



Rep. Tony McCombie

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10200SB1486ham003

LRB102 11264 KTG 38234 a

1 AMENDMENT TO SENATE BILL 1486

2 AMENDMENT NO. _____. Amend Senate Bill 1486 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Children and Family Services Act is
5 amended by adding Section 21.6 as follows:

6 (20 ILCS 505/21.6 new)

7 Sec. 21.6. Front-line staff members; personal protection
8 spray devices.

9 (a) As used in this Section:

10 "Front-line staff member" or "staff member" means an
11 individual who engages with families in their home settings.

12 "Personal protection spray device" means a commercially
13 available dispensing device designed and intended for use in
14 self-defense which is comprised of non-lethal Oleoresin
15 Capsicum and is specifically approved by the Department in
16 consultation with the Illinois State Police.

1 (b) A front-line staff member is authorized to carry and
2 use personal protection spray devices for self-defense
3 purposes while investigating a report of child abuse or
4 neglect if the front-line staff member has been trained on the
5 proper use of such personal protection spray devices by the
6 Department, in consultation with the Illinois State Police. By
7 January 1, 2023, the Department, in consultation with the
8 Illinois State Police, shall (i) identify a list of approved
9 personal protection spray devices and (ii) jointly develop and
10 approve a training curriculum and program for front-line staff
11 members on the proper use of such personal protection spray
12 devices for self-defense purposes. The Department shall
13 provide funding for the training program.

14 (c) Personal protection spray device use. A personal
15 protection spray device may only be used if a front-line staff
16 member:

17 (1) reasonably believes that use is necessary to
18 protect the staff member from an imminent physical assault
19 posed by another person;

20 (2) uses the device to incapacitate a person
21 attempting a physical assault in order to avoid imminent
22 physical harm and to facilitate escape from danger when
23 there is no other alternative available to the staff
24 member;

25 (3) uses a device approved by the Department, in
26 consultation with the Illinois State Police;

1 (4) except in exigent circumstances, has issued a
2 verbal warning to persons in close proximity to the spray
3 area in accordance with the training jointly developed by
4 the Department, in consultation with the Illinois State
5 Police;

6 (5) does not intentionally spray any person other than
7 a person attempting to physically assault the front-line
8 staff member; and

9 (6) has successfully completed training on how to use
10 the approved devices, de-escalation techniques,
11 pre-contact cues, and situation awareness.

12 A front-line staff member's use of personal protection
13 spray devices during the performance of his or her
14 professional duties in any manner other than as expressly
15 authorized under this Section shall be prohibited by
16 Department policy. Whenever a front-line staff member
17 discharges a personal protection spray device, the front-line
18 staff member shall complete an incident report.

19 (d) Duty to seek medical care for bystanders. Following
20 the discharge of a personal protection spray device that
21 results in exposure, the front-line staff member shall notify
22 his or her supervisor and, if appropriate, call 9-1-1 for
23 emergency response or responders as soon as reasonably
24 practical and when safe to do so.

25 (e) Reporting. Beginning January 1, 2024, and every
26 January 1 thereafter, the Department shall post on its website

1 a report containing the following information for the
2 preceding calendar year: (i) the number of front-line staff
3 members trained to carry personal protection spray devices;
4 (ii) the number of front-line staff members who report
5 carrying personal protection spray devices and the make or
6 model of the devices; and (iii) the number of reported uses of
7 personal protection spray devices by service region. In
8 addition, the Department shall report each incident involving
9 the deployment of a personal protection spray device that
10 occurred during the preceding calendar year, including:

11 (1) the estimated age, gender, and race of the
12 intended target of the personal protection spray device;

13 (2) whether there were injuries to the intended target
14 resulting from the deployment of the personal protection
15 spray device;

16 (3) the age, gender, and race of the front-line staff
17 member who utilized the personal protection spray device;
18 and

19 (4) whether there were injuries to the front-line
20 staff member resulting from the incident.

21 The Department shall also report yearly data on the number
22 of personal protection spray device deployments found to be
23 against Department policy.

24 Section 99. Effective date. This Act takes effect upon
25 becoming law."