



## ILACP LEGISLATIVE COMMITTEE

### **DRAFT: MEETING MINUTES**

Wednesday, March 26, 2014 – 1 PM (In Conjunction with Lobby Day)

Illinois State Police Headquarters

Springfield, Illinois

- I. Chairman P. O'Connor called meeting to order at 1 PM; Chief O'Connor led the committee in the Pledge of Allegiance.
- II. Chair asked all guests to be recognized. He instructed attendees to sign-in on the attendance sheets available.
- III. Chief O'Conner asked that a motion be made to approve the minutes from the December 11, 2013 Legislative Committee meeting at the ISP Headquarters in Springfield. Motion was made by Chief R. Harvey; second by Chief M. Holub, and motion carried.
- IV. Chairman O'Connor stated that Director Kennedy asked for today's comments and reports to be brief and concise due to the limit on time, as visits with legislators at the Capitol would immediately follow this meeting. Lobbyist L. Nargelenas addressed updates to the ILACP Legislative Initiatives; also had distributed the General Assembly schedule/calendar for review of attendees. Limey reported that seven initiatives are the focus for today's meetings with legislators. He stated that Gov. Quinn is presenting a State Budget Report today at the Capitol; proposes to reduce budget by 20% across the board or increase taxes. Every department must cut 20% or taxes must be decreased. There will also be committee hearings this afternoon at the Capitol. ILACP has seven priority issues to address with the legislators. Limey is tracking over 300 bills pertaining to law enforcement.
- V. This evening is the 2014 Legislative Reception, to be held again at the Sangamo Club in Springfield. Public Official of the Year 2013 will be presented to Illinois State Representative Frank Mautino (76<sup>th</sup> Dist.) and House Republican Leader Jim Durkin (82<sup>nd</sup> Dist.). Lobbyist Nargelenas gave instructions for visiting legislators at the Capitol this afternoon of Lobby Day. He further reported that there are over 300 bills in conjunction with law enforcement that he is tracking on behalf of the ILACP.
- VI. While the Medical Marijuana bill is not "totally put to bed yet, already 10 more bills have introduced to legalize marijuana in general use. The Medical Marijuana legislation has been forward to JCAR. The law indicates \$45,000 background investigation; \$200,000 cost liquid assets to buy a dispensary/growing license in the state. Law states number of license purchases limited. Thus, there should be no monopoly on medical marijuana distribution. Limey believes efforts are coming in the future to legalize marijuana usage. There will be internal conflict on the issue.
- VII. Nargelenas gave update on the Concealed Carry laws now in place. Thirty new bills have been introduced. Expected follow-up legislation has been proposed to sub-committee. It appears the current Concealed Carry law will be in place for about one year before further modifications to the law.
- VIII. Priority on today's contact planning is the Eavesdropping legislation, HB 2446 and SB 3034 and SB 2771. ILACP Supports all of these bills. Some Illinois Chiefs have contacted Limey to comment that the Supreme Court says the Illinois laws are not Constitutional. Since there is no Eavesdropping in Illinois at this time, Limey suggested that chiefs contact their local states attorneys for direction. A legal view from an attorney will clarify this. Supreme Court says Illinois bill is too far reaching. SB 2771 is more important bill at this time. It extends for two more years regarding the undercover officers; Sen. Haine has

introduced this bill and it is important to see SB 2771 pushed through. Sen. Nekritz says public will be given right to eavesdrop on public bodies and on law enforcement, but law enforcement could not eavesdrop on anyone with court order. Retired Senator John Millner explained the urgency to address these eavesdropping issues. Law enforcement input is immeasurably important. Remember also the point that it is legal to videotape record by officers in uniform.

- IX. Automated Traffic Law Enforcement System to include expanding the program statewide. This is Rep. Hoffman's bill; HB 4632. ILACP Supports. Bill supports the use of automated Traffic Law Enforcement systems by police for traffic safety using automated radar systems. Synopsis As Introduced: Amends the Illinois Vehicle Code. Removes the restriction on municipalities with a population under 1,000,000 using automated speed enforcement systems in safety zones. Provides that in municipalities with a population of 1,000,000 or more, automated speed enforcement systems may not be used on Lake Shore Drive or any controlled access highway with 8 or more lanes of traffic.
- X. Propose legislation to make it illegal for police personnel to share police information that may jeopardize an active criminal case. This is in response to an Illinois Supreme Court Decision stating that no such law exists at this time. One our ILACP Initiatives. SB 2695, Sen. Koehler. ILACP Supports.
- XI. Oppose SB 3411, Quota Unfair Labor Practice. SB 3411, Sen. Manar. Legislators say quotas use is an outdated practice. Since this is an election year, union funds are flowing heavily, and legislators want to tell citizens that they are doing away with the unfair quotas use and the public will not be arrested because of an unfair quota system. Legislators are willing to consider minimum performance standards requirement but leave to officer's discretion how many stops and whether to issue warning, citation, etc. Chief O'Connor reiterated that use of minimum standard reporting is not a mechanism to raise revenue for municipalities, but it is essential in order to submit reports for traffic safety grant funding. This issue must be explained to the FOP. ILACP members are encouraged to stop passage of the bill with a unified voice at all costs.
- XII. No Arrests on School Grounds and Elimination Zero Tolerance Policies was highlighted next. Law enforcement is being criticized for making too many campus arrests per some legislators. SB 3004, Sen. Lightford's bill. ILACP Opposes. SB 2760 Juvenile Rights Act. School Resource Officer must get principal's permission and must read student their rights before allowed to talk to them about any issue. Police officers would not be allowed to come onto the campuses. Mayors and city managers have applauded law enforcement for increased arrests. Another battle for law enforcement to address. Most problems are happening in the Chicago school district.
- XIII. Repeal the Traffic Study; Amends the Illinois Vehicle Code and removes the July 1, 2015 repeal date for the Section requiring traffic stop statistical study. HB 4442, Rep. Davis. ILACP Opposes. Financial cost of the study is significant. However, the ACLU claims that the existence of this law is exactly why during this ten year study there have been no cases of racial profiling found in Illinois office data collection; ACLU and Rep. Nekritz claim it is working well and needs to continue because when President Obama was an Illinois legislator, he wrote the legislation and it is to his credit that it has been so successful. Illinois law enforcement believes it is time to cease this study. Going to the full house for their vote.
- XIV. Fight Crime: Invest in Kids Illinois updated was presented by Director Tim Carpenter. He reported on the state funding needs for the programs, and distributed pertinent literature for reference. Carpenter expressed thanks for the continuing assistance that ILACP members have given to support their organization's initiatives.
- XV. Other Business

1. Chief K. Shaughnessy asked for updated on the law to expunge records on Medical Marijuana violations. Nargelenas stated it is one of 20 bills on marijuana. Limey said only law enforcement would have access to those records. Also discussed: Twenty plants allowable bill, use of marijuana for epilepsy, etc. Limey shared statistics on public opinion on medical marijuana availability and use. Another study is being done to determine why so many heroin deaths occur in Illinois, chaired by Rep. Lou Lang. It is clearly a problem of drug usage in the state.
2. Former Senator J. Millner next addressed the committee on behalf of ILEAS, for whom he is currently a lobbyist. He stated over 950 law enforcement groups have banded together to protect against communication breakdowns. The recommendation of adding \$3.00 to increase vehicle license plate costs would aggressively increase funds needed to address and correct some of the current communications problems. 33% to MABUS, 33% to ILEAS, 33% to IEMA or another emergency management group. Legislation is HB 5441 and will be discussed this week. Millner asked ILACP members to support this bill. Federal funding is deleting; ILEAS had drawn from those funds. ILEAS Director Page next spoke on the issue and needed funds to replace vehicles that were originally purchased with Federal Grant funds. In addition, the bill is written to prevent the Governor from sweeping remaining the federal funds. Chiefs C. Herdegen and P. Church spoke in support of ILEAS and this initiative.

**ACTION:** Motion made by R.T. Finney, second by P. Church, for ILACP to support the efforts and passage of HB 5441. MOTION CARRIED. Nargelenas encouraged filling out Witness Slips in Support. **He further stated that 9-1-1 funding is also a problem and concern, which ILACP must monitor so money will not be swept by the Governor's office.**
3. Methamphetamine problems remain serious legislative concerns.
4. SB 3299 Amends the Code of Civil Procedure. Sen. D. Syverson. This bill is a direct attack on home rule, crime-free housing, demanding no eviction or suspension by a landlord. The synopsis states: Provides that when notification is made to a lessor by a governmental agency of an act under the Section concerning leased premises used in furtherance of a criminal offense, the governmental agencies having jurisdiction over the leased premises shall provide the owner, lessor, or agent with the information reasonably necessary to substantiate the required elements of a forcible entry and detainer action. Provides that a municipality or other governmental entity may not require an owner, lessor, or agent to bring a forcible entry and detainer action or impose a penalty on the owner, lessor, or agent for failure to evict when notification is made.
  - a. Senate Committee Amendment No. 1

Replaces everything after the enacting clause. Amends the Code of Civil Procedure. Provides that the Section concerning leased premises used in furtherance of a criminal offense shall not be construed to require a lessor to void a lease and recover possession of the leased premises, nor shall a lessor be penalized for declining to void a lease. **ACTION: Motion made by Chief G. Schira, to Oppose SB 3299. Motion received a second and carried. Nargelenas will investigate the bill further.**
5. Col. M. Maton of the ISP next addressed the committee regarding a federal bill proposal that would require electronic logbooks to investigate driver fatigue of officers who have gone to sleep for overtime and driving. Limey stated he would ask R. Laine to check with the International Association of Chiefs regarding this. Chief Casstevens reported he talked with the IACP rep and they oppose the legislation.
6. Chief R. Laine asked about FOIA internal affairs files and legislative updates regarding that issue. Chief President R. Porter stated yes, SB 3273 sponsored by Sen. Holmes, in Support for protection on this. Chairman O'Connor said law enforcement does not want personnel files FOIA-able. He will investigate this further and forward information to the Illinois Chiefs via a Legislative Alert.

7. Question asked (someone named Jeff?) about a letter forthcoming from a taskforce online with pawnshops and maintaining records for a certain number of days prior to meltdown; and includes holding items for possible burglary investigations. Would be like LEADSONLINE but keeps log for resale shops. **ACTION: Motion made by Chief G. Schira for ILACP to support this program. Motion received a second and carried.**
8. Question from C. Herdegen regarding Violent Crime Enhancements for Failure to ID. Limey advised that law enforcement still needs a legislator to sponsor this legislation. Anyone that knows of a representative or senator who would be willing to move forward on this issue, please advise President Porter or Limey so that contact could be made to discuss this. Adding enhancements or adding a crime, per the Governor, creates need for more prisons and that is a big financial issue for the State.
9. Nargelenas next spoke briefly on serious issue of Chicago Pensions, as voiced by Chicago Mayor. Looking at possible 401K pension plan for everyone. Rep. Franks bill certainly opposes “double dipping” whereby employee could collect from a first pension and then also be hired back. Chair O’Connor said they are not looking at a unified code, including IMRF. Rep. Franks basically agreed to take ILACP drafted language given to him and would present it. Chairman O’Connor explained the realistic understanding of the pension plan if the current bill passes. No one is going to allow Chicago to go bankrupt due to pension expenses. Limey stated further that the Fall Veto Session in November will like address and fix pensions. Consolidated Rules is the priority.
10. Other Legislation presented from the Board of Officers:
  - a. HB 3762, Rep. J. Franks – Firearms Owners ID, 18 Years. Synopsis As Introduced  
Amends the Firearm Owners Identification Card Act. Lowers the age in which a person may apply for a Firearm Owner's Identification Card without parental or legal guardian consent from 21 years of age to 18 years of age. Provides that an applicant who is 18 (rather than 21) years of age or older seeking a religious exemption to the photograph requirement must furnish with the application an approved copy of United States Department of the Treasury Internal Revenue Service Form 4029. Effective immediately. **NOW IN COMMITTEE. ILACP OPPOSES**
  - b. HB 4376, Rep. J. Harms – Criminal Code, Firearm Transport. Amends the Criminal Code of 2012. Provides that a person who has been issued a currently valid Firearm Owner's Identification Card may transport in a vehicle an accessible rifle, shotgun, or other long gun without the weapon being broken down in a non-functioning state or without the weapon being enclosed in a case, firearm carrying box, shipping box, or other container if the firearm is unloaded. **ILACP OPPOSES**
  - c. Request for Letter of Support from Rep. Kelly Burke regarding HB 5688 – Law Enforcement Armor Vests. Synopsis: Creates the Law Enforcement Officer Bulletproof Vest Act. Provides that each law enforcement agency within the State shall provide a bulletproof vest for every law enforcement officer of that agency who is employed as a new recruit by that agency on or after the effective date of the Act as part of the officer's initial equipment issue. Provides that each bulletproof vest shall be replaced before the expiration of the warranty period of the vest at the expense of the law enforcement agency. Provides that all officer bulletproof vests shall be replaced by the law enforcement agency within a 4-year period after the effective date of the Act. Provides that the State or unit of local government, which has jurisdiction over the law enforcement agency, shall apply to the United States Department of Justice under the Bulletproof Vest Partnership Grant Act of 1998 or a successor Act for matching grants of one-half the purchase price of the bulletproof vests for the officers of the law enforcement agency. Provides that if the law enforcement agency is a local law enforcement agency and not a State agency, one-

half the costs of purchasing the bulletproof vests shall be from State funds and one-half from the funds of the unit of local government, including the matching grants received from the United States Department of Justice. Provides that the Act does not apply if United States Department of Justice and State matching funds are not available or if the law enforcement agency collectively bargains with its officers or the exclusive representative of the officers for allowances to purchase bulletproof vests. Regarding Collective Bargaining, Chairman O'Connor stated he told Rep. Burke that he could not guarantee ILACP would support the bill if there was no guaranteed funding. She revised the bill to include half of the funding from the Governor's proposed funding from the Police Training Board Budget, along with Bulletproof Vest Grants. If that happens, it will require vests to be purchased or replaced only if funds are provided; otherwise, not applicable. Limey stated he suspects the Training Board may oppose this because it becomes a cost to the Training Board Budget. **ACTION: MOTION made by John Madden to support this legislation; motion received a second and carried.**

## **GOOD OF THE ORDER**

Chief Schira asked and it was affirmed by Chair O'Connor, that Chief Jan Noble was recently appointed to the Police Training Board (ILETSB).

**ACTION: Hearing no further business or discussion, a regular motion to adjourn was made.** Motion second and carried. Meeting ended at 2:32PM.

John Kennedy

ILACP Executive Director