

**104TH GENERAL ASSEMBLY****State of Illinois****2025 and 2026****SB3564**

Introduced 2/5/2026, by Sen. Adriane Johnson

**SYNOPSIS AS INTRODUCED:**

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Creates the Facial Recognition Technology in Law Enforcement Act. Provides that a law enforcement agency that uses facial recognition technology shall conduct a compliance audit regarding implementation of the policies established under the Act. Requires the Illinois State Police to publish a report that may contain recommendations for updates in local policies regarding the use of facial recognition technology, overall rates of implementation of policies outlined in the Act, and an assessment of the accuracy and reliability of facial recognition technology used by law enforcement agencies in this State. Provides that facial recognition technology shall not be used by law enforcement agencies or law enforcement officers to analyze an image or recording of individuals (1) engaged in activity that is protected under the United States Constitution or the Illinois Constitution unless there is reasonable suspicion that the individual is actively committing a crime, is about to commit a crime, or has already committed a crime; (2) for the purpose of real or live-time identification of an image or recording; or (3) solely based on an individual's political or social beliefs, the individual's engagement in lawful activities, or the individual's race, color, religious beliefs, sexual orientation, gender, disability, national origin, or housing status. Amends the Illinois Police Training Act. Requires the Law Enforcement Training Standards Board to publish a model statewide policy and curriculum regarding the use of facial recognition technology and other emerging technologies. In provisions concerning the decertification of law enforcement officers, requires administrative law judges presiding over decertification hearings to be trained in, among other things, technological tools that law enforcement officers use in criminal procedures. Amends the Code of Criminal Procedure of 1963. Provides that results generated by facial recognition technology shall not serve as the sole basis to establish probable cause for a warrant for arrest or a search warrant. Effective immediately.

LRB104 19623 RTM 33072 b

1 AN ACT concerning government.

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 Facial  
5 Recognition Technology in Law Enforcement Act.

6 Section 5. Findings; purpose.

7 (a) The General Assembly finds that:

8 (1) national studies indicate that African American  
9 and Asian faces were up to 100 times more likely to be  
10 misidentified than white faces, and the highest  
11 false-positive rate was among Native Americans;

12 (2) incorrect results from facial recognition  
13 technology have led to false arrests across the nation;

14 (3) law enforcement agencies in Illinois currently  
15 lack consistent statewide policies governing how facial  
16 recognition technology may be used, audited, or challenged  
17 by individuals who are misidentified;

18 (4) the use of facial recognition technology may  
19 disproportionately impact communities that are already  
20 subject to higher levels of police surveillance,  
21 compounding existing racial and socioeconomic disparities;

22 (5) various states across the United States, such as  
23 Maryland and Alabama, have placed limitations on facial

1 recognition technology when used in criminal proceedings  
2 by law enforcement agents or representing individuals; and

3 (6) law enforcement agencies may rely on private  
4 vendors for facial recognition technology, whose  
5 proprietary systems are not subject to public audit or  
6 independent verification.

7 (b) The purpose of this Act is to:

8 (1) reduce the use of technology that may  
9 disproportionately target minority populations;

10 (2) mandate a statewide policy to train officers in  
11 the proper uses of facial recognition technology;

12 (3) protect constituents' rights to express their  
13 constitutional rights freely and safely; and

14 (4) prevent false arrests of vulnerable populations.

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

16 "Facial recognition technology" means a system that  
17 compares a probe image of an unidentified human face against a  
18 reference photograph database and, based on biometric data,  
19 generates possible matches to aid in identifying the person in  
20 the probe image.

21 "Law enforcement agency" has the meaning given to that  
22 term in the Illinois Police Training Act.

23 "Law enforcement officer" has the meaning given to that  
24 term in the Illinois Police Training Act.

1 Section 15. Audit reporting.

2 (a) On or before January 1, 2027, and every 3 years  
3 thereafter, a law enforcement agency that uses facial  
4 recognition technology shall conduct a compliance audit  
5 regarding the implementation of policies under this Act. The  
6 results of the audit, including any documents, materials, or  
7 data, shall be reported to the Illinois State Police and shall  
8 be accessible if requested by:

9 (1) the Attorney General or the Attorney General's  
10 designee;

11 (2) the Director of the Illinois State Police or the  
12 Director's designee;

13 (3) a United States Attorney or the United States  
14 Attorney's designee; or

15 (4) a State's Attorney of any county or the State's  
16 Attorney's designee.

17 (b) On or before January 1, 2030, and every 5 years  
18 thereafter, the Illinois State Police shall publish a report  
19 that may contain recommendations for updates in local policies  
20 regarding the use of facial recognition technology, overall  
21 rates of implementation of policies outlined in this Act  
22 throughout the State, and an assessment of the accuracy and  
23 reliability of facial recognition technology as used by law  
24 enforcement agencies in this State. The Illinois State Police  
25 shall publish the report on its public website.

26 (c) The Illinois State Police may adopt rules to implement

1 this Section.

2 Section 20. Restrictions. Facial recognition technology  
3 shall not be used by law enforcement agencies or law  
4 enforcement officers to analyze an image or recording of an  
5 individual:

6 (1) engaged in activity that is protected under the  
7 United States Constitution or the Illinois Constitution  
8 unless there is reasonable suspicion that the individual  
9 is actively committing a crime, is about to commit a  
10 crime, or has already committed a crime;

11 (2) for the purpose of real or live-time  
12 identification of an image or recording; or

13 (3) solely based on an individual's political or  
14 social beliefs, the individual's engagement in lawful  
15 activities, or the individual's race, color, religious  
16 beliefs, sexual orientation, gender, disability, national  
17 origin, or housing status.

18 Section 25. Data management.

19 (a) A law enforcement agency that uses facial recognition  
20 technology shall adopt and maintain a use and data management  
21 policy.

22 (1) A law enforcement agency that develops a policy  
23 under this subsection shall post a copy of the policy on  
24 the law enforcement agency's public website.

1           (2) A law enforcement agency that contracts for use of  
2           a nongovernmental facial recognition system shall disclose  
3           on its public website the name of the system and the names  
4           and description of the databases searched.

5           (b) Enforcement of the policy under subsection (a) shall  
6           be implemented by the Illinois State Police.

7           Section 900. The Illinois Police Training Act is amended  
8           by changing Sections 6 and 6.3 as follows:

9           (50 ILCS 705/6) (from Ch. 85, par. 506)

10          Sec. 6. Powers and duties of the Board; selection and  
11          certification of schools. The Board shall select and certify  
12          schools within the State of Illinois for the purpose of  
13          providing basic training for probationary law enforcement  
14          officers, probationary county corrections officers, and court  
15          security officers and of providing advanced or in-service  
16          training for permanent law enforcement officers or permanent  
17          county corrections officers, which schools may be either  
18          publicly or privately owned and operated. In addition, the  
19          Board has the following power and duties:

20               a. To require law enforcement agencies to furnish such  
21               reports and information as the Board deems necessary to  
22               fully implement this Act.

23               b. To establish appropriate mandatory minimum  
24               standards relating to the training of probationary local

1 law enforcement officers or probationary county  
2 corrections officers, and in-service training of permanent  
3 law enforcement officers.

4 c. To provide appropriate certification to those  
5 probationary officers who successfully complete the  
6 prescribed minimum standard basic training course.

7 d. To review and approve annual training curriculum  
8 for county sheriffs.

9 e. To review and approve applicants to ensure that no  
10 applicant is admitted to a certified academy unless the  
11 applicant is a person of good character and has not been  
12 convicted of, found guilty of, entered a plea of guilty  
13 to, or entered a plea of nolo contendere to a felony  
14 offense, any of the misdemeanors in Sections 11-1.50,  
15 11-6, 11-6.5, 11-6.6, 11-9.1, 11-9.1B, 11-14, 11-14.1,  
16 11-30, 12-2, 12-3.2, 12-3.4, 12-3.5, 16-1, 17-1, 17-2,  
17 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any misdemeanor in  
18 violation of any Section of Part E of Title III of the  
19 Criminal Code of 1961 or the Criminal Code of 2012, or  
20 subsection (a) of Section 17-32 of the Criminal Code of  
21 1961 or the Criminal Code of 2012, or Section 5 or 5.2 of  
22 the Cannabis Control Act, or a crime involving moral  
23 turpitude under the laws of this State or any other state  
24 which if committed in this State would be punishable as a  
25 felony or a crime of moral turpitude, or any felony or  
26 misdemeanor in violation of federal law or the law of any

1 state that is the equivalent of any of the offenses  
2 specified therein. The Board may appoint investigators who  
3 shall enforce the duties conferred upon the Board by this  
4 Act.

5 For purposes of this paragraph e, a person is  
6 considered to have been convicted of, found guilty of, or  
7 entered a plea of guilty to, plea of nolo contendere to  
8 regardless of whether the adjudication of guilt or  
9 sentence is withheld or not entered thereon. This includes  
10 sentences of supervision, conditional discharge, or first  
11 offender probation, or any similar disposition provided  
12 for by law.

13 f. To establish statewide standards for minimum  
14 standards regarding regular mental health screenings for  
15 probationary and permanent police officers, ensuring that  
16 counseling sessions and screenings remain confidential.

17 g. To review and ensure all law enforcement officers  
18 remain in compliance with this Act, and any administrative  
19 rules adopted under this Act.

20 h. To suspend any certificate for a definite period,  
21 limit or restrict any certificate, or revoke any  
22 certificate.

23 i. The Board and the Panel shall have power to secure  
24 by its subpoena and bring before it any person or entity in  
25 this State and to take testimony either orally or by  
26 deposition or both with the same fees and mileage and in

1 the same manner as prescribed by law in judicial  
2 proceedings in civil cases in circuit courts of this  
3 State. The Board and the Panel shall also have the power to  
4 subpoena the production of documents, papers, files,  
5 books, documents, and records, whether in physical or  
6 electronic form, in support of the charges and for  
7 defense, and in connection with a hearing or  
8 investigation.

9 j. The Executive Director, the administrative law  
10 judge designated by the Executive Director, and each  
11 member of the Board and the Panel shall have the power to  
12 administer oaths to witnesses at any hearing that the  
13 Board is authorized to conduct under this Act and any  
14 other oaths required or authorized to be administered by  
15 the Board under this Act.

16 k. In case of the neglect or refusal of any person to  
17 obey a subpoena issued by the Board and the Panel, any  
18 circuit court, upon application of the Board and the  
19 Panel, through the Illinois Attorney General, may order  
20 such person to appear before the Board and the Panel give  
21 testimony or produce evidence, and any failure to obey  
22 such order is punishable by the court as a contempt  
23 thereof. This order may be served by personal delivery, by  
24 email, or by mail to the address of record or email address  
25 of record.

26 1. The Board shall have the power to administer state

1 certification examinations. Any and all records related to  
2 these examinations, including, but not limited to, test  
3 questions, test formats, digital files, answer responses,  
4 answer keys, and scoring information shall be exempt from  
5 disclosure.

6 m. To make grants, subject to appropriation, to units  
7 of local government and public institutions of higher  
8 education for the purposes of hiring and retaining law  
9 enforcement officers.

10 n. To make grants, subject to appropriation, to local  
11 law enforcement agencies for costs associated with the  
12 expansion and support of National Integrated Ballistic  
13 Information Network (NIBIN) and other ballistic technology  
14 equipment for ballistic testing.

15 o. To publish a model statewide policy and curriculum  
16 regarding the use of facial recognition technology and  
17 other emerging technologies for use in officer training  
18 schools.

19 (Source: P.A. 102-687, eff. 12-17-21; 102-694, eff. 1-7-22;  
20 102-1115, eff. 1-9-23; 103-8, eff. 6-7-23.)

21 (50 ILCS 705/6.3)

22 Sec. 6.3. Discretionary decertification of full-time and  
23 part-time law enforcement officers.

24 (a) Definitions. For purposes of this Section 6.3:

25 "Duty to intervene" means an obligation to intervene to

1 prevent harm from occurring that arises when: an officer is  
2 present, and has reason to know (1) that excessive force is  
3 being used or that any constitutional violation has been  
4 committed by a law enforcement official; and (2) the officer  
5 has a realistic opportunity to intervene. This duty applies  
6 equally to supervisory and nonsupervisory officers. If aid is  
7 required, the officer shall not, when reasonable to administer  
8 aid, knowingly and willingly refuse to render aid as defined  
9 by State or federal law. An officer does not violate this duty  
10 if the failure to render aid is due to circumstances such as  
11 lack of appropriate specialized training, lack of resources or  
12 equipment, or if it is unsafe or impracticable to render aid.

13 "Excessive use of force" means using force in violation of  
14 State or federal law.

15 "False statement" means (1) any knowingly false statement  
16 provided on a form or report, (2) that the writer does not  
17 believe to be true, and (3) that the writer includes to mislead  
18 a public servant in performing the public servant's official  
19 functions.

20 "Perjury" means that as defined under Sections 32-2 and  
21 32-3 of the Criminal Code of 2012.

22 "Tampers with or fabricates evidence" means if a law  
23 enforcement officer (1) has reason to believe that an official  
24 proceeding is pending or may be instituted, and (2) alters,  
25 destroys, conceals, or removes any record, document, data,  
26 video or thing to impair its validity or availability in the

1 proceeding.

2 (b) Decertification conduct. The Board has the authority  
3 to decertify a full-time or a part-time law enforcement  
4 officer upon a determination by the Board that the law  
5 enforcement officer has:

6 (1) committed an act that would constitute a felony or  
7 misdemeanor which could serve as basis for automatic  
8 decertification, whether or not the law enforcement  
9 officer was criminally prosecuted, and whether or not the  
10 law enforcement officer's employment was terminated;

11 (2) exercised excessive use of force;

12 (3) failed to comply with the officer's duty to  
13 intervene, including through acts or omissions;

14 (4) tampered with a dash camera or body-worn camera or  
15 data recorded by a dash camera or body-worn camera or  
16 directed another to tamper with or turn off a dash camera  
17 or body-worn camera or data recorded by a dash camera or  
18 body-worn camera for the purpose of concealing, destroying  
19 or altering potential evidence;

20 (5) engaged in the following conduct relating to the  
21 reporting, investigation, or prosecution of a crime:  
22 committed perjury, made a false statement, or knowingly  
23 tampered with or fabricated evidence; and

24 (6) engaged in any unprofessional, unethical,  
25 deceptive, or deleterious conduct or practice harmful to  
26 the public; such conduct or practice need not have

1           resulted in actual injury to any person. As used in this  
2           paragraph, the term "unprofessional conduct" shall include  
3           any departure from, or failure to conform to, the minimal  
4           standards of acceptable and prevailing practice of an  
5           officer.

6           (b-5) The Board has the authority to decertify a full-time  
7           or part-time law enforcement officer notwithstanding whether a  
8           law enforcement agency takes disciplinary action against a law  
9           enforcement officer for the same underlying conduct as  
10          outlined in subsection (b).

11          (c) Notice of Alleged Violation.

12           (1) The following individuals and agencies shall  
13          notify the Board within 7 days of becoming aware of any  
14          violation described in subsection (b):

15                   (A) A law enforcement agency as defined in Section  
16                   2 or any law enforcement officer of this State. For  
17                   this subsection (c), law enforcement agency includes,  
18                   but is not limited to, a civilian review board, an  
19                   inspector general, and legal counsel for a law  
20                   enforcement agency.

21                   (B) The Executive Director of the Board;

22                   (C) A State's Attorney's Office of this State.

23           "Becoming aware" does not include confidential  
24          communications between agency lawyers and agencies  
25          regarding legal advice. For purposes of this subsection,  
26          "law enforcement agency" does not include the Illinois

1 Attorney General when providing legal representation to a  
2 law enforcement officer under the State Employee  
3 Indemnification Act.

4 (2) Any person may also notify the Board of any  
5 conduct the person believes a law enforcement officer has  
6 committed as described in subsection (b). Such  
7 notifications may be made confidentially. Notwithstanding  
8 any other provision in state law or any collective  
9 bargaining agreement, the Board shall accept notice and  
10 investigate any allegations from individuals who remain  
11 confidential.

12 (3) Upon written request, the Board shall disclose to  
13 the individual or entity who filed a notice of violation  
14 the status of the Board's review.

15 (d) Form. The notice of violation reported under  
16 subsection (c) shall be on a form prescribed by the Board in  
17 its rules. The form shall be publicly available by paper and  
18 electronic means. The form shall include fields for the  
19 following information, at a minimum:

20 (1) the full name, address, and telephone number of  
21 the person submitting the notice;

22 (2) if submitted under subsection (c)(1), the agency  
23 name and title of the person submitting the notice;

24 (3) the full name, badge number, employing agency, and  
25 physical description of the officer, if known;

26 (4) the full name or names, address or addresses,

1 telephone number or numbers, and physical description or  
2 descriptions of any witnesses, if known;

3 (5) a concise statement of facts that describe the  
4 alleged violation and any copies of supporting evidence  
5 including but not limited to any photographic, video, or  
6 audio recordings of the incident;

7 (6) whether the person submitting the notice has  
8 notified any other agency; and

9 (7) an option for an individual, who submits directly  
10 to the Board, to consent to have the individual's identity  
11 disclosed. The identity of any individual providing  
12 information or reporting any possible or alleged violation  
13 to the Board shall be kept confidential and may not be  
14 disclosed without the consent of that individual, unless  
15 the individual consents to disclosure of the individual's  
16 name or disclosure of the individual's identity is  
17 otherwise required by law. The confidentiality granted by  
18 this subsection does not preclude the disclosure of the  
19 identity of a person in any capacity other than as the  
20 source of an allegation.

21 Nothing in this subsection (d) shall preclude the Board  
22 from receiving, investigating, or acting upon allegations made  
23 confidentially or in a format different from the form provided  
24 for in this subsection.

25 (e) Preliminary review.

26 (1) The Board shall complete a preliminary review of

1 the allegations to determine whether there is sufficient  
2 information to warrant a further investigation of any  
3 violations of the Act. Upon initiating a preliminary  
4 review of the allegations, the Board shall notify the head  
5 of the law enforcement agency that employs the law  
6 enforcement officer who is the subject of the allegations.  
7 At the request of the Board, the law enforcement agency  
8 must submit any copies of investigative findings,  
9 evidence, or documentation to the Board in accordance with  
10 rules adopted by the Board to facilitate the Board's  
11 preliminary review. The Board may correspond with the law  
12 enforcement agency, official records clerks or any  
13 investigative agencies in conducting its preliminary  
14 review.

15 (2) During the preliminary review, the Board will take  
16 all reasonable steps to discover any and all objective  
17 verifiable evidence relevant to the alleged violation  
18 through the identification, retention, review, and  
19 analysis of all currently available evidence, including,  
20 but not limited to: all time-sensitive evidence, audio and  
21 video evidence, physical evidence, arrest reports,  
22 photographic evidence, GPS records, computer data, lab  
23 reports, medical documents, and witness interviews. All  
24 reasonable steps will be taken to preserve relevant  
25 evidence identified during the preliminary investigation.

26 (3) If after a preliminary review of the alleged

1 violation or violations, the Board believes there is  
2 sufficient information to warrant further investigation of  
3 any violations of this Act, the alleged violation or  
4 violations shall be assigned for investigation in  
5 accordance with subsection (f).

6 (4) If after a review of the allegations, the Board  
7 believes there is insufficient information supporting the  
8 allegations to warrant further investigation, it may close  
9 a notice. Notification of the Board's decision to close a  
10 notice shall be sent to all relevant individuals,  
11 agencies, and any entities that received notice of the  
12 violation under subsection (c) within 30 days of the  
13 notice being closed, except in cases where the notice is  
14 submitted anonymously if the complainant is unknown.

15 (5) Except when the Board has received notice under  
16 subparagraph (A) of paragraph (1) of subsection (c), no  
17 later than 30 days after receiving notice, the Board shall  
18 report any notice of violation it receives to the relevant  
19 law enforcement agency, unless reporting the notice would  
20 jeopardize any subsequent investigation. The Board shall  
21 also record any notice of violation it receives to the  
22 Officer Professional Conduct Database in accordance with  
23 Section 9.2. The Board shall report to the appropriate  
24 State's Attorney any alleged violations that contain  
25 allegations, claims, or factual assertions that, if true,  
26 would constitute a violation of Illinois law. The Board

1 shall inform the law enforcement officer via certified  
2 mail that it has received a notice of violation against  
3 the law enforcement officer.

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

11 (6) If the law enforcement officer is involved in a  
12 criminal proceeding on the same subject as the notice of  
13 violation, the Board is responsible for maintaining a  
14 current status report including court dates, hearings,  
15 pleas, adjudication status and sentencing. A State's  
16 Attorney's Office must notify the Board of any criminal  
17 charges filed against a law enforcement officer, and must  
18 provide updates of significant developments to the Board  
19 in a timely manner but no later than 30 days after such  
20 developments.

21 (f) Investigations; requirements. Investigations are to be  
22 assigned after a preliminary review, unless the investigations  
23 were closed under paragraph (4) of subsection (e), as follows  
24 in paragraphs (1), (2), and (3) of this subsection (f).

25 (1) A law enforcement agency that submits a notice of  
26 violation to the Board under subparagraph (A) of paragraph

1 (1) of subsection (c) shall be responsible for conducting  
2 an investigation of the underlying allegations except  
3 when: (i) the law enforcement agency refers the notice to  
4 another law enforcement agency or the Board for  
5 investigation and such other agency or the Board agrees to  
6 conduct the investigation; (ii) an external, independent,  
7 or civilian oversight agency conducts the investigation in  
8 accordance with local ordinance or other applicable law;  
9 or (iii) the Board has determined that it will conduct the  
10 investigation based upon the facts and circumstances of  
11 the alleged violation, including but not limited to,  
12 investigations regarding the Chief or Sheriff of a law  
13 enforcement agency, familial conflict of interests,  
14 complaints involving a substantial portion of a law  
15 enforcement agency, or complaints involving a policy of a  
16 law enforcement agency. Any agency or entity conducting an  
17 investigation under this paragraph (1) shall submit  
18 quarterly reports to the Board regarding the progress of  
19 the investigation. The quarterly report shall be reviewed  
20 by the individual or individuals at the Board who  
21 conducted the preliminary review, if available.

22 Any agency or entity conducting an investigation under  
23 this paragraph (1) shall, within 7 days of completing an  
24 investigation, deliver an Investigative Summary Report and  
25 copies of any administrative evidence to the Board. If the  
26 Board finds an investigation conducted under this

1 paragraph (1) is incomplete, unsatisfactory, or deficient  
2 in any way, the Board may direct the investigating entity  
3 or agency to take any additional investigative steps  
4 deemed necessary to thoroughly and satisfactorily complete  
5 the investigation, or the Board may take any steps  
6 necessary to complete the investigation. The investigating  
7 entity or agency or, when necessary, the Board will then  
8 amend and re-submit the Investigative Summary Report to  
9 the Board for approval.

10 The Board shall submit a report to the investigating  
11 entity disclosing the name, address, and telephone numbers  
12 of persons who have knowledge of facts which are the  
13 subject of the investigation and identifying the subject  
14 matter of their knowledge.

15 (2) The Board shall investigate and complete an  
16 Investigative Summary Report when a State's Attorney's  
17 Office submits a notice of violation to the Board under  
18 (c)(1)(C).

19 (3) When a person submits a notice to the Board under  
20 paragraph (2) of subsection (c), The Board shall assign  
21 the investigation to the law enforcement agency that  
22 employs the law enforcement officer, except when: (i) the  
23 law enforcement agency requests to refer the notice to  
24 another law enforcement agency or the Board for  
25 investigation and such other agency or the Board agrees to  
26 conduct the investigation; (ii) an external, independent,

1 or civilian oversight agency conducts the investigation in  
2 accordance with local ordinance or other applicable law;  
3 or (iii) the Board has determined that it will conduct the  
4 investigation based upon the facts and circumstances of  
5 the alleged violation, including but not limited to,  
6 investigations regarding the Chief or Sheriff of a law  
7 enforcement agency, familial conflict of interests,  
8 complaints involving a substantial portion of a law  
9 enforcement agency, or complaints involving a policy of a  
10 law enforcement agency.

11 The investigating entity or agency shall submit  
12 quarterly reports to the Board regarding the progress of  
13 the investigation in a form to be determined by the Board.  
14 The quarterly report shall be reviewed by the individual  
15 at the Board who conducted the preliminary review, if  
16 available.

17 The investigating entity or agency shall, within 7 days of  
18 completing an investigation, deliver an Investigative  
19 Summary Report and copies of any evidence to the Board. If  
20 the Board finds an investigation conducted under this  
21 subsection (f)(3) is incomplete, unsatisfactory, or  
22 deficient in any way, the Board may direct the  
23 investigating entity to take any additional investigative  
24 steps deemed necessary to thoroughly and satisfactorily  
25 complete the investigation, or the Board may take any  
26 steps necessary to complete the investigation. The

1       investigating entity or agency or, when necessary, the  
2       Board will then amend and re-submit the Investigative  
3       Summary Report to the Board for approval. The  
4       investigating entity shall cooperate with and assist the  
5       Board, as necessary, in any subsequent investigation.

6           (4) Concurrent Investigations. The Board may, at any  
7       point, initiate a concurrent investigation under this  
8       section. The original investigating entity shall timely  
9       communicate, coordinate, and cooperate with the Board to  
10      the fullest extent. The Board shall promulgate rules that  
11      shall address, at a minimum, the sharing of information  
12      and investigative means such as subpoenas and interviewing  
13      witnesses.

14          (5) Investigative Summary Report. An Investigative  
15      Summary Report shall contain, at a minimum, the  
16      allegations and elements within each allegation followed  
17      by the testimonial, documentary, or physical evidence that  
18      is relevant to each such allegation or element listed and  
19      discussed in association with it. All persons who have  
20      been interviewed and listed in the Investigative Summary  
21      Report will be identified as a complainant, witness,  
22      person with specialized knowledge, or law enforcement  
23      employee.

24          (6) Each law enforcement agency shall adopt a written  
25      policy regarding the investigation of conduct under  
26      subsection (a) that involves a law enforcement officer

1 employed by that law enforcement agency. The written  
2 policy adopted must include the following, at a minimum:

3 (a) Each law enforcement officer shall immediately  
4 report any conduct under subsection (b) to the  
5 appropriate supervising officer.

6 (b) The written policy under this Section shall be  
7 available for inspection and copying under the Freedom  
8 of Information Act, and not subject to any exemption  
9 of that Act.

10 (7) Nothing in this Act shall prohibit a law  
11 enforcement agency from conducting an investigation for  
12 the purpose of internal discipline. However, any such  
13 investigation shall be conducted in a manner that avoids  
14 interference with, and preserves the integrity of, any  
15 separate investigation by the Board being conducted.

16 (g) Formal complaints. Upon receipt of an Investigative  
17 Summary Report, the Board shall review the Report and any  
18 relevant evidence obtained and determine whether there is  
19 reasonable basis to believe that the law enforcement officer  
20 committed any conduct that would be deemed a violation of this  
21 Act. If after reviewing the Report and any other relevant  
22 evidence obtained, the Board determines that a reasonable  
23 basis does exist, the Board shall file a formal complaint with  
24 the Certification Review Panel.

25 (h) Formal Complaint Hearing.

26 (1) Upon issuance of a formal complaint, the Panel

1 shall set the matter for an initial hearing in front of an  
2 administrative law judge. At least 30 days before the date  
3 set for an initial hearing, the Panel must, in writing,  
4 notify the law enforcement officer subject to the  
5 complaint of the following:

6 (i) the allegations against the law enforcement  
7 officer, the time and place for the hearing, and  
8 whether the law enforcement officer's certification  
9 has been temporarily suspended under Section 8.3;

10 (ii) the right to file a written answer to the  
11 complaint with the Panel within 30 days after service  
12 of the notice;

13 (iii) if the law enforcement officer fails to  
14 comply with the notice of the default order in  
15 paragraph (2), the Panel shall enter a default order  
16 against the law enforcement officer along with a  
17 finding that the allegations in the complaint are  
18 deemed admitted, and that the law enforcement  
19 officer's certification may be revoked as a result;  
20 and

21 (iv) the law enforcement officer may request an  
22 informal conference to surrender the officer's  
23 certification.

24 (2) The Board shall send the law enforcement officer  
25 notice of the default order. The notice shall state that  
26 the officer has 30 days to notify the Board in writing of

1           their desire to have the order vacated and to appear  
2           before the Board. If the law enforcement officer does not  
3           notify the Board within 30 days, the Board may set the  
4           matter for hearing. If the matter is set for hearing, the  
5           Board shall send the law enforcement officer the notice of  
6           the date, time and location of the hearing. If the law  
7           enforcement officer or counsel for the officer does  
8           appear, at the Board's discretion, the hearing may proceed  
9           or may be continued to a date and time agreed upon by all  
10          parties. If on the date of the hearing, neither the law  
11          enforcement officer nor counsel for the officer appears,  
12          the Board may proceed with the hearing for default in  
13          their absence.

14                 (3) If the law enforcement officer fails to comply  
15          with paragraph (2), all of the allegations contained in  
16          the complaint shall be deemed admitted and the law  
17          enforcement officer shall be decertified if, by a majority  
18          vote of the panel, the conduct charged in the complaint is  
19          found to constitute sufficient grounds for decertification  
20          under this Act. Notice of the decertification decision may  
21          be served by personal delivery, by mail, or, at the  
22          discretion of the Board, by electronic means as adopted by  
23          rule to the address or email address specified by the law  
24          enforcement officer in the officer's last communication  
25          with the Board. Notice shall also be provided to the law  
26          enforcement officer's employing law enforcement agency.

1           (4) The Board, at the request of the law enforcement  
2 officer subject to the Formal Complaint, may suspend a  
3 hearing on a Formal Complaint for no more than one year if  
4 a concurrent criminal matter is pending. If the law  
5 enforcement officer requests to have the hearing  
6 suspended, the law enforcement officer's certification  
7 shall be deemed inactive until the law enforcement  
8 officer's Formal Complaint hearing concludes. The Board or  
9 the law enforcement officer may request to have the  
10 hearing suspended for up to 6 additional months for good  
11 cause. This request may be renewed. For purposes of this  
12 paragraph (4), "good cause" means an incident or  
13 occurrence that is beyond the control of the requester and  
14 that prevents the hearing from occurring, or holding the  
15 hearing would impose an undue hardship or prejudice on the  
16 requester.

17           (5) Surrender of certification or waiver. Upon the  
18 Board's issuance of a complaint, and prior to hearing on  
19 the matter, a law enforcement officer may choose to  
20 surrender the officer's certification or waiver by  
21 notifying the Board in writing of the officer's decision  
22 to do so. Upon receipt of such notification from the law  
23 enforcement officer, the Board shall immediately decertify  
24 the officer, or revoke any waiver previously granted. In  
25 the case of a surrender of certification or waiver, the  
26 Board's proceeding shall terminate.

1           (6) Appointment of administrative law judges. The  
2 Board shall retain any attorney licensed to practice law  
3 in the State of Illinois to serve as an administrative law  
4 judge in any action involving a law enforcement officer  
5 under this Act. The administrative law judge shall be  
6 retained to a term of no greater than 4 years. If more than  
7 one judge is retained, the terms shall be staggered. The  
8 administrative law judge has full authority to conduct the  
9 hearings.

10           Administrative law judges will receive initial and  
11 annual training that is adequate in quality, quantity,  
12 scope, and type, and will cover, at minimum the following  
13 topics:

14           (i) constitutional and other relevant law on  
15 police-community encounters, including the law on the  
16 use of force and stops, searches, and arrests;

17           (ii) police tactics;

18           (iii) investigations of police conduct;

19           (iv) impartial policing;

20           (v) policing individuals in crisis;

21           (vi) Illinois police policies, procedures, and  
22 disciplinary rules;

23           (vii) procedural justice; ~~and~~

24           (viii) community outreach; ~~and~~

25           (ix) technological tools that law enforcement  
26 officers use in criminal procedures and the biases and

1           possible inaccurate results generated by those tools.

2           The Board shall determine the content and extent of  
3 the training within the scope provided for by this  
4 subsection.

5           (7) Hearing. At the hearing, the administrative law  
6 judge will hear the allegations alleged in the complaint.  
7 The law enforcement officer, the counsel of the officer's  
8 choosing, and the Board, or the officer's counsel, shall  
9 be afforded the opportunity to present any pertinent  
10 statements, testimony, evidence, and arguments. The law  
11 enforcement officer shall be afforded the opportunity to  
12 request that the Board compel the attendance of witnesses  
13 and production of related documents. After the conclusion  
14 of the hearing, the administrative law judge shall report  
15 any findings of fact, conclusions of law, and recommended  
16 disposition to the Panel. If the law enforcement officer  
17 objects to any procedural or substantive legal portion of  
18 the report, the officer may do so by written brief filed  
19 with the Panel within 14 days after receipt of the report.  
20 The Panel may grant reasonable extensions for good cause  
21 shown or when mutually agreed upon by the parties.

22           No later than 28 days before the hearing, a party  
23 shall disclose the following:

24           (i) The name and, if known, the address and  
25 telephone number of each individual likely to have  
26 information relevant to the hearing that the

1 disclosing party may use to support its claims or  
2 defenses. This includes, but is not limited to, any  
3 name that has previously been held as confidential by  
4 the Board.

5 (ii) A copy of any documents and videos that are in  
6 the possession, custody, or control of the party, and  
7 that the disclosing party may use to support its  
8 claims or defenses.

9 (8) Certification Review Meeting. Upon receipt of the  
10 administrative law judge's findings of fact, conclusions  
11 of law, and recommended disposition, and any submitted  
12 objections from the law enforcement officer, the Panel  
13 shall call for a certification review meeting.

14 In such a meeting, the Panel may adjourn into a closed  
15 conference for the purposes of deliberating on the  
16 evidence presented during the hearing. In closed  
17 conference, the Panel shall consider the hearing officer's  
18 findings of fact, conclusions of law, and recommended  
19 disposition and may deliberate on all evidence and  
20 testimony received and may consider the weight and  
21 credibility to be given to the evidence received. No new  
22 or additional evidence may be presented to the Panel.  
23 After concluding its deliberations, the Panel shall  
24 convene in open session for its consideration of the  
25 matter. If a simple majority of the Panel finds that no  
26 allegations in the complaint supporting one or more

1 charges of misconduct are proven by clear and convincing  
2 evidence, then the Panel shall recommend to the Board that  
3 the complaint be dismissed. If a simple majority of the  
4 Panel finds that the allegations in the complaint  
5 supporting one or more charges of misconduct are proven by  
6 clear and convincing evidence, then the Panel shall  
7 recommend to the Board to decertify the officer. The Panel  
8 shall prepare a summary report as soon as practicable  
9 after the completion of the meeting including the  
10 following: the hearing officer's findings of fact,  
11 conclusions of law, recommended disposition, and the  
12 Panel's order.

13 (9) Final action by the Board. After receiving the  
14 Panel's recommendations and any objections by the law  
15 enforcement officer, and after due consideration of the  
16 Panel's recommendations, the Board, by majority vote,  
17 shall issue a final decision to decertify the law  
18 enforcement officer or take no action in regard to the law  
19 enforcement officer. No new or additional evidence may be  
20 presented to the Board. If the Board makes a final  
21 decision contrary to the recommendations of the Panel, the  
22 Board shall set forth in its final written decision the  
23 specific written reasons for not following the Panel's  
24 recommendations. A copy of the Board's final decision  
25 shall be served upon the law enforcement officer by the  
26 Board, either personally or as provided in this Act for

1 the service of a notice of hearing. A copy of the Board's  
2 final decision also shall be delivered to the last  
3 employing law enforcement agency, the complainant, and the  
4 Panel.

5 (10) Reconsideration of the Board's Decision. Within  
6 30 days after service of the Board's final decision, the  
7 Panel or the law enforcement officer may file a written  
8 motion for reconsideration with the Review Committee. The  
9 motion for reconsideration shall specify the particular  
10 grounds for reconsideration. The non-moving party may  
11 respond to the motion for reconsideration. The Review  
12 Committee shall only address the issues raised by the  
13 parties.

14 The Review Committee may deny the motion for  
15 reconsideration, or it may grant the motion in whole or in  
16 part and issue a new final decision in the matter. The  
17 Review Committee must notify the law enforcement officer  
18 and their last employing law enforcement agency within 14  
19 days of a denial and state the reasons for denial.

20 (i) This Section applies to conduct by a full-time or  
21 part-time law enforcement officer in violation of subsection  
22 (b) that occurred before, on, or after the effective date of  
23 this amendatory Act of the 102nd General Assembly.

24 (j) Notwithstanding any provision of law to the contrary,  
25 the changes made to this Section by this amendatory Act of the  
26 102nd General Assembly and Public Act 101-652 take effect July

1 1, 2022.

2 (Source: P.A. 101-652, eff. 1-1-22; 102-694, eff. 1-7-22.)

3 Section 905. The Code of Criminal Procedure of 1963 is  
4 amended by changing Section 108-3 and by adding Section  
5 107-9.5 as follows:

6 (725 ILCS 5/107-9.5 new)

7 Sec. 107-9.5. Facial recognition technology. Results  
8 generated by facial recognition technology shall not serve as  
9 the sole basis to establish probable cause for a warrant of  
10 arrest. Results generated by facial recognition technology may  
11 be provided as additional material along with independently  
12 gained evidence that itself provides probable cause for a  
13 warrant of arrest.

14 (725 ILCS 5/108-3) (from Ch. 38, par. 108-3)

15 Sec. 108-3. Grounds for search warrant.

16 (a) Except as provided in subsection (b), upon the written  
17 complaint of any person under oath or affirmation which states  
18 facts sufficient to show probable cause and which particularly  
19 describes the place or person, or both, to be searched and the  
20 things to be seized, any judge may issue a search warrant for  
21 the seizure of the following:

22 (1) Any instruments, articles or things designed or  
23 intended for use or which are or have been used in the

1 commission of, or which may constitute evidence of, the  
2 offense in connection with which the warrant is issued; or  
3 contraband, the fruits of crime, or things otherwise  
4 criminally possessed.

5 (2) Any person who has been kidnaped in violation of  
6 the laws of this State, or who has been kidnaped in another  
7 jurisdiction and is now concealed within this State, or  
8 any human fetus or human corpse.

9 (b) When the things to be seized are the work product of,  
10 or used in the ordinary course of business, and in the  
11 possession, custody, or control of any person known to be  
12 engaged in the gathering or dissemination of news for the  
13 print or broadcast media, no judge may issue a search warrant  
14 unless the requirements set forth in subsection (a) are  
15 satisfied and there is probable cause to believe that:

16 (1) such person has committed or is committing a  
17 criminal offense; or

18 (2) the things to be seized will be destroyed or  
19 removed from the State if the search warrant is not  
20 issued.

21 (c) Results generated by facial recognition technology  
22 shall not serve as the sole basis to establish probable cause  
23 for a search warrant. Results generated by facial recognition  
24 technology may be provided as additional material along with  
25 independently gained evidence that itself provides probable  
26 cause for a search warrant.

1 (Source: P.A. 89-377, eff. 8-18-95.)

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 50 ILCS 705/6 from Ch. 85, par. 506

5 50 ILCS 705/6.3

6 725 ILCS 5/107-9.5 new

7 725 ILCS 5/108-3 from Ch. 38, par. 108-3