



**ILLINOIS 96<sup>TH</sup> GENERAL ASSEMBLY  
LEGISLATIVE INITIATIVES  
2009 – 2010**



# Illinois 96<sup>th</sup> General Assembly Illinois Association of Chiefs of Police

## Legislative Initiatives



**1. Eavesdropping - Undercover Controlled Substance and Cannabis Act**

IACP supports legislation that amends the State's eavesdropping law to allow eavesdropping only in situations where police officers are working in an undercover capacity and investigating violations of the controlled substance and cannabis acts. The proposed legislation will greatly enhance the safety of police officers that work in the dangerous world of narcotics. This will also allow officers to be much more efficient while conducting drug investigations. The legislation will also protect the rights of those accused of crimes and prove or disprove allegations of police misconduct in that the words of both the accused and the police officer will be recorded and available for review by a judge or jury.

*UPDATE:* The IACP Legislative Committee recommended not to introduce this legislation until the Veto Session but instead to pursue Legislative Initiatives #2 and #3.



**2. Eavesdropping – Uniformed Police Officer (Sen. Millner & Sen. Munoz, SB1813; Rep. Dugan, HB1057)**

IACP supports legislation that amends the State's Eavesdropping law to allow on duty uniformed peace officers to use audio recording devices while in uniform, in a public place investigating any suspected criminal offense. The legislation will benefit law enforcement in the accurate reporting of incidents and protection from false accusations of police misconduct. The legislation will also protect the rights of those who are stopped by the police. Presently the exemption applies only to police stops for violation of the Illinois Vehicle Code.

*UPDATE/HB1057 PASSED: Public Act 96-0670*



**3. Eavesdropping for Hostage Barricaded Situations (Sen. Millner & Sen. Munoz, SB2026)**

Exempts from an eavesdropping violation, any law enforcement officer investigating incidents involving hostages or barricaded subjects necessitating the use of eavesdropping cameras or audio devices intended to ensure the safety of the general public or any law enforcement officer.

*UPDATE/SB2026 PASSED: Public Act 96-0643*



**4. Exempt Age 35 Military (Rep. Holbrook, HB3877)**

Amends the Illinois Municipal Code. Provides that applicants for a police department may exceed the maximum age of 35 years by the number of years served on active military duty, but by no more than 10 years of active military duty.

*UPDATE/HB3877 PASSED: Public Act 96-0472*



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**5. Police Chief Bill of Rights**

To insure the appointment of professional law enforcement personnel to the position of Chief of Police, a bill is needed that requires any candidate for the position of Chief of Police to be certified as a police officer by the Illinois Law Enforcement Training and Standards Board or hold a valid waiver issued by that Board. In order to recruit exceptionally qualified candidates for Police Chief, it is necessary to grant legal protection to the position of Chief of Police by (a) the term of Chief of Police may exceed that of the mayor or president of the municipality; (b) provide that the Chief of Police may be removed or discharged from office only for just cause.

*UPDATE:* Rep. Cross requested that the IACP attempt to negotiate this bill with the Illinois Municipal League. Negotiations are ongoing.

**6. Police Licensing**

In order to increase the professional status of police officers and insure that only qualified and trained police officers are retained, the IACP will support legislation that requires police officers to be licensed by the Illinois Law Enforcement Training and Standards Board.

*UPDATE:* The IACP is waiting for the Illinois Law Enforcement Training and Standards Board to take the lead on this issue. Meetings have been conducted.

**7. Police Pensions and Military Buyback (Sen. Dillard, SB2358, SB2359 & SB2360)**

Recently the General Assembly has passed legislation improving the Downstate Police Officers Pension, SLEP, and Illinois State Police officers (SERS); however, parity and equity problems still exist for IMRF employees. IMRF benefits have not been enhanced for well over ten years. Another inequity that exists for some pension plans is the lack of a military service "buy back" program. Military veterans who served this country in times of need should be compensated for the sacrifices that they made on behalf of their country. The IACP will attempt to correct the inequities that exist in the IMRF pension plans. It is necessary for the IACP to establish a positive dialogue with the Illinois Municipal League to convince them of the need to improve retirement benefits for local police officers so that they are similar to those that are in place for the Illinois State Police. Currently, downstate police officers receive a 3% annual cost of living increase in their pensions. The IACP supports legislation that raises the annual cost of living increase from 3% to 4% in the downstate pension fund. Such an increase would more effectively assist in the rising costs of living and would grant parity in pensions to downstate officers. This would also help retired officers to address the rising cost of health care. A recent study also indicated that there are a number of full-time police officers in Illinois that have no pension or disability provisions with their municipality. Consideration must be given to establishing a common pension and disability fund for all law enforcement officers in Illinois. Also, the IACP supports implementations of a drop plan to retain qualified and experienced officers.

*UPDATE:* All of the pension bills were Re-referred to Assignments.



**8. DUI Field Sobriety Testing**

There are three field sobriety tests (FSTs) certified by the National Highway Traffic Safety Administration (NHTSA) that police officers give to a motorist suspected of driving under the influence. Administered at the side of the road, the tests are: the walk & turn; the horizontal gaze nystagmus; and the one leg stand. The officer may also request the motorist to take a preliminary breath test from a handheld instrument. The problem is that a growing number of DUI offenders (approximately 10%) are refusing to perform any FSTs. There is no penalty for refusing FSTs and some defense attorneys explicitly advise their clients to completely refuse

any FST. The solution is to enact legislation to suspend driving privileges for six months for any motorist who refuses to perform an FST. There is already a suspension imposed upon those motorists arrested for DUI who refuse to submit to the standard chemical test (breath and/or urine/blood), but the officer needs probable cause provided by the FSTs to test an impaired driver (50% refusing breathalyzer tests). The IACP was not successful in getting this legislation passed during the last session but will continue to support new legislation.



**9. Police Officer Protection (HB4122, Rep. Chapa LaVia; HB2253 Rep. Pritchard)**

The IACP supports legislation that protects police officers by requiring that police officer(s) be armed with a firearm in the performance of his/her duty and that a governing body, state agency, county government, local municipalities or institutions of higher learning may not prohibit a peace officer from carrying a firearm unless the peace officer is declared unfit for duty or fails to qualify with the firearm.

*UPDATE/HB 2253 PASSED: Public Act 96-0269*

*UPDATE/HB 4122 DID NOT PASS. Will continue to be an IACP Legislative Initiative.*



**10. Paramedic Blood Draw**

IACP supports legislation that requires paramedics to draw blood at the direction of a police officer when investigating DUI related offenses and traffic crashes resulting in death and great bodily harm. The legislation will protect the paramedic and doctor from disciplinary action by the Department of Public Health and the Emergency Medical System for drawing blood for evidence. The legislation will greatly enhance law enforcements ability to gather blood evidence in DUI cases.

**11. Fight Crime Invest in Kids Illinois**

Fight Crime: Invest in Kids Illinois is a bipartisan, nonprofit anti-crime organization led by over 300 police chiefs, sheriffs, state's attorneys, leaders of police officer organizations and victims of violence. Our mission is to take a hard-nosed look at the research about what really works to keep kids from becoming criminals and to share that information with the public and policymakers. Adoption of the reasonable recommendations outlined below will keep us moving in the right direction.

**I. Provide All Families Access to Quality Early Learning Programs Proven to Cut Crime**

**A. Remove the June 30, 2010 Sunset Date from the Preschool for All legislation.**

As is common with many initiatives adopted in Springfield, the current Preschool for All statute contains a sunset provision of June 30, 2010. Legislation needs to pass to remove the sunset provision.

**B. Restore the Early Childhood Education Block Grant (ECBG) appropriation to the FY 09 level of \$380 million.** Last year's budget (FY10) cut 10% from the Block Grant. Restoration of these cuts will allow programs to restore quality components and keep grantees providing quality preschool.

**II. Reinforce the Role of Parents As Their Child's First Teacher.**

**A. Prevent child abuse and neglect. FY 2011 budget request: Restore the \$1.8 million cut imposed on home visiting programs in the IDHS budget.**

Lack of funding in Illinois leaves current home-visiting programs only able to reach 1 of 7 kids in poverty ages 0-3. Reaching more at-risk families with these proven programs will cut child abuse and neglect significantly.

**12. Requiring an Individual to Provide Identification (SB 1655, Sen. Murphy)**

Recently, the United States Supreme Court in the Hibel case decided that police officers have the constitutional power to obtain a suspect's identification if there is a reasonable suspicion that the suspect is about to commit a crime or has committed a crime. Unfortunately, the State of Illinois has no statute that provides for arresting a suspect who refuses to provide some form of identification. The implications for Illinois law enforcement are problematic because Illinois does not have a statute that specifically states that it is a violation of the law to refuse to identify oneself to the police. To be in compliance with the Supreme Court ruling, it is necessary to seek legislation that would make it a violation for failure to provide identification.

*UPDATE/SB1655 PASSED: Public Act 96-0335*

**13. Pawnshops**

Pawnshops are needed and legitimate business in Illinois but on occasion criminals attempt to pawn stolen items at these pawnshops so it becomes necessary to introduce legislation that requires pawnshops to utilize a central uniform database that allows law enforcement to review transaction information.

**14. ILEAS Helicopter Fund**

In the interest of security and safety of the citizens of Illinois, the IACP seeks legislation to establish an Illinois Law Enforcement Alarm System Fund that would support the operational costs of law enforcement rotary wing operations, operated by municipalities or groups/task forces for search and rescue, police services and homeland security missions.

**15. Homicide Investigator Training**

The Illinois Commission on Capital Punishment in its report of April 2002 made several recommendations that would ensure that the Illinois capital punishment system is fair, just and accurate. One of the recommendations was Recommendation 16:

***Recommendation 16: All police who work on homicide cases should receive periodic training in the following areas, and experts on these subjects be retained to conduct training and prepare training manuals on these topics:***

- 1. The risk of false testimony by in-custody informants ("jailhouse snitches")***
- 2. The risk of false testimony by accomplice witnesses***
- 3. The dangers of tunnel vision or confirmatory bias***
- 4. The risks of wrongful convictions in homicide cases***
- 5. Police investigative and interrogation methods***
- 6. Police investigating and reporting of exculpatory evidence***
- 7. Forensic evidence***
- 8. The risks of false confessions***

*Commission members were unanimously of the view that additional training of police officers in these areas was important. The recommendations for training outlined above are based primarily upon recommendations made in the report on the Morin Inquiry and to some extent on the Fisher article.<sup>52</sup> The Commission has unanimously recommended that all prosecutors and all defense lawyers who are a member of the Capital Trial Bar, all judges who handle capital cases and police who work on homicide cases receive periodic training in these areas.*

The Illinois Association of Chiefs of Police supports legislation that would require additional training for homicide investigators.

## Opposed Legislation

The Illinois Association of Chiefs of Police will oppose bills that attempt to enact legislation such as the following:

- A) Medical Marijuana laws that go beyond the existing statute.  
**OPPOSE (SB 2514 Rep. Lang; SB1381, Sen. Haine) UPDATE: Did not pass.**
- B) Any attempt to prohibit police officers from utilizing non lethal weapons such as "Tasers." **UPDATE: Did not pass.**
- C) Any attempts to amend the agreed to Public Act 94-0997 Vehicle Code – Traffic Stop Study. The Illinois Association of Chiefs of Police believes that it is imperative that the Racial Profiling Prevention Data Oversight Board be allowed to conclude the study by July 1, 2010. Continuous attempts to change this study will only cause unjustified delays and may even cause the study to be flawed.  
**(HB 648, Rep. Davis; HB 947, Rep. Davis) UPDATE: HB 648 Passed both Houses extending data gathering for five additional years. Public Act 96-0658**
- D) Citizen Conceal Carry Firearms **UPDATE: Did not pass.**
- E) Police Promotion Act **(SB 1446, Sen. Jacobs) UPDATE: Did not pass.**
- F) Public Labor – Manning Levels **(SB 2072, Sen. Radogno) UPDATE: Did not pass.**
- G) Police Vehicle Lights **(HB 795, Rep. Wait) UPDATE: Did not pass.**



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