



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3788

Introduced 2/9/2024, by Sen. Robert F. Martwick

SYNOPSIS AS INTRODUCED:

65 ILCS 5/Art. 11 Div. 1.7 heading new
65 ILCS 5/11-1.7-5 new
65 ILCS 5/11-1.7-10 new
65 ILCS 5/11-1.7-15 new
65 ILCS 5/11-1.7-20 new
65 ILCS 5/11-1.7-25 new
65 ILCS 5/11-1.7-90 new

Creates the Police Mental Health Office Division in the Illinois Municipal Code. Subject to appropriation, requires, by October 1, 2024, the City of Chicago Police Department to establish a mental health office in 2 of its districts, the Peoria Police Department to establish one mental health office, and the Springfield Police Department to establish one mental health office. Provides that each office shall be overseen by the police department's mental health ombudsman or other person designated by the police department and the bargaining unit representing the department's peace officers. Provides that each office's primary area of focus shall be peace officer and crisis responder mental health services. Includes provisions relating to duties of a police department mental health office. Requires a social worker of the office to have or be working toward the social worker's certification as a Certified Alcohol and Other Drug Counselor. Includes provisions relating to privileged and confidential communications. Limits the concurrent exercise of home rule powers. Effective July 1, 2024.

LRB103 38781 AWJ 68918 b

1 AN ACT concerning local government.

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

4 Section 5. The Illinois Municipal Code is amended by
5 adding Division 1.7 as follows:

6 (65 ILCS 5/Art. 11 Div. 1.7 heading new)

7 DIVISION 1.7. POLICE MENTAL HEALTH OFFICE

8 (65 ILCS 5/11-1.7-5 new)

9 Sec. 11-1.7-5. Definitions. As used in this Division:

10 "Crisis responder" means a social worker or other health
11 practitioner who works within a police department or a health
12 professional who is an employee of the department who provides
13 victim support services, including co-responders within a
14 police department's co-responder unit.

15 "Immediate family member" means a spouse or child by
16 blood, adoption, or marriage.

17 "Social Worker" means a licensed clinical social worker or
18 licensed social worker, as those terms are defined in the
19 Clinical Social Work and Social Work Practice Act.

20 (65 ILCS 5/11-1.7-10 new)

21 Sec. 11-1.7-10. Establishment; oversight; focus.

1 (a) Subject to appropriation by the General Assembly, the
2 following police departments shall establish a mental health
3 office located in its police department no later than October
4 1, 2024, including the hiring of personnel.

5 (1) The City of Chicago Police Department shall
6 establish a mental health office in 2 of its districts.

7 (2) One office within the Peoria Police Department.

8 (3) One office within the Springfield Police
9 Department.

10 (b) The office shall be overseen by the police
11 department's mental health ombudsman or other person
12 designated by the police department and the bargaining unit
13 representing the department's peace officers.

14 (c) The office's primary area of focus shall be peace
15 officer and crisis responder mental health services.

16 (65 ILCS 5/11-1.7-15 new)

17 Sec. 11-1.7-15. Duties.

18 (a) The duties of the office include, but are not limited
19 to:

20 (1) Serving as the district's or the police
21 department's primary provider of direct services for
22 mental health services, including addiction services, for
23 peace officers and crisis responders who work in the
24 district or department.

25 (2) Serving as the district's or the police

1 department's primary resource for understanding other
2 mental health and public assistance programs offered by
3 the municipality.

4 (3) If time allows, provide mental health services to
5 other employees of the district or the police department
6 and to immediate family members of peace officers and
7 crisis responders.

8 (4) Employing social workers of the office, who shall:

9 (A) Upon request, provide mental health services
10 to peace officers, crisis responders, or others as
11 allowed in this Division.

12 (B) Facilitate follow-up treatment or referral to
13 the appropriate employee assistance program or
14 community resource organization, if requested.

15 (C) Protect the interest, confidentiality, and
16 civil rights of the client.

17 (D) Train social work interns who may be working
18 within the office.

19 (E) Inform clients, prior to providing services,
20 what communications are confidential under applicable
21 provisions of State or federal law, rule, or
22 regulation and what may be shared with their employer.

23 (F) Process all insurance claims related to
24 services provided. The social worker shall not submit
25 insurance claims without written consent from the
26 client for any services that would require a

1 diagnosis.

2 (b) Nothing in this Division precludes employees of a
3 division or police department from seeking out services from
4 existing employee assistance programs or community services.

5 (65 ILCS 5/11-1.7-20 new)

6 Sec. 11-1.7-20. Training. A social worker of the office
7 shall have or must be working toward the social worker's
8 certification as a Certified Alcohol and Other Drug Counselor.

9 (65 ILCS 5/11-1.7-25 new)

10 Sec. 11-1.7-25. Privileged or confidential communications.
11 Nothing contained in this Division shall be construed to
12 impair or limit the confidentiality of communications
13 otherwise protected by law as privileged or confidential,
14 including, but not limited to, information communicated in
15 confidence to a social worker or social work intern who works
16 under the direct supervision of a social worker. A social
17 worker may not be subjected to adverse employment action, the
18 threat of adverse employment action, or any manner of
19 discrimination because the employee is acting or has acted to
20 protect communications as privileged or confidential pursuant
21 to applicable provisions of State or federal law, rule, or
22 regulation.

23 (65 ILCS 5/11-1.7-90 new)

1 Sec. 11-1.7-90. Home rule. A home rule municipality may
2 not regulate its police department's mental health office in a
3 manner inconsistent with this Division. This Division 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 99. Effective date. This Act takes effect July 1,
8 2024.