

### **HB 3653 SA 2**

This memo offers a brief summary of some of the more significant changes to current state law created by HB 3653 SA2- Criminal Justice Reform Omnibus. This is not a comprehensive summary of HB 3653 SA2 as it is 764 pages in length and it is strongly recommended that the bill be viewed in its entirety since there are numerous aspects that require close examination. The bill is awaiting the Governor's signature at the time of this memo. (page numbers indicate the first page of the Section amended) HB 3653 SA2 can be found at [www.ilga.gov/legislation/101/HB/PDF/10100HB3653sam002.pdf](http://www.ilga.gov/legislation/101/HB/PDF/10100HB3653sam002.pdf).

Several of the more impactful aspects of HB 3653 SA2 include:

- Abolishment of monetary bail (§27)
- Mandates officer-worn body cameras for police officers (§12)
- Automatic Recission of Driver License suspensions (§18)
- Forbids destruction of police misconduct records (§7)
- No requirement of affidavit in complaint against police officer (§14)
- Forbids arrest for resisting arrest/ obstructing unless underlying offense (§19)
- Creates charge Law Enforcement Misconduct: lack details in report/ violate body-camera Act. Class 3 felony (§25)
- Mandates police issue citation and no arrest for traffic, Class B and Class C misdemeanors (§26)
- Police officer use of force standard "totality of the circumstances" (§20)
- Police officer prohibited use of force (§21)
- Authorizes sentencing court to disregard mandatory minimum incarceration guidelines (§40)
- Requires ILETSB establish mental health screening standard for police officers (§8)
- Prohibits police departments' purchase of military equipment (§16 & §17)
- Provides for decertification of police officers (§46 & §47)
- Creates affirmative duty to intervene re: unauthorized use of force by police officer (§24)
- Creates a presumption a criminal defendant is entitled to release on personal recognizance (§28)

January 25, 2021

1. **Deaths in Custody** (p.6) Creates the Deaths in Custody Act which requires law enforcement agencies to report to the Illinois Criminal Justice Information Authority (ICJIA) any case in which a person dies while in the custody of :
  - a law enforcement agency;
  - a local or state correctional facility;
  - in the custody of a peace officer;
  - or as a result of the peace officer's use of force. (effective July 1, 2021)

The reports will be public records and the ICJIA shall issue an annual report tabulating and evaluating trends and information on deaths in custody that shall be submitted to the Governor and General Assembly. (effective July 1, 2021)

2. **Constitutional Rights and Remedies** (p.12) Creates the Constitutional Rights and Remedies Act and the Task Force on Constitutional Rights and Remedies. The Act requires that the Task Force develop and propose policies and procedures to review and reform constitutional rights and remedies, including qualified immunity for police officers. Also requires the Task Force to meet at least three times with the first meeting occurring within 60 days of the effective date of the Act. (effective July 1, 2021)

The ICJIA shall provide administrative and technical support to the Task Force and be responsible for administering its operations, appointing a chairperson and ensuring that the requirements of the Task Force are met.

3. **Amendatory Provisions** (p. 15) Replaces all references to “bail”, “bail bond” or “conditions of bail” to be construed as “pretrial release” or “conditions of pretrial release.” (effective January 1, 2023)
4. **Community-Law Enforcement Partnership for Deflection and Substance Use Disorder Treatment Act** (p. 33) Changes the name to the “Community-Law Enforcement and Other First Responder Partnership for Deflection and Substance Use Disorder Treatment Act” and makes the following changes:

January 25, 2021

- Expands the definition of “deflection program” to include co-responder approaches that incorporate behavioral health, peer or social work professionals with law enforcement or other first responders at the scene.
  - Adds to the list of subjects for which law enforcement agencies participating in such a program must be trained. (see list p.40:Sec.21)
  - Allows appropriated funds to the ICJIA to be expended on activities related to knowledge dissemination, training, technical assistance, or other similar activities.
  - Requires funding for deflection programs to 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.(effective July 1, 2021)
5. **Attorney General Act** (p.43) Prohibits any governmental authority or agent of a governmental authority to 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 and Illinois.
- Provides that the Attorney General (A.G.) can commence a civil action in the name of the People of the State of Illinois to obtain appropriate equitable and declaratory relief if the A.G. has reasonable cause to believe that a violation of this section has occurred.
  - Stipulates the process by which the A.G. may conduct a preliminary investigation to initiate a civil action pursuant to this Act. (effective July 1, 2021)
6. **Public Officer Prohibited Activities: Retaliation Against a Whistleblower** (p.59) Prohibits units of local government, agents of units of local government or another employee to retaliate against an employee or contractor who:
- Reports an “improper governmental action” under this Section. (improper governmental action defined p.62-63)

January 25, 2021

- Cooperates with an investigation related to a report of improper governmental action or testifies in a proceeding or prosecution arising out of an improper governmental action.
  - Requires that an employee who invokes the protections conferred by this article to submit a report of improper governmental action to the appropriate auditing official (within 60 days of gaining knowledge of the improper governmental action). Further requires that the auditing official establish a written process and procedure for managing complaints filed under this Section. (effective July 1, 2021)
7. **Local Records Act** : Police Misconduct Records (p.66) Mandates that all police misconduct records, all public records and nonpublic records related to complaints, investigations and adjudications of police misconduct shall be permanently retained and may not be destroyed. (effective January 1, 2021)
8. **Illinois Police Training Act** (p.66) Requires the Illinois Law Enforcement Training and Standards Board (ILETSB) to establish statewide minimum standards regarding regular mental health screenings for probationary and permanent police officers, ensuring that counseling sessions and screenings remain confidential. (effective July 1, 2021)
9. **Rules and Standards for Schools** (p.69) Requires the curriculum for probationary police officers to include:
- Crisis Intervention Training;
  - Minimum of 12 hours of hands-on, scenario-based role-playing;
  - Minimum 6 hours of instruction on the use of force techniques, including the use of de-escalation techniques to prevent or reduce the need for force whenever safe and feasible;
  - Specific training on officer safety techniques, including cover, concealment and time; and
  - Minimum 6 hours training focused on high-risk traffic stops;

Minimum In-Service Training: Also adds emergency medical response training and

January 25, 2021

certification, crisis intervention training and officer wellness and mental health to the list of minimum in-service training requirements a police officer must satisfactorily complete at least annually. (effective July 1, 2021)

**10. Mandatory Training to Complete Every Three Years** (p.76) Requires the ILETSB to adopt rules and minimum standards for in-service training requirements consisting of at least 30 hours of training every three years and specifies the content of the training. (effective July 1, 2021)

**11. Crisis Intervention Team Training** (p.77) Requires ILETSB to approve a standard curriculum for certified training programs in crisis intervention of at least 40 hours. Requires that the crisis intervention training programs consist of a collaboration between law enforcement professionals, mental health providers, families and consumer advocates. (list of minimum components of crisis intervention training p. 78). (effective July 1, 2021)

**12. Law Enforcement Officer-Worn Body Camera Act** (p.78) Mandates that all law enforcement agencies must, whether or not the agency received monies from the Law Enforcement Camera Grant Fund, employ the use of officer-worn body cameras and further mandates the schedule by which all agencies must implement the use of body cameras as follows:

- Municipalities and counties with a population of 500,000 or more -January 1, 2022;
- Municipalities and counties with a population of 100,000 or more but under 500,000-January 1, 2023;
- Municipalities and counties with a population of 50,000 or more but under 100,000-January 1, 2024; and
- Municipalities and counties with a population under 50,000- January 1, 2025.

Further provides that a law enforcement agency that complies with the above requirements shall receive preference by ILETSB in awarding of grant funding under the Law Enforcement Camera Grant Act.

Requires each law enforcement agency to submit an annual report on the use of officer-worn body cameras to the ILETSB on or before May 1 of each year.

January 25, 2021

Provides that officer-worn body cameras may be turned off when the officer is inside a correctional facility which is equipped with a functioning camera system.

Removes authorization for recording officers to review their own body camera video prior to completing incident reports.

**13. Uniform Crime Reporting Act : Monthly Reporting (p.90)** Adds to the list of reports that each law enforcement agency shall submit to the Illinois State Police (ISP) on a monthly basis to include:

- A report on any incident where a law enforcement officer was dispatched to deal with a person experiencing a mental health crisis or incident, including the number of incidents, the level of law enforcement response and the outcome of each incident. (effective July 1, 2021)
- A report on use of force, including any actions that resulted in death or serious bodily injury of a person, or the discharge of a firearm at or in the direction of a person. (effective July 1, 2021)
- Provides that a law enforcement agency's compliance with the above reporting requirements shall be a factor in awarding grant funding under the Law Enforcement Camera Grant Act, with preference to agencies which are in compliance with the new reporting requirements.

**14. The Uniform Police Officers' Disciplinary Act (p.93)** Amends the Act in the following ways:

- Removes the requirement for an officer to be informed of the names of all complainants prior to an administrative proceeding.
- Removes the requirement for an officer under investigation to be informed of the name, rank and unit or command of the interrogators;
- Removes the requirement that a person filing a complaint against a sworn peace officer must submit a sworn affidavit or any other legal document to support their complaint.

January 25, 2021

- Further provides that the ban on an affidavit requirement to file a complaint shall apply to any collective bargaining agreements entered into after the effective date of this provision.

**15. Police and Community Relations Improvement Act: Anonymous Complaints (p.95)**  
Stipulates that any person may file notice of an anonymous complaint to the ILETSB of any misconduct the person believes a law enforcement officer has committed. Requires the Board to accept notice regarding the complaint and investigate any allegations from individuals who remain anonymous, notwithstanding any provision in state law or any collective bargaining agreement. If the Board determines there is objective verifiable evidence to support the allegations of an anonymous complaint, the Board shall file an affidavit override to comply with the Uniform Peace Officers' Disciplinary Act. (effective January 1, 2023)

**16. Counties Code (p.112)** Prohibits a sheriff's department from requesting or receiving specified equipment from any military surplus program. If the sheriff requests property from such a program, the sheriff shall publish notice of the request on a publicly accessible website maintained by the sheriff or the county within 14 days of the request. (effective July 1, 2021)

**17. Illinois Municipal Code (p.113)** Prohibits a police department from requesting or receiving specified equipment from any military surplus program. If a police department requests other property not prohibited by the Military Equipment Surplus Program, the department shall publish notice of the request on a publicly accessible website maintained by the department or municipality within 14 days of the request. (effective July 1, 2021)

**18. Illinois Vehicle Code: Restoration of Driving Privileges (p.187)** Mandates that, as soon as practicable and no later than July 1, 2021, the Illinois Secretary of State rescind the suspension, cancellation or prohibition of renewal of a person's driver's license that has been suspended, canceled or who renewal has been prohibited before the effective date of this amendatory act due to :

- Failure to pay any fine or penalty for traffic violations;
- Failure to pay any fine or penalty for automated traffic law enforcement system violations; or

January 25, 2021

- Failure to pay any fine or penalty for abandoned vehicle fees.

19. **Resisting or Obstructing a Peace Officer** (p.273) Adds the requirement that a person shall not be subject to arrest for “resisting or obstruction of a peace officer” unless “ ... there is an underlying offense for which the person was initially subject to arrest”.

20. **Criminal Code of 2012** (p. 283) **Peace Officer Use of Force.** The Criminal Code of 2012 is amended to alter conditions when a peace officer may use any force, including deadly force. Specifically:

- A peace officer is justified in the use of any force which he reasonably believes, based on the totality of the circumstances, to be necessary to effect the arrest and any force which he reasonably believes, based on the totality of the circumstances, to be necessary to defend himself or another from bodily harm while making the arrest;
- A peace officer is justifies in the use of deadly force only when he reasonably believes, based on the totality of the circumstances, that such force is necessary to prevent death or great bodily harm to himself or such other person,
- Or when the officer reasonably believes, based on the totality of the circumstances, both that:
  - (1) Such force is necessary to prevent the arrest from being defeated by resistance or escape; the officer reasonably believes that the person to be arrested cannot be apprehended at a later date, and the officer reasonably believes that the person to be arrested is likely to cause great bodily harm to another; and
  - (2) The person to be arrested just 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.
- Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify himself/herself as a peace officer and warn that deadly force may be used,

January 25, 2021

unless the officer has reasonable grounds to believe that the person is aware of those facts.

- A peace officer shall not use deadly force against a person based on the danger that the person poses to himself or herself if a reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or to another person; and
- A peace officer shall not use deadly force against a person who is suspected of committing a property offense, unless that offense is terrorism or unless deadly force is otherwise authorized by law.
- A peace officer shall use deadly force only when reasonably necessary in defense of human life.
- Terms “deadly force”, “imminent threat” and “totality of circumstances” defined.

The amended language also encourages law enforcement agencies to adopt and develop policies designed to protect individuals with physical, mental health, developmental or intellectual disabilities, who are significantly more likely to experience greater levels of physical force during police interactions. (effective July 1, 2021)

21. **Prohibited Use of Force by a Peace Officer** (p. 287) The language prohibits a peace officer or any person acting on behalf of a peace officer to use a restraint above the shoulders with risk of asphyxiation in addition to the use of chokeholds, as currently provided in law. The following is also prohibited:

- Use of force as punishment or retaliation;
- Discharge of kinetic impact projectiles and all other non- or less-lethal projectiles in a manner that targets the head, pelvis or back;
- Discharge of kinetic impact projectiles indiscriminately into a crowd; or
- Use of chemical agents or irritants, including pepper spray and tear gas, prior to issuing an order to disperse in a sufficient manner to ensure the order is heard and repeated if necessary, followed by sufficient time and space to allow compliance with the order.

January 25, 2021

- Defines “restraint above the shoulders with risk of asphyxiation”. (effective July 1, 2021)
22. **Use of Force to Prevent Escape** (p.288) Prohibits the use of deadly force to prevent escape unless, based on the totality of the circumstances, deadly force is necessary to prevent death or great bodily harm to the officer or another person.(effective July 1, 2021)
23. **Duty to Render Aid** (p.289) Requires all law enforcement officers to render medical aid, as soon as reasonably practicable, and request emergency medical assistance if necessary. Defines “render medical aid and assistance”. (effective July 1, 2021)
24. **Duty to Intervene** (p.290) Mandates an affirmative duty to intervene to stop or prevent another peace officer in his or her presence from using any unauthorized use of force or force that exceeds the degree of force permitted under the law, without regard for chain of command.
- Further requires that the intervening officer report the intervention and lists necessary elements of such report.
  - Prohibits discipline or retaliation against a peace officer for intervening as required by this Section. (effective July 1, 2021)
25. **Law Enforcement Misconduct** (p.306) Creates a new section on law enforcement misconduct and identifies situations by which a law enforcement officer commits misconduct. Specifically provides that an officer commits misconduct in the course of official duties when he or she knowingly and intentionally:
- Misrepresents or fails to provide facts describing an incident in any report or during any investigation regarding the law enforcement employee’s conduct;
  - Withholds any knowledge of the misrepresentations of another law enforcement officer from the law enforcement employee’s supervisor, investigator, or other person or entity tasked with holding the law enforcement officer accountable;

January 25, 2021

- Fails to comply with the provisions of Section 10-20 of the Law Enforcement Officer-Worn Body Camera Act or their department policy requiring the use of body-worn cameras.
- Designates that law enforcement misconduct constitutes a Class 3 felony. (effective July 1, 2021)

26. **Person Arrested** (p.326) Mandates that law enforcement shall issue a citation in lieu of custodial arrest, upon proper identification, for those accused of traffic offenses and Class B and Class C criminal misdemeanor offenses who pose no threat to the community or any person. (effective July 1, 2021)

Provides that a person arrested on a warrant for an offense for which pretrial release may not be denied, may “be released by the arresting officer without appearing before a judge.” (effective July 1, 2021)

27. **Abolition of Monetary Bail** (p. 335, p.307)

- Provides that the requirement for posting monetary bail is abolished.
- Provides that “pre-trial release” has the meaning ascribed to “bail” in Section 9 Article I of the Illinois Constitution that is non-monetary. (p.307)
- Establishes offenses and conditions upon which pretrial release may be granted or denied and provisions for release without appearance before a judge. (p.326)
- Exceptions are provided in the Uniform Criminal Extradition Act, the Driver License Compact and the Nonresident Violator Compact (p.335) (effective January 1, 2023)

28. **Release on Own Recognizance** (p. 335) The language provides that it is presumed that a criminal defendant is entitled to release on personal recognizance on the condition that the defendant attend all required court proceedings and the defendant does not re-offend or commit a criminal offense.

- Additional conditions of release shall only be imposed when it is determined that they are necessary to assure the defendant’s appearance in court.

January 25, 2021

- Requires the court make a written finding as to why less restrictive conditions would not ensure the safety of the community and ensure the defendant's appearance in court if the court decides to detain the defendant.
- Detention shall only be imposed when it is determined that the defendant poses a specific, real and present threat to a person, or the defendant has a high likelihood of willful flight. (effective January 1, 2023)
- Willful flight is defined as planning or attempting to intentionally evade prosecution by concealing oneself. Simple past non-appearance in court alone is not evidence of future intent to evade prosecution. (p.335)

29. **Options for Warrant Alternatives** (p.338) If a defendant fails to comply with any condition of pretrial release, a court may issue an order to show cause why a person is subject to revocation of pretrial release. A certified copy of the order shall be served to the person at least 48 hours in advance of a scheduled hearing. If the defendant does not appear at the hearing, the court may issue a warrant for the arrest of the defendant. (effective January 1, 2023)

30. **Pretrial Release** (p.340) All persons charged with a criminal offense shall be eligible for pretrial release before conviction. Pretrial release may only be denied when a defendant is charged with a specific offense listed in Section 110-6.1 of the Criminal Code of 2012, or who has a high likelihood of willful flight, and after the court has held a hearing. (effective January 1, 2023)

31. **Determining the Amount of Bail and Conditions of Release** (p.342) Adds further factors that a court shall take into consideration in determining the conditions of pretrial release that will ensure the appearance of a defendant.

- Adds additional factors the court may consider in cases of stalking and aggravated stalking (p.353)
- Allows the court to use a regularly validated risk assessment tool to aid in its determination of appropriate conditions of release but states that such tools may not be used as the sole basis to deny pretrial released. (p.354) (effective January 1, 2023)

January 25, 2021

32. **Revocation of Pretrial Release** (p.358) Provides conditions through which pretrial release may be revoked, and further provides conditions of re-arrest, jurisdiction for newly committed offenses and prescribes the hearing process for pretrial release revocation. (effective January 1, 2023)
33. **Denial of Pretrial Release** (p. 370) Upon verified petition by the State, the court shall hold a hearing and may deny pretrial release only if certain conditions and offenses are met or occur. These include but are not limited to the following:
- Defendant is charged with a forcible felony offense and pretrial release poses a real and present threat to a specific, identifiable person or persons;
  - Defendant is charged with stalking or aggravated stalking and it is alleged that the defendant's pretrial release poses a real and present threat to the physical safety of a victim;
  - The victim of abuse was a family or household member; and
  - The defendant is charged with domestic battery and it is alleged that the defendant's pretrial release poses a real and present threat to the physical safety of any person. (effective January 1, 2023)
34. **Treatment While in Custody** (p.410) Mandates that persons in custody shall be treated without unreasonable delay if the need for medical treatment is apparent. (effective July 1, 2021)
35. **Right to Communicate with Attorney and Family; Transfers** (p. 410) Mandates that an arrestee has the right to three phone calls within three hours of being taken into custody to communicate with an attorney and family members, free of charge, and allows the arrestee to access their own cellular phone for contact numbers. Further requires that this information be posted on a sign. (effective July 1, 2021)
36. **Use of Force in Execution of Search Warrant** (p.412) Allows for No-knock warrants if body-worn cameras are in use or the interaction is otherwise recorded. Requires supervising officer to ensure all participating officers have proper functioning body-worn cameras. Requires steps to be taken to plan for the presence of children or vulnerable

January 25, 2021

people on-site. Requires immediate supervisor notification of warrant executed upon the wrong location. (effective July 1, 2021)

37. **Rights of Crime Victims** (p.415) Maintains that the safety of the victim will be considered in the determination of a defendant’s release and conditions of release, but removes provisions denying or fixing the amount of bail. (effective January 1, 2023)
38. **Quasi-Criminal and Misdemeanor Bail Act** (p.445) Amends the Act to the “ Quasi-Criminal and Misdemeanor Pretrial Release Act” and allows authorized authorities to grant pretrial release based on Illinois Supreme Court form for certain cases. Removes references to “bail” or “bond” and replaces with the term “pretrial release”. (effective January 1, 2023)
39. **Powers of Attorney General** (p. 567) Stipulates changes to the Attorney General’s role in investigating and reporting claims. (effective July 1, 2021)
40. **Mandatory Minimum Sentences: Unified Code of Corrections** (p.598)  
“Notwithstanding any other provisions of law to the contrary, in imposing a sentence for an offense that requires a mandatory minimum sentence of imprisonment, the court may instead sentence the offender to probation, conditional discharge, or a lesser term of imprisonment it deems appropriate if:
  - (1) The offense involves the use or possession of drugs, retail theft, or driving on a revoked license due to unpaid financial obligations;
  - (2) The court finds that the defendant does not pose a risk to public safety; and
  - (3) The interest of justice requires imposing a term of probation, conditional discharge, or a lesser term of imprisonment.
41. **Open Meetings Act** (p.612) Adds exemptions under the Freedom of information Act (FOIA) to include records contained in the Officer Professional Conduct Database under Section 9.4 of the Illinois Police Training Act, except to the extent authorized under that Section. This includes documents supplied to the Illinois Law Enforcement Training and Standards Board (ILETSB) from ISP and the State Police Merit Board. (effective January 1, 2022)



January 25, 2021

42. **Definitions** (p.670) Adds new language to definitions for:

- Full time police officer;
- Governmental agency;
- State governmental agency;
- Panel (language replaces the phrase “police officer” with “law enforcement officer” throughout. (effective January 1, 2022)

43. **Law Enforcement Training and Standards Board** (p.673) Identifies the Illinois Attorney General; Director of the State Police; Director of the Illinois Department of Corrections; Superintendent of the Chicago Police Department, Sheriff of Cook County and Clerk of the Circuit Court of Cook County as serving as *ex officio* members of the ILETSB. (effective January 1, 2022)

44. **Illinois Law Enforcement Certification Review Panel** (p.676) Creates the Illinois Law Enforcement Certification Review Panel with specified membership to be appointed no later than 30 days after effective date of this Act. Allows Governor to appoint eight members and the Attorney General to appoint three members.(January 1, 2022)

45. **Powers and Duties of the Board** (p.680) Grants the ILETSB the following powers and duties:

- Review and ensure all law enforcement officers remain in compliance with the Act and any administrative rules adopted under the Act;
- Authority to suspend any certificate for a definite period, limit or restrict any certificate or revoke any certificate;
- Authority to secure by subpoena and bring before the Board any person or entity in the State and to hear testimony;
- Subpoena the production of documents, papers, files, books and records;
- Administer state certification exams; and

January 25, 2021

- Adds various criminal offenses and deletes various criminal offenses for which convictions for such offenses may negate certification. (effective January 1, 2022)

**46. Automatic Decertification of Full-Time and Part-Time Law Enforcement Officers**  
(p.684)

- Provides that the Board must review law enforcement conduct and records to ensure that no officer is certified if the officer has been convicted of, found guilty of, entered a plea of guilty or *nolo contendere* to a felony offense under the laws of the State or any other state. If an officer has been found to have committed an offense as described in the statute, the Board must appoint investigators.
- It is the responsibility of the sheriff or the chief executive officer of every governmental (as opposed to local law enforcement) agency or department within the State to report any arrest, conviction, finding of guilt, plea of guilty or plea of *nolo contendere* of any officer for an offense identified in this Section.
- Requires Board investigators to be law enforcement officers that shall not have been terminated for good cause, decertified, had his or her law enforcement license or certificate revoked or been convicted of any conduct listed in this section. (effective January 1, 2022)

**47. Discretionary Decertification of Full-Time and Part-Time Law Enforcement Officers**  
(p.697) Grants the authority to decertify a full-time or a part-time law enforcement officer upon a determination by the Board that the law enforcement officer has committed certain specified acts.

Adds definitions for:

1. Duty to intervene;
2. Excessive use of force;
3. False statement;
4. Perjury;
5. Tamper with or fabricates evidence; and
6. Decertification. (effective January 1, 2022)

January 25, 2021

- Decertification Conduct (p.698) Enumerates a list of acts that would give the Board authority to decertify a law enforcement officer. (p.698-699)
  - Notice of Alleged Violation (p.700) Requires certain individuals and agencies to notify the Board within seven days of becoming aware of any alleged violation by a law enforcement officer.
  - Allows confidential reporting of misconduct by any person and requires the Board accept such notice and investigate any allegations.
  - Preliminary Review: requires the Board complete a preliminary review of allegations to determine if there is sufficient evidence to warrant further investigation.
  - Details Investigation requirements (p.705)
  - Formal Complaints and Formal Complaint Hearing (p.709)
  - Final Action by Board (p. 714)
48. **Full-Time Law Enforcement and County Corrections Officers** (p.724) Prohibits uncertified individuals from being assigned the duties of law enforcement officers. Prohibits an employing agency from granting a person status as a law enforcement officer unless the person has been granted an active law enforcement officer certification by the Board. Details scenarios where law enforcement officer's certification becomes inactive. (effective January 1, 2022)
49. **Emergency Order of Suspension** (p.734) Provides the authority for the Board to immediately suspend a law enforcement officer's certification under certain specified circumstances. (effective January 1, 2022)
50. **Law Enforcement Compliance Verification** (p.736) Places requirements on law enforcement officers to submit a verification form confirming compliance with the Act. Stipulates that the verification shall apply to the three calendar years preceding the date of verification. Details the recordkeeping requirements of individual law enforcement officers, governmental agency and the Board. (effective January 1, 2022)