatic termination regardless of whether the officer was prosecuted;
- excessive use of force;
- failed to comply with duty to intervene;
- tampered with dash or body-worn camera, related recordings, or directed another to tamper with the same for the purpose of concealing, destroying or altering potential evidence;
- the following conduct relating to the reporting, investigation, or prosecution of a crime: committed perjury, made a false statement, or knowingly tampered with or fabricated evidence; or
- any unprofessional, unethical, deceptive, or deleterious conduct or practice harmful to the public; such conduct or practice need not have resulted in actual injury to any person.

The amendments provide for procedures related to notifying ILETSB, notice of violation form, preliminary review (including notifying the head of the governmental agency that employs the officer), investigations (by ILETSB investigators or governmental agency investigators), formal

complaints, formal complaint hearings, suspension of hearing pending criminal hearing, surrender of certification, administrative hearings, and certification review meetings, and Final Action by ILETSB.

Each governmental agency, including county sheriffs, must now adopt a written policy regarding the investigation of conduct that involves a law enforcement officer employed by that governmental agency.

If ILETSB determines that, due to the circumstances and the nature of the allegation, it would not be prudent to notify the law enforcement officer and the officer's governmental agency unless and until the filing of a Formal Complaint, the Board shall document in the file the reason or reasons a notification was not made.

Part-time Probationary Officer

A part-time probationary officer shall be allowed to complete six months of a part-time police training course and function as a law enforcement officer with a waiver from the ILETSB, provided the part-time law enforcement officer is still enrolled in the training course. If the part-time probationary officer withdraws from the course for any reason or does not complete the course within the applicable time period, as extended by any waiver that may be granted, then the officer must forfeit the officer's position.

Emergency Orders of Suspension

Upon being notified that a law enforcement officer has been arrested or indicted on any felony charge or charges, ILETSB may immediately suspend the law enforcement officer's certification. ILETSB must also notify the chief administrator of any governmental agency currently employing the officer. ILETSB shall have authority to dissolve an emergency order of suspension at any time for any reason. Officers may request to be heard on the emergency order, and if not requested, a hearing may be held in the officer's absence.

Law Enforcement Compliance Verification

Every law enforcement officer subject to this Act shall submit a verification form that confirms compliance with this Act. The verification shall apply to the 3 calendar years preceding the date of verification. Law enforcement officers shall submit the officer's first report by January 30 during the initial three-year reporting period, as determined on the basis of the law enforcement officer's last name, then every third year of the officer's applicable three-year report period as determined by the Board. Each law enforcement officer is responsible for reporting and demonstrating compliance to the officer's chief administrative officer. The applicable three-year reporting period shall begin on January 30, 2023 for law enforcement officers whose last names begin with the letters A through G, on January 30, 2024 for law enforcement officers whose last names begin with the letters H through O, and January 30, 2025 for law enforcement officers whose last names begin with the letters P through Z. Training records related to the verification must be maintained for 4 years after the end of each reporting period, and ILETSB may audit compliance verification forms.

Officer Professional conduct database

A new Section of the Act (50 ILCS 705/92) creates the Officer Professional Conduct Database. All governmental agencies and the Illinois State Police shall notify the ILET SB of any final determination of a willful violation of department, agency, or the Illinois State Police policy, official misconduct, or violation of law within 10 days when: (1) the determination leads to a suspension of at least 10 days; (2) any infraction that would trigger an official or formal investigation under a governmental agency or the Illinois State Police policy; (3) there is an allegation of misconduct or regarding truthfulness as to a material fact, bias, or integrity; **or** (4) the officer resigns or retires during the course of an investigation and the officer has been served notice that the officer is under investigation. Additionally, agencies and the Illinois State Police may report to ILET SB any conduct they deem appropriate to disseminate to another governmental agency regarding a law enforcement officer. These notifications will “not necessarily trigger certification review”. ILET SB is required to notify the officer in question upon receipt of a notification.

ILET SB shall maintain a database readily available to any chief administrative officer, or the officer's designee, of a governmental agency and the Illinois State Police that shall show for each law enforcement officer: (i) dates of certification, decertification, and inactive status; (ii) each sustained instance of departmental misconduct that lead to a suspension at least 10 days or any infraction that would trigger an official or formal investigation under the governmental agency policy, any allegation of misconduct regarding truthfulness as to a material fact, bias, or integrity, or any other reported violation, the nature of the violation, the reason for the final decision of discharge or dismissal, and any statement provided by the officer; (iii) date of separation from employment from any local or state governmental agency; and (iv) the reason for separation from employment, including, but not limited to: whether the separation was based on misconduct or occurred while the local or State governmental agency was conducting an investigation of the certified individual for a violation of an employing agency's rules, policy or procedure or other misconduct or improper action.

The database will also be accessible to State’s Attorneys and the Attorney General. Chief administrative officers must utilize this database for the purposes of hiring law enforcement officers. However, the database shall not be accessible to anyone not identified in the statute, including by subpoena or discovery, and neither ILET SB nor any person receiving materials by utilizing the database can be required to testify in a private lawsuit concerning the database or its confidential information. However, the new section goes on to state that “[n]othing in this Section shall exempt a governmental agency from disclosing public records in accordance with the Freedom of Information Act.” Moreover, ILET SB shall maintain a searchable database of law enforcement officers accessible to the public that shall include: (i) the law enforcement officer's local or state governmental agency; (ii) the date of the officer's initial certification and the officer's current certification status; and (iii) any sustained complaint of misconduct that resulted in decertification and the date thereof. Additionally, a searchable database of all completed investigation against law enforcement officers related to decertification is to be created and maintained; however, that database will identify officers only by a confidential and anonymous number.

Before a governmental agency may hire an officer, the chief administrative officer or designee must check the Officer Professional Conduct Database, contact each person's previous law enforcement employers, and document the contact. This documentation must be available for review by ILETSB for a minimum of five years after the law enforcement officer's termination, retirement, resignation or separation with that agency.

Annual Report

ILETSB shall submit an annual report to the Governor, Attorney General, President and Minority Leader of the Senate, and the Speaker and Minority Leader of the House of Representatives beginning on March 1, 2023, and every year thereafter indicating the number of:

- (1) complaints received in the preceding calendar year, including but not limited to the race, gender, and type of complaints received;
- (2) investigations initiated in the preceding calendar year since the date of the last report;
- (3) investigations concluded in the preceding calendar year;
- (4) investigations pending as of the reporting date;
- (5) hearings held in the preceding calendar year; **and**
- (6) officers decertified in the preceding calendar year.

Sheriff Qualifications

In order to be eligible to be elected or appointed Sheriff, a person must now have a certificate attesting to his or her successful completion of the Minimum Standards Basic Law Enforcement Officers Training Course as prescribed by the Illinois Law Enforcement Training Standards Board or a substantially similar training program of another state or the federal government. However, this new requirement does not apply to a sheriff currently serving on the effective date of the bill.

State Police Merit Board

Changes similar to those made for ILETSB and the officers over which it has jurisdiction were also made to the State Police Merit Board and Illinois State Police. However, in those instances the references were to termination rather than certification.

Miscellaneous Changes

Makes corresponding changes to the Open Meetings Act (OMA), Freedom of Information Act (FOIA), State Records Act, and Local Records Act to allow closed meetings related to certification and decertification and exempts certain records from production and/or retention. In particular, there is the addition of a new law enforcement exemption to Section 7(1)(d) of FOIA which will become effective on January 1, 2022. Section 7(1)(d)(6) exempts from disclosure those records contained in the Officer Professional Conduct Database of the Illinois Police Training Act "except to the extent authorized under that Section." Section 7.5 of FOIA was also amended to include new section 7.5(bbb) which exempts from disclosure "information that is prohibited from disclosure by the Illinois Police Training Act and the State Police Act." Additionally, the OMA is amended to add Section 2(c)(37) which permits a closed session for deliberations for decisions of the Illinois Law Enforcement Training Standards Board, the Certification Review Panel, and the Illinois State Police Merit Board regarding officer certification and decertification. These provisions are effective on January 1, 2022.

ARTICLE 99 – EFFECTIVE DATES

Effective Date	Bill Sections	Act(s) Involved	Other Description
July 1, 2021	All Sections unless otherwise stated		General Effective Date
January 1, 2022	Article 25	-Open Meetings Act (OMA) -Freedom of Information Act (FOIA) -State Employee Indemnification Act -The Personnel Code -Department of State Police Law of the Civil Administrative Code of Illinois -State Police Act -Illinois Police Training Act -Counties Code	-Law Enforcement Article -Mostly related to certification and decertification of officers
January 1, 2023	10-105, 10-110, 10-115, 10-120, 10-140, 10-155, 10-160, 10-175, 10-180, 10-185, 10-190, 10-195, 10-200, 10-205, 10-210, 10-215, 10-255, 10-265, 10-270, 10-275, 10-280, 10-285, 10-290, 10-295, 10-300, 10-305, 10-310, 10-315, 10-320, and 10-325	-Statute on Statutes -OMA -FOIA -State Records Act -Department of State Police Law of the Civil Administrative Code of Illinois -Local Records Act -Police and Community Relations Improvement Act -Counties Code -Campus Security Enhancement Act of 2008 -Illinois Insurance Code -Illinois Gambling Act -Illinois Vehicle Code -Snowmobile Registration and Safety Act -Clerks of Courts Act -The Attorney Act -Juvenile Court Act of 1987 -Criminal Code of 2012 -Code of Criminal Procedure of 1963 Rights of Crime Victims and Witnesses Act -Pretrial Services Act	-Pre-trial release and Cash Bond related provisions -Anonymous Complaints

Effective Date	Bill Sections	Act(s) Involved	Other Description
		<ul style="list-style-type: none"> -Quasi-criminal and Misdemeanor Bail Act -Unified Code of Corrections Probation and Probation Officers Act -County Jail Act -County Jail Good Behavior Allowance Act -Code of Civil Procedure -Civil No Contact Order Act -Illinois Domestic Violence Act of 1986 -Industrial and Linen Supplies Marking Law -Illinois Torture Inquiry and Relief Commission Act -Unemployment Insurance Act 	
January 1, 2025	Article 2	No Representation without Population Act	Previously called "Prison Gerrymandering"