



Rep. Litesa E. Wallace

Filed: 3/23/2017

10000HB0270ham002

LRB100 04388 SLF 24041 a

1 AMENDMENT TO HOUSE BILL 270

2 AMENDMENT NO. _____. Amend House Bill 270, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 1. Short title. This Act may be cited as the Law
6 Enforcement Sexual Assault Investigation Act.

7 Section 5. Definitions. As used in this Act:

8 "Formal investigation" has the meaning ascribed to it in
9 Section 2 of the Uniform Peace Officers' Disciplinary Act.

10 "Independent agency" means:

11 (1) for a unit of local government a law enforcement
12 agency of another unit of local government other than the
13 unit of local government of the law enforcement agency that
14 employs the officer accused of sexual assault; or

15 (2) for a State law enforcement agency the Office of
16 the Attorney General.

1 "Informal inquiry" has the meaning ascribed to it in
2 Section 2 of the Uniform Peace Officers' Disciplinary Act.

3 "Law enforcement agency" means an agency of the State or of
4 a unit of local of government which is vested by law or
5 ordinance with the duty to maintain public order and to enforce
6 criminal laws.

7 "Police officer" means any person employed by a law
8 enforcement agency of the State, a county, or a municipality as
9 a policeman, peace officer, or in some like position involving
10 the enforcement of the law and protection of public interest at
11 the risk of the person's life.

12 "Sexual assault" has the meaning ascribed to it in Section
13 1a of the Sexual Assault Survivors Emergency Treatment Act.

14 Section 10. Complaints of sexual assault. If a law
15 enforcement agency receives a complaint, or other formal or
16 informal notice, that a police officer has committed a sexual
17 assault while acting in his or her capacity as a police
18 officer, the complaint or notice shall be immediately reported
19 to the police officer's supervisory or command personnel. The
20 complaint or notice of sexual assault shall also be immediately
21 reported to an independent agency under the protocols and
22 guidelines as created by the Illinois Law Enforcement Training
23 Standards Board under Section 7.7 of the Illinois Police
24 Training Act.

1 Section 15. Investigations of sexual assault.

2 (a) After an independent agency has been informed of
3 allegations of a sexual assault by a police officer under
4 Section 10, the independent agency shall proceed with a formal
5 investigation of the police officer based on the allegation.

6 (b) The independent agency shall have all the rights and
7 privileges provided to the law enforcement agency employing the
8 police officer, the internal investigation department of that
9 law enforcement agency, or any other State or federal agency
10 would have in investigating the allegations of sexual assault
11 against the police officer.

12 (c) After the independent agency has concluded its formal
13 investigation, it shall prepare written findings and
14 recommendations and forward those to the police officer's
15 supervisory or command personnel and the State's Attorney with
16 jurisdiction over the police officer's law enforcement agency.
17 The independent agency's written findings and recommendations
18 may be the basis for filing charges seeking the police
19 officer's removal, discharge, or suspension.

20 Section 20. Informal inquiry. Nothing in this Act shall
21 prohibit a police officer's supervisory or command personnel
22 from conducting an informal inquiry of allegations of sexual
23 assault against the police officer unless the informal inquiry
24 would in any way interfere with the formal investigation being
25 conducted by the independent agency.

1 Section 25. Home rule. A home rule unit may not regulate
2 investigations of allegations of sexual assault by a police
3 officer in a manner inconsistent with this Act. This Act is a
4 limitation under subsection (i) of Section 6 of Article VII of
5 the Illinois Constitution on the concurrent exercise by home
6 rule units of powers and functions exercised by the State.

7 Section 900. The Illinois Police Training Act is amended by
8 adding Section 7.7 as follows:

9 (50 ILCS 705/7.7 new)

10 Sec. 7.7. Sexual assault investigations protocols and
11 guidelines. The Board shall adopt written protocols and
12 guidelines for the investigation of law enforcement officers
13 accused of sexual assault. The protocols and guidelines shall,
14 at a minimum, be consistent with the Law Enforcement Sexual
15 Assault Investigation Act.

16 Section 999. Effective date. This Act takes effect on
17 September 1, 2018."