

HB1041



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1041

Introduced 1/9/2025, by Rep. John M. Cabello

SYNOPSIS AS INTRODUCED:

720 ILCS 5/7-5.5

Amends the Criminal Code of 2012. Deletes language providing that a peace officer, or any other person acting under the color of law, shall not discharge kinetic impact projectiles or other non-lethal or less-lethal projectiles in a manner that targets the back.

LRB104 04503 RLC 14530 b

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by
5 changing Section 7-5.5 as follows:

6 (720 ILCS 5/7-5.5)

7 Sec. 7-5.5. Prohibited use of force by a peace officer.

8 (a) A peace officer, or any other person acting under the
9 color of law, shall not use a chokehold or restraint above the
10 shoulders with risk of asphyxiation in the performance of his
11 or her duties, unless deadly force is justified under this
12 Article.

13 (b) A peace officer, or any other person acting under the
14 color of law, shall not use a chokehold or restraint above the
15 shoulders with risk of asphyxiation, or any lesser contact
16 with the throat or neck area of another, in order to prevent
17 the destruction of evidence by ingestion.

18 (c) As used in this Section, "chokehold" means applying
19 any direct pressure to the throat, windpipe, or airway of
20 another. "Chokehold" does not include any holding involving
21 contact with the neck that is not intended to reduce the intake
22 of air such as a headlock where the only pressure applied is to
23 the head.

(d) As used in this Section, "restraint above the shoulders with risk of positional asphyxiation" means a use of a technique used to restrain a person above the shoulders, including the neck or head, in a position which interferes with the person's ability to breathe after the person no longer poses a threat to the officer or any other person.

(e) A peace officer, or any other person acting under the color of law, shall not:

(i) use force as punishment or retaliation;

(ii) discharge kinetic impact projectiles and all other non-lethal or less-lethal projectiles in a manner that targets the head, neck, groin, or anterior pelvis, ~~or~~ back:

(iii) discharge conducted electrical weapons in a manner that targets the head, chest, neck, groin, or anterior pelvis;

(iv) discharge firearms or kinetic impact projectiles indiscriminately into a crowd;

(v) use chemical agents or irritants for crowd control, including pepper spray and tear gas, prior to issuing an order to disperse in a sufficient manner to allow for the order to be heard and repeated if necessary, followed by sufficient time and space to allow compliance with the order unless providing such time and space would unduly place an officer or another person at risk of death or great bodily harm; or

(vi) use chemical agents or irritants, including pepper spray and tear gas, prior to issuing an order in a sufficient manner to ensure the order is heard, and repeated if necessary, to allow compliance with the order unless providing such time and space would unduly place an officer or another person at risk of death or great bodily harm.

(Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21; 102-687, eff. 12-17-21.)