

HB3174



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3174

Introduced 2/18/2025, by Rep. Jennifer Gong-Gershowitz

SYNOPSIS AS INTRODUCED:

50 ILCS 705/9.2
55 ILCS 5/3-9005

from Ch. 34, par. 3-9005

Amends the Counties Code. Requires a State's Attorney to notify the Illinois Law Enforcement Training Standards Board of any officer found to be uncredible for the presentation of sworn testimony. Amends the Illinois Police Training Act. Requires the Board to record whether or not an officer has been reported by a State's Attorney as being uncredible for the presentation of testimony. Effective immediately.

LRB104 05065 RTM 15093 b

A BILL FOR

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 Police Training Act is amended by
5 changing Section 9.2 as follows:

6 (50 ILCS 705/9.2)

7 Sec. 9.2. Officer professional conduct database;
8 transparency.

9 (a) All law enforcement agencies and the Illinois State
10 Police shall notify the Board of any final determination of a
11 willful violation of department, agency, or the Illinois State
12 Police policy, official misconduct, or violation of law within
13 10 days when:

14 (1) the determination leads to a suspension of at
15 least 10 days;

16 (2) any infraction that would trigger an official or
17 formal investigation under a law enforcement agency or the
18 Illinois State Police policy;

19 (3) there is an allegation of misconduct or regarding
20 truthfulness as to a material fact, bias, or integrity; or

21 (4) the officer resigns or retires during the course
22 of an investigation and the officer has been served notice
23 that the officer is under investigation.

1 Agencies and the Illinois State Police may report to the
2 Board any conduct they deem appropriate to disseminate to
3 another law enforcement agency regarding a law enforcement
4 officer.

5 The agency or the Illinois State Police shall report to
6 the Board within 10 days of a final determination and final
7 exhaustion of any administrative appeal, or the law
8 enforcement officer's resignation or retirement, and shall
9 provide information regarding the nature of the violation.
10 This notification shall not necessarily trigger certification
11 review.

12 A law enforcement agency and the Illinois State Police
13 shall be immune from liability for a disclosure made as
14 described in this subsection, unless the disclosure would
15 constitute intentional misrepresentation or gross negligence.

16 (b) Within 14 days after receiving notification from a law
17 enforcement agency or the Illinois State Police, the Board
18 must notify the law enforcement officer of the report and the
19 officer's right to provide a statement regarding the reported
20 violation. The law enforcement officer shall have 14 days from
21 receiving notice to provide a written objection contesting
22 information included in the agency's report. The objection
23 must be filed with the Board on a form prescribed by the Board
24 and a copy must be served on the law enforcement agency. The
25 objection shall remain in the database with the reported
26 violation.

1 (c) The Board shall maintain a database readily available
2 to any chief administrative officer, or the officer's
3 designee, of a law enforcement agency and the Illinois State
4 Police that shall show for each law enforcement officer: (i)
5 dates of certification, decertification, and inactive status;
6 (ii) each sustained instance of departmental misconduct that
7 lead to a suspension at least 10 days or any infraction that
8 would trigger an official or formal investigation under the
9 law enforcement agency policy, any allegation of misconduct
10 regarding truthfulness as to a material fact, bias, or
11 integrity, or any other reported violation, the nature of the
12 violation, the reason for the final decision of discharge or
13 dismissal, and any statement provided by the officer; (iii)
14 date of separation from employment from any local or state law
15 enforcement agency; (iv) the reason for separation from
16 employment, including, but not limited to: whether the
17 separation was based on misconduct or occurred while the law
18 enforcement agency was conducting an investigation of the
19 certified individual for a violation of an employing agency's
20 rules, policy or procedure or other misconduct or improper
21 action.

22 (1) This database shall also be accessible to the
23 State's Attorney of any county in this State and the
24 Attorney General for the purpose of complying with
25 obligations under Brady v. Maryland (373 U.S. 83) or
26 Giglio v. United States (405 U.S. 150). This database

1 shall also be accessible to the chief administrative
2 officer of any law enforcement agency for the purposes of
3 hiring law enforcement officers. This database shall not
4 be accessible to anyone not listed in this subsection. The
5 Board shall record in the database whether or not an
6 officer has been reported by a State's Attorney as being
7 uncredible for the presentation of testimony.

8 (2) Before a law enforcement agency may appoint a law
9 enforcement officer or a person seeking a certification as
10 a law enforcement officer in this State, the chief
11 administrative officer or designee must check the Officer
12 Professional Conduct Database, contact each person's
13 previous law enforcement employers, and document the
14 contact. This documentation must be available for review
15 by the Board for a minimum of five years after the law
16 enforcement officer's termination, retirement,
17 resignation or separation with that agency.

18 (3) The database, documents, materials, or other
19 information in the possession or control of the Board that
20 are obtained by or disclosed to the Board under this
21 subsection shall be confidential by law and privileged,
22 shall not be subject to subpoena, and shall not be subject
23 to discovery or admissible in evidence in any private
24 civil action when sought from the Board. However, the
25 Board is authorized to use such documents, materials, or
26 other information in furtherance of any regulatory or

1 legal action brought as part of the Board's official
2 duties. The Board shall not disclose the database or make
3 such documents, materials, or other information it has
4 obtained or that has been disclosed to it to the public.
5 Neither the Board nor any person who received documents,
6 materials or other information shared under this
7 subsection shall be required to testify in any private
8 civil action concerning the database or any confidential
9 documents, materials, or information subject to this
10 subsection.

11 (d) The Board shall maintain a searchable database of law
12 enforcement officers accessible to the public that shall
13 include: (i) the law enforcement officer's employing agency;
14 (ii) the date of the officer's initial certification and the
15 officer's current certification status; and (iii) any
16 sustained complaint of misconduct that resulted in
17 decertification and the date thereof; provided, however, that
18 information shall not be included in the database that would
19 allow the public to ascertain the home address of an officer or
20 another person; provided further, that information regarding
21 an officer's or another person's family member shall not be
22 included in the database. The Board shall make the database
23 publicly available on its website.

24 (e) The Board shall maintain a searchable database of all
25 completed investigations against law enforcement officers
26 related to decertification. The database shall identify each

1 law enforcement officer by a confidential and anonymous number
2 and include: (i) the law enforcement officer's employing
3 agency; (ii) the date of the incident referenced in the
4 complaint; (iii) the location of the incident; (iv) the race
5 and ethnicity of each officer involved in the incident; (v)
6 the age, gender, race and ethnicity of each person involved in
7 the incident, if known; (vi) whether a person in the
8 complaint, including a law enforcement officer, was injured,
9 received emergency medical care, was hospitalized or died as a
10 result of the incident; (vii) the law enforcement agency or
11 other entity assigned to conduct an investigation of the
12 incident; (viii) when the investigation was completed; (ix)
13 whether the complaint was sustained; and (x) the type of
14 misconduct investigated; provided, however, that the Board
15 shall redact or withhold such information as necessary to
16 prevent the disclosure of the identity of an officer. The
17 Board shall make the database publicly available on its
18 website.

19 (e-1) An investigation is complete when the investigation
20 has either been terminated or the decertification action,
21 including the administrative review process, has been
22 completed, whichever is later.

23 (e-2) At any time, a law enforcement officer shall have
24 access to the law enforcement officer's own records on file
25 with the Board, as it pertains to the databases in this
26 Section.

1 (f) Annual report. The Board shall submit an annual report
2 to the Governor, Attorney General, President and Minority
3 Leader of the Senate, and the Speaker and Minority Leader of
4 the House of Representatives on or before March 1, 2023, and
5 every year thereafter indicating:

6 (1) the number of complaints received in the preceding
7 calendar year, including but not limited to the race,
8 gender, and type of discretionary decertification
9 complaints received;

10 (2) the number of investigations initiated in the
11 preceding calendar year since the date of the last report;

12 (3) the number of investigations concluded in the
13 preceding calendar year;

14 (4) the number of investigations pending as of the
15 last date of the preceding calendar year;

16 (5) the number of hearings held in the preceding
17 calendar year; and

18 (6) the number of officers decertified in the
19 preceding calendar year.

20 The annual report shall be publicly available on the
21 website of the Board.

22 (g) Nothing in this Section shall exempt a law enforcement
23 agency from which the Board has obtained data, documents,
24 materials, or other information or that has disclosed data,
25 documents, materials, or other information to the Board from
26 disclosing public records in accordance with the Freedom of

1 Information Act.

2 (h) Notwithstanding any provision of law to the contrary,
3 the changes made to this Section by this amendatory Act of the
4 102nd General Assembly and Public Act 101-652 take effect July
5 1, 2022.

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

7 Section 10. The Counties Code is amended by changing
8 Section 3-9005 as follows:

9 (55 ILCS 5/3-9005) (from Ch. 34, par. 3-9005)

10 Sec. 3-9005. Powers and duties of State's Attorney.

11 (a) The duty of each State's Attorney shall be:

12 (1) To commence and prosecute all actions, suits,
13 indictments and prosecutions, civil and criminal, in the
14 circuit court for the county, in which the people of the
15 State or county may be concerned.

16 (2) To prosecute all forfeited bonds and
17 recognizances, and all actions and proceedings for the
18 recovery of debts, revenues, moneys, fines, penalties and
19 forfeitures accruing to the State or the county, or to any
20 school district or road district in the county; also, to
21 prosecute all suits in the county against railroad or
22 transportation companies, which may be prosecuted in the
23 name of the People of the State of Illinois.

24 (3) To commence and prosecute all actions and

1 proceedings brought by any county officer in the county
2 officer's official capacity.

3 (4) To defend all actions and proceedings brought
4 against the county, or against any county or State
5 officer, in the county or State officer's official
6 capacity, within the county.

7 (5) To attend the examination of all persons brought
8 before any judge on habeas corpus, when the prosecution is
9 in the county.

10 (6) To attend before judges and prosecute charges of
11 felony or misdemeanor, for which the offender is required
12 to be recognized to appear before the circuit court, when
13 in the State's Attorney's power so to do.

14 (7) To give the State's Attorney's opinion, without
15 fee or reward, to any county officer in the county, upon
16 any question or law relating to any criminal or other
17 matter, in which the people or the county may be
18 concerned.

19 (8) To assist the Attorney General whenever it may be
20 necessary, and in cases of appeal from the county to the
21 Supreme Court, to which it is the duty of the Attorney
22 General to attend, the State's Attorney shall furnish the
23 Attorney General at least 10 days before such is due to be
24 filed, a manuscript of a proposed statement, brief and
25 argument to be printed and filed on behalf of the people,
26 prepared in accordance with the rules of the Supreme

1 Court. However, if such brief, argument or other document
2 is due to be filed by law or order of court within this
3 10-day period, then the State's Attorney shall furnish
4 such as soon as may be reasonable.

5 (9) To pay all moneys received by the State's Attorney
6 in trust, without delay, to the officer who by law is
7 entitled to the custody thereof.

8 (10) To notify, by first class mail, complaining
9 witnesses of the ultimate disposition of the cases arising
10 from an indictment or an information.

11 (11) To perform such other and further duties as may,
12 from time to time, be enjoined on the State's Attorney by
13 law.

14 (12) To appear in all proceedings by collectors of
15 taxes against delinquent taxpayers for judgments to sell
16 real estate, and see that all the necessary preliminary
17 steps have been legally taken to make the judgment legal
18 and binding.

19 (13) To notify, by first-class mail, the State
20 Superintendent of Education, the applicable regional
21 superintendent of schools, and the superintendent of the
22 employing school district or the chief school
23 administrator of the employing nonpublic school, if any,
24 upon the conviction of any individual known to possess a
25 certificate or license issued pursuant to Article 21 or
26 21B, respectively, of the School Code of any offense set

1 forth in Section 21B-80 of the School Code or any other
2 felony conviction, providing the name of the certificate
3 holder, the fact of the conviction, and the name and
4 location of the court where the conviction occurred. The
5 certificate holder must also be contemporaneously sent a
6 copy of the notice.

7 (14) To notify the Illinois Law Enforcement Training
8 Standards Board of any officer found to be uncredible for
9 the presentation of sworn testimony.

10 (b) The State's Attorney of each county shall have
11 authority to appoint one or more special investigators to
12 serve subpoenas and summonses, make return of process, and
13 conduct investigations which assist the State's Attorney in
14 the performance of the State's Attorney duties. In counties of
15 the first and second class, the fees for service of subpoenas
16 and summonses are allowed by this Section and shall be
17 consistent with those set forth in Section 4-5001 of this Act,
18 except when increased by county ordinance as provided for in
19 Section 4-5001. In counties of the third class, the fees for
20 service of subpoenas and summonses are allowed by this Section
21 and shall be consistent with those set forth in Section
22 4-12001 of this Act. A special investigator shall not carry
23 firearms except with permission of the State's Attorney and
24 only while carrying appropriate identification indicating the
25 special investigator's employment and in the performance of
26 the special investigator's assigned duties.

1 Subject to the qualifications set forth in this
2 subsection, special investigators shall be peace officers and
3 shall have all the powers possessed by investigators under the
4 State's Attorneys Appellate Prosecutor's Act.

5 No special investigator employed by the State's Attorney
6 shall have peace officer status or exercise police powers
7 unless the special investigator successfully completes the
8 basic police training course mandated and approved by the
9 Illinois Law Enforcement Training Standards Board or such
10 board waives the training requirement by reason of the special
11 investigator's prior law enforcement experience or training or
12 both. Any State's Attorney appointing a special investigator
13 shall consult with all affected local police agencies, to the
14 extent consistent with the public interest, if the special
15 investigator is assigned to areas within that agency's
16 jurisdiction.

17 Before a person is appointed as a special investigator,
18 the person's fingerprints shall be taken and transmitted to
19 the Department of State Police. The Department shall examine
20 its records and submit to the State's Attorney of the county in
21 which the investigator seeks appointment any conviction
22 information concerning the person on file with the Department.
23 No person shall be appointed as a special investigator if the
24 person has been convicted of a felony or other offense
25 involving moral turpitude. A special investigator shall be
26 paid a salary and be reimbursed for actual expenses incurred

1 in performing the special investigator's assigned duties. The
2 county board shall approve the salary and actual expenses and
3 appropriate the salary and expenses in the manner prescribed
4 by law or ordinance.

5 (c) The State's Attorney may request and receive from
6 employers, labor unions, telephone companies, and utility
7 companies location information concerning putative fathers and
8 noncustodial parents for the purpose of establishing a child's
9 paternity or establishing, enforcing, or modifying a child
10 support obligation. In this subsection, "location information"
11 means information about (i) the physical whereabouts of a
12 putative father or noncustodial parent, (ii) the putative
13 father or noncustodial parent's employer, or (iii) the salary,
14 wages, and other compensation paid and the health insurance
15 coverage provided to the putative father or noncustodial
16 parent by the employer of the putative father or noncustodial
17 parent or by a labor union of which the putative father or
18 noncustodial parent is a member.

19 (d) (Blank).

20 (e) The State's Attorney shall have the authority to enter
21 into a written agreement with the Department of Revenue for
22 pursuit of civil liability under subsection (E) of Section
23 17-1 of the Criminal Code of 2012 against persons who have
24 issued to the Department checks or other orders in violation
25 of the provisions of paragraph (1) of subsection (B) of
26 Section 17-1 of the Criminal Code of 2012, with the Department

1 to retain the amount owing upon the dishonored check or order
2 along with the dishonored check fee imposed under the Uniform
3 Penalty and Interest Act, with the balance of damages, fees,
4 and costs collected under subsection (E) of Section 17-1 of
5 the Criminal Code of 2012 or under Section 17-1a of that Code
6 to be retained by the State's Attorney. The agreement shall
7 not affect the allocation of fines and costs imposed in any
8 criminal prosecution.

9 (f) In a county with less than 2,000,000 inhabitants, and
10 only upon receipt of a written request by the superintendent
11 of the county Veterans Assistance Commission for the county in
12 which the State's Attorney is located, the State's Attorney
13 shall have the discretionary authority to render an opinion,
14 without fee or reward, upon any question of law relating to a
15 matter in which the county Veterans Assistance Commission may
16 be concerned. The State's Attorney shall have the discretion
17 to grant or decline such a request.

18 (Source: P.A. 101-275, eff. 8-9-19; 102-56, eff. 7-9-21.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.