



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4715

by Rep. Patrick Sheehan

SYNOPSIS AS INTRODUCED:

New Act

Creates the Police Mental Health Leave Act. Provides that a law enforcement officer suffering from a mental illness as a result of a traumatic event shall be entitled to use 5 days of paid mental health leave during any 12-month period. Requires a law enforcement agency to adopt a mental health leave policy that includes specified provisions. Sets forth provisions concerning existing leave policies; employee protections; retaliation; and recordkeeping. Provides for a private right of action.

LRB104 20483 SPS 33953 b

1 AN ACT concerning employment.

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

4 Section 1. Short title. This Act may be cited as the Police
5 Mental Health Leave Act.

6 Section 5. Findings; intent.

7 (a) The General Assembly finds that it is in the public
8 policy interests of this State for all law enforcement
9 personnel working in this State to have some mental health
10 days after experiencing a traumatic event while on the job as a
11 police officer.

12 (b) It is the intent of the General Assembly:

13 (1) to establish a minimum paid leave standard for
14 police officers after having experienced a traumatic event
15 in the course of employment;

16 (2) to provide employment security and healthy
17 procedures for police officers who need to use paid time
18 off for their own mental health;

19 (3) to safeguard the welfare, health, safety, and
20 prosperity of all police officers sworn by oath to protect
21 the people of this State; and

22 (4) to establish a mental health leave program that
23 does not interfere with a workers' compensation claim for

1 an employee's mental health.

2 Section 10. Definitions. As used in this Act:

3 "Employee" means a law enforcement officer as that term is
4 defined in the Illinois Police Training Act.

5 "Employer" means a law enforcement agency, local law
6 enforcement agency, and state law enforcement agency as those
7 terms are defined in the Illinois Police Training Act.

8 "Mental illness" has the meaning given to that term in
9 Section 1-129 of the Mental Health and Developmental
10 Disabilities Code.

11 "Traumatic event" means an event that occurs within an
12 employee's scope of employment that causes the employee
13 physical, emotional, or psychological harm, including
14 vicarious trauma, and that has the potential to interfere with
15 the employee's ability to perform duties effectively.

16 "Traumatic event" includes, but is not limited to:

17 (1) an officer-involved shooting;

18 (2) a serious injury to or death of an employee in the
19 line of duty;

20 (3) a serious injury to or death of any person as a
21 result of a police action;

22 (4) a multiple casualty incident;

23 (5) an in-custody death; and

24 (6) a serious injury to or death of a child.

1 Section 15. Mental health leave requirements.

2 (a) An employee suffering from a mental illness as a
3 result of a traumatic event shall be entitled to use 5 days of
4 paid mental health leave during any 12-month period.

5 (b) An employer may require reasonable advanced notice of
6 the employee's intention to take leave under subsection (a),
7 unless providing notice is not reasonable or practicable.

8 (c) An employer shall adopt a mental health leave policy
9 that:

10 (1) provides clear and objective guidelines
11 establishing the circumstances under which an employee may
12 use mental health leave;

13 (2) entitles an employee to use mental health leave
14 without a deduction in salary or other compensation;

15 (3) enumerates the number of mental health leave days
16 available to an employee;

17 (4) provides for a method by which an employee may
18 confidentially request mental health leave; and

19 (5) provides a list of mental health services
20 available to employees in the area of the employer.

21 Section 20. Existing leave policies.

22 (a) An employee who is entitled to take paid or unpaid
23 leave, including family, medical, sick, annual, personal, or
24 similar leave, in accordance with federal, State, or local
25 law, a collective bargaining agreement, or an employment

1 benefits program or plan may not be required to substitute any
2 period of that leave for an equivalent period of leave
3 provided under this Act.

4 (b) Nothing in this Act shall be construed to invalidate,
5 diminish, or otherwise interfere with any collective
6 bargaining agreement, nor shall it be construed to invalidate,
7 diminish, or otherwise interfere with any party's power to
8 collectively bargain an agreement. The rights afforded under
9 this Act serve as the minimum standard in a negotiated
10 collective bargaining agreement.

11 Section 25. Employee protections.

12 (a) An employee who takes leave under this Act is
13 entitled, on return from the leave:

14 (1) to be restored by the employer to the position of
15 employment held by the employee when the leave commenced;
16 or

17 (2) to be restored to an equivalent position with
18 equivalent employment benefits, pay, and other terms and
19 conditions of employment.

20 (b) The taking of leave under this Act shall not result in
21 the loss of any employment benefit accrued prior to the date on
22 which the leave commenced.

23 (c) Nothing in this Act shall be construed to entitle any
24 restored employee to:

25 (1) the accrual of any seniority or employment

1 benefits during any period of leave; or

2 (2) any right, benefit, or position of employment
3 other than any right, benefit, or position to which the
4 employee would have been entitled had the employee not
5 taken the leave.

6 Section 30. Retaliation.

7 (a) It is unlawful for any employer to threaten to take or
8 to take any adverse action against an employee because the
9 employee:

10 (1) exercises rights or attempts to exercise rights
11 under this Act;

12 (2) opposes practices which the employee believes to
13 be in violation of this Act; or

14 (3) supports the exercise of rights of another under
15 this Act.

16 (b) It is unlawful for any employer to consider the use of
17 leave under this Act by an employee as a negative factor in any
18 employment action that involves evaluating, promoting,
19 disciplining, or counting leave under a no-fault attendance
20 policy.

21 Section 35. Private right of action.

22 (a) A civil action may be brought in the circuit court by
23 an employee to enforce this Act. The circuit court may enjoin
24 any act or practice that violates or may violate this Act and

1 may order any other equitable relief that is necessary and
2 appropriate to redress the violation or to enforce this Act.

3 (b) The right of an employee to bring an action under this
4 Section terminates upon the passing of 3 years from the final
5 date of performing services to the employer or entity. This
6 limitations period is tolled if an employer or entity has
7 deterred a person's exercise of rights under this Act.

8 Section 40. Recordkeeping. An employer covered by this Act
9 shall record the amount of mental health leave taken under
10 this Act by an employee and document the days of leave in the
11 employee's record in accordance with the Personnel Record
12 Review Act.