



**ILLINOIS 99TH GENERAL ASSEMBLY
LEGISLATIVE INITIATIVES
2015 – 2016**

DECEMBER 2015



~ Illinois 99th General Assembly ~
Illinois Association of Chiefs of Police
Legislative Initiatives Update



1. Eavesdropping Exemption for Police Officer Worn Video/Audio Camera Recordings – ILACP Supports – PASSED HB1304, PA 99-352

Under current Illinois law, in-car video recordings are exempt from the eavesdropping law under certain circumstances, but officer-worn cameras are not. Legislation is needed to allow this new technology – officer worn video cameras – to be used under the same limited circumstances as the law currently allows for in-car video recordings. Officer worn video camera's ability to capture evidence from the officer's point of view helps protect officers from false claims, enhances public trust, improve civilian behavior, decreases litigation and makes communities safer at a lower cost than in-car dashboard video cameras for other video solutions.

2. Requiring an Individual to Provide Identification to include Expansion of Obstructing Police Officer

Recently, the United States Supreme Court in the *Hibel* case decided that police officers have the constitutional power to obtain a suspect's identification if there is a reasonable suspicion that the suspect is about to commit a crime or has committed a crime. Unfortunately, the State of Illinois has no statute that provides for arresting a suspect who refuses to provide some form of identification. The implications for Illinois law enforcement are problematic because Illinois does not have a statute that specifically states that it is a violation of the law to refuse to identify oneself to the police. To be in compliance with the Supreme Court ruling, it is necessary to seek legislation that would make it a violation for failure to provide identification.

3. 9-1-1 Funding – PASSED SB 096, PA 99-0006

Increase Surcharge to better fund 9-1-1 centers.

4. Sex Offender Registration Act – Senator Morrison

The ILACP recommends that the Sex Offender Registration Act needs to be amended. Requires a person registering or a registered sex offender or sexual predator under the Sex Offender Registration Act whose place of employment is in a municipality or county, other than the municipality or county of primary registration, to report in person and provide the business name and address where he or she is employed to: (1) the chief of police in the municipality in which he or she is employed for a period of time of 5 or more days or for an aggregate period of time of more than 30 days during any calendar year, unless the municipality is the City of Chicago, in which case he or she shall register at the Chicago Police Department Headquarters; or (2) the sheriff in the county in which he or she is employed for a period of time of 5 or more days or for an aggregate period of time of more than 30 days during any calendar year in an unincorporated area or, if incorporated, no police chief exists. A person registering shall report the employment information required within 3 days of registration; and, if the person is registered under this Act on the effective date of this amendatory Act, he or she shall report the information on or before March 1, 2016. In addition to updating his or her registration, if a registered sex offender changes employment to a municipality or county, other than the municipality or county of primary registration, he or she shall, within 3 days of the change in employment, report and provide information on his or her place of employment to the appropriate law enforcement agency where the employment is located.

5. Distracted Driving

The number of motor vehicle accidents involving distracted driving has been increasing and there is a need for legislation to impact this unsafe practice. A) "Distracted driving" means the failure of an operator of a motor vehicle, while driving, to devote their full time and attention to such operation of a motor vehicle that results in the unsafe

operation of the vehicle caused by the manipulation of items within the vehicle, reading, writing, performing personal grooming, interacting with pets or unsecured cargo, using an electronic communication device, or engaging in any other activity which causes distractions; B) No person shall operate a motor vehicle on a street or highway in this state while distracted as defined in this section and the distraction causes the driver to operate the motor vehicle in an unsafe manner or in violation of any provision of the Illinois Vehicle Code. C) Penalty: (1) Any person convicted of a violation of Section (B) shall be guilty of a petty offense; (2) Any person who is convicted of a violation of Section (B) and the distracted driving is the proximate cause of a traffic crash resulting in a minor injury to any person shall be guilty of a class A misdemeanor; (3) Any person who is convicted of a violation of Section (B) and the distracted driving is the proximate cause of a traffic crash resulting in death or great bodily harm to any person shall be guilty of a Class 4 Felony.

6. Aggravated Fleeing and Attempting to Elude a Peace Officer

Recent studies have indicated that the number of persons failing to stop for police and fleeing and attempting to elude has been increasing. Legislation needed to reduce number of these incidents.

- (a) The offense of aggravated fleeing or attempting to elude a peace officer is committed by any driver or operator of a motor vehicle who flees or attempts to elude a peace officer, after being given a visual or audible signal by a peace officer in the manner prescribed in subsection (a) of Section 11-204 of this Code, and such flight or attempt to elude:
 - i. Is at a rate of speed at least 21 miles per hour over the legal speed limit;
 - ii. Causes bodily injury to any individual;
 - iii. Causes damage in excess of \$300 to property; or
 - iv. Involves disobedience of two or more official traffic control devices.
- (b) A person convicted for a violation of this Section who at the time of the violation was determined to be under the influence of alcohol, drugs or intoxicating compounds in violation of Section 11-501 of this Code is guilty of a Class 3 felony.
- (c) A person convicted for a violation of this Section who at the time of the violation was determined to have committed a violation of the Criminal Code and that person:
 - (c-1) committed a misdemeanor violation of the Criminal Code shall be guilty of a Class 4 felony
 - (c-2) committed a Class 4 felony violation of the Criminal Code shall be guilty of a Class 3 felony
 - (c-3) committed a Class 3 felony violation of the Criminal Code shall be guilty of a Class 2 felony
 - (c-4) committed a Class 2 felony violation of the Criminal Code shall be guilty of a Class 1 felony
 - (c-5) committed a Class 1 felony violation of the Criminal Code shall be guilty of a Class X felony
- (d) The offense of aggravated fleeing or attempting to elude a peace officer is committed by any driver or operator of a motor vehicle who flees or attempts to elude a peace officer, after being given a visual or audible signal by a peace officer in the manner prescribed in subsection (a) of Section 11-204 of this Code, and prior to such flight or attempt to elude the person:
 - (1) is fleeing after having committed any felony violation of law; or
 - (2) is determined to be under the influence of (b)-(c) Any person convicted of a first violation of this Section (a) shall be guilty of a Class 4 felony. Any person convicted of a first violation of this Section (b) (1) shall be guilty of a first violation of this Section (b) (2) shall be guilty of a Class 3 felony. Upon notice of such a conviction, the Secretary of State shall forthwith revoke the driver's license of the person so convicted, as provided in Section 6-205 of this Code. Any person convicted of a second or subsequent violation of this Section shall be guilty of a Class 3 felony, and upon notice of such a conviction, the Secretary of State shall forthwith revoke the driver's license of the person convicted, as provided in Section 6-205 of the Code.

7. Automated Traffic Law Enforcement System to include Expanding Program Statewide – ILACP Supports

8. Fight Crime: Invest in Kids Illinois

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**2015 CRIME AND VIOLENCE PREVENTION
STATE POLICY RECOMMENDATIONS
(DRAFT)**

FIGHT CRIME: INVEST IN KIDS *ILLINOIS* is a bipartisan, nonprofit anti-crime organization led by 300 police chiefs, sheriffs, state's attorneys, leaders of police officer organizations, and victims of violence. Our mission is to take a hard-nosed look at the research about what really works to keep kids from becoming criminals and to share that information with the public and policymakers. Among the strategies proven to be effective are quality early care and educational programs for preschoolers, after-school programs and prevention of child abuse, as well as programs that nip delinquency in the bud by getting troubled kids back on track. We are still far from meeting the need in all these areas. Continued failure to do so is a crime prevention disaster. Adoption of the reasonable recommendations outlined below will keep us moving in the right direction.



- I. **Provide All Families Access to Quality Early Learning Programs Proven to Cut Crime.** A wide body of research from some of our most esteemed academic institutions tells us that expanding these investments will significantly cut the numbers of kids who grow up to become criminals. Our solid progress in this area has been halted over the past few years and we need to renew this as a priority in Illinois. **2015 (FY16) Policy Recommendations:**
 - A. **Restore funding in the final FY 16 Early Childhood Education Block Grant (ECBG) line item in the Illinois State Board of Education budget.** Restoration would fund the block grant at \$380 million and allow Preschool for All to serve about 90,000 three- and four-year-olds. The ECBG in the Illinois State Board of Education is the funding stream for Preschool for All and a number of family strengthening programs through the Birth-to-Three set-aside portion of the block grant.
 - B. **Maintain support for the childcare assistance program for working families.** Our goals in supporting this are to stabilize childcare access and quality for children of low-income working families. This will help to preserve parents' choice of a variety of quality care settings for their youngsters – both home-based and center-based care. The **Child Care Assistance Program (CCAP)** in the Department of Human Services DHS was cut by almost 10% in the FY 2014 final budget. Recent increases in copayments for low-income working parents have made the program very expensive for many struggling families. The CCAP serves more than 150,000 children in Illinois, using federal Child Care and Development Block Grant funds and state funds.
- II. **Reinforce the Role of Parents As Their Child's First Teacher**
 Without the support of extended families and robust communities, many new and expecting parents feel isolated and unprepared even though they are their children's most important teachers. Low-income parents, particularly, face hurdles just to provide the necessities of life for their children. There are a number of model programs that provide voluntary intensive home-visiting and parent education. Lack of funding in Illinois leaves current home-visiting programs only able to reach 1 of 12 low-income children aged 0-3. Reaching more at-risk families with these proven programs will cut child abuse and neglect significantly.
 - A. **Prevent child abuse and neglect** and help more parents to promote healthy child development and nurture social-emotional development—key components of early learning—by at least maintaining and looking to modestly increase the current state funding of \$16.9 million for evidence-based home visiting programs in the **Illinois Department of Human Services final FY 16 budget.**
 - B. **Continue to support the Birth-to-Three Set Aside in ISBE's Early Childhood Block Grant.** The set-aside funds critical birth-to-three programs, including home visiting and other infant and parent services, must be maintained as an important piece of Illinois' early childhood system.
- III. **Shut down "Prime Time for Juvenile Crime" by assuring families access to youth development programs for the after-school and summer hours.** Research and evaluation across the country show that quality youth development programs can cut crime immediately and transform the Prime Time for Juvenile Crime (3:00 to 6:00 PM) into hours of constructive activities that teach youngsters the values and skills they need to become good neighbors and responsible adults. **2015 (FY16) Policy Recommendation:**
 - A. **Support restoration of funding for the Teen REACH after-school program** in the Illinois Department of Human Services. In FY15 (current year) we're disappointed to report that a \$5 million increase we thought would be available for Teen REACH was re-appropriated to a youth employment initiative in the Illinois Dept. of Labor. Current funding for Teen REACH stands at \$8.8 million – level funding from the previous year. However, as recently as FY 10, Teen REACH funding was almost twice that level (\$15.7 million).
- IV. **Identify and Help Troubled Kids Early on to Get Back on Track.** Effective community-based interventions are essential if we are to turn the lives of troubled youth around. **Redeploy Illinois** is a proven strategy that uses fiscal incentives to encourage counties to use a small portion of the state dollars currently spent on expensive corrections beds to build local continuums of care and accountability for youth in the juvenile justice system.

Since launching in 2005, participating counties in Redeploy Illinois have averaged a 54 percent reduction in youth sent annually to the Department of Juvenile Justice. These services have saved nearly \$60 million in incarceration costs. Redeploy Illinois also interrupts the cycle of crime, as 61 percent of youth who successfully completed the program were not incarcerated during the three years following discharge, compared with only 34 percent who were unsuccessfully discharged.

In FY 2014, funding for Redeploy Illinois was increased to \$4.89 million. With that boost, 11 more counties have become Redeploy sites, for a new total of 39 counties. Additional counties are prepared to commit to sending fewer juveniles to expensive state prisons in exchange for state help in providing counseling and other diversion services locally. FY 2015 funding for Redeploy Illinois remained the same.

Highlights:

- **Small investment – big return:** In 2010 Illinois had 1,330 young people in juvenile correctional facilities. Today, the state juvenile prison population is down to about 850. Much of this progress is due to Redeploy Illinois. Closing two juvenile prisons would not have been possible without the population reduction caused in part by the success of Redeploy Illinois.
- **Evaluation shows success:** Preliminary results of a recidivism study indicate that reoffending by Redeploy youth is almost half that of non-Redeploy youth. Even youth who enrolled in but failed Redeploy had lower reincarceration rates than youth who did not participate.
- **Outcome driven – funding based on achieving at least a 25 percent reduction in commitments to juvenile prisons:** Since 2006, counties participating in Redeploy Illinois achieved a 54 percent reduction in average number of youth sent annually to the Department of Juvenile Justice, far exceeding the goal of a 25 percent per county.
- **Participating counties in FY 14:** Christian, Franklin, Lawrence, Peoria, Clay, Gallatin, Lee, Richland, Clinton, Hamilton, Macon, Shelby, Crawford, Hardin, Madison, St. Clair, Edwards, Jasper, Marion, Wabash, Effingham, Jefferson, McLean, Wayne, Fayette, LaSalle, Montgomery, White, Jackson, Massac, Pope, Saline, Union, Bureau, Grundy, Winnebago, Kankakee, Iroquois, Johnson.

2015 (FY16) Policy Recommendations:

1. **Community-based interventions with troubled youth.** Redeploy Illinois is a proven strategy to use fiscal incentives to encourage counties to build local continuums of care for youth in the juvenile justice system. We will work to strengthen our partnership with Redeploy Illinois, secure additional evaluation data, and maintain at least level funding for this program in FY 2016.

OPPOSED LEGISLATION

The Illinois Association of Chiefs of Police will continue to oppose bills that attempt to enact legislation such as the following:

- A) Decriminalization of drug sale and possession laws
- B) Any attempt to prohibit police officers from utilizing non lethal weapons such as “Tasers”
- C) Police Promotion Act
- D) Public Labor – Manning Levels
- E) Restrictions to use of Automatic License Plate Recorders
- F) Change from two license plates to one license plate
- G) Restriction of Automated Red Light Enforcement
- H) Restricting police from making arrests for serious crimes on school property SB3004
- I) Transfer of Training Board Funds
- J) Sexual Assault investigation on college or university campus by agencies other than by the college and university police