

## Illinois Fraternal Order of Police – 2019 End of Legislative Session Report

FOP confronted obstacles and embraced opportunities in the 2019 legislative session. The General Assembly has a super majority of Democrats in both chambers. Further, Illinois has a Democratic Governor who was elected by a strong majority in the 2018 general election. This translated into a year dominated by a liberal agenda pushed by controlling Democrats in state government. It also meant that things like collective bargaining and most labor issues were reasonably safe, on the legislative side of the ledger.

The Governor got off to a slow start. Until the beginning of May, the only success the Governor achieved was an increase in the minimum wage. The Governor's initial proposed budget was based on unpopular changes in Illinois appropriation law. Perhaps the most significant component part of that change was underfunding the State pension systems. Ultimately, revenue projections came in at a rate that allowed the Governor to step back from some of these unpopular proposals, including shorting pension funding, and the final budget represented additional spending over what had been initially proposed.

As the Governor entered the end of the legislative year, he quickly passed the major parts of his legislative agenda, including a progressive income tax constitutional amendment, a budget, a capital infrastructure program, an expansion of gaming and the legalization of recreational marijuana. One issue that the Governor and much of the General Assembly supported that did pass was gun restrictions. The biggest accomplishment of the Governor was passage of a constitutional amendment that will place a question on the 2020 election ballot. This question whether the State of Illinois should have a graduated income tax for individuals and corporations instead of the current flat tax. If this question is approved in November of 2020, the state could switch to an income tax where individuals who make more money are taxed at a higher percentage. The goal of this change is to increase State revenue by an estimated \$3.5 billion. If successfully passed by the voters, this change will take at least two years to enact, meaning that the current year's budget does not pay down unpaid bills or expand programs. Still, the budget does allow for increases in spending at the State Police to increase the number of ISP Troopers in the upcoming year.

The Governor also legalized recreational marijuana. As part of this change, the state dedicated some of the revenue for local law enforcement. Additionally, the legalization efforts limited "home grow" to individuals who are in the medical cannabis program. Finally, the state preserved probable cause laws so that existing dogs who are trained to indicate on marijuana may continue to be used by requiring transportation of cannabis to be in odor free containers.

The most needed change the State faced this year was its crumbling infrastructure. The capitol bill addresses this problem and relies on funding from gaming expansion that includes slots at horse tracks, more video poker machines and legalizing sports betting. The capitol bill also relies on a doubling of the gas tax (an additional \$0.19 per gallon of state gas tax), an increase in driver's license renewal fees and several other tax increases. Altogether, this legislation will allow for repairing roads, bridges and state buildings.

The FOP legislative agenda was aggressive and resulted in the passage of 11 bills. Additionally, all bills the FOP opposed (49 bills) failed to move. No legislation that the FOP opposed passed as introduced with the FOP opposition. Some of the highlights of this year included the passage of legislation that promotes mental health treatment for officers and removes obstacles to officers receiving mental health treatment. We passed legislation protecting peer to peer communications so that officers cannot be penalized by employers when they seek peer to peer support. Furthermore, officers who must surrender their FOID card because they seek mental health treatment cannot be fired, regardless of employer.

Penalties and education regarding Scott's Law were expanded considerably in the wake of the tragic loss of three Troopers in roadside accidents. This legislation represents a multi-year effort to change motorists' behavior through enhanced education and penalties. Also, the families of officers who do die in the line of duty will be entitled to \$20,000 in funeral reimbursement instead of the current \$10,000.

Despite a major push by various groups, legislation harmful to FOP was largely stopped in its tracks. There were several attempts to eliminate various police departments and none of those bills became law. Also, there were nearly a dozen anti-police attempts to limit officers' ability to do their jobs. These included limits on use of force, increased opportunity for frivolous complaints against officers and limits on officers' questioning of suspects. There were also several attempts to limit collective bargaining and workers' rights. All of these bills failed. One of the most significant threats to FOP was a municipal proposal to consolidate pension funds. There were over 15 bills filed to remove local control over police pensions for municipalities, but all of these bills died.

One of the major issues that the FOP was engaged in was fixing some of the most egregious problems for Tier II pensioners. Initially, the FOP filed multiple bills to address these problems with Tier II pensions, but ultimately they were all combined into SB 1300. This bill included allowing arson investigators, Secretary of State investigators, Conservation police officers and Illinois Commerce Commission police officers into the alternative formula. The legislation reestablished the alternative formula for university police. It made a correction to the retirement age for Secretary of State investigators. The bill allowed State police officers to purchase out of state service. Finally, the legislation made a necessary correction for downstate police officers who move from IMRF to downstate police pension funds. The legislation is still active, and we intend to move for passage during the veto session.

In addition, the following bills were introduced this year:

**Legislation Supported that Passed:**

- HB 2028/SB 1470 doubled the burial reimbursement for all law enforcement officers in Illinois who die in the line of duty. The new reimbursement amount is \$20,000.
- HB 2071 allowed for limited purchase of furlough time for Cook County employees.
- HB 2766/SB 1897/SB 1898 was an initiative of the FOP. The legislation protected peer-to-peer communication and expanded protections under the FOID act.
- HB 2767 was a companion to 2766, and provided that the curriculum for police officer training schools shall include recognizing signs and symptoms of work-related cumulative

stress, issues that may lead to suicide, and solutions for intervention with peer support resources.

- HJR 17 Trooper Lambert Resolution.
- HJR 58 Trooper Jones-Story Resolution.
- HJR 76 Trooper Styburski Resolution.
- HR 6 sent a message to the federal government to eliminate the social security reductions for certain police officers and other public employees.
- SB 1183 provided that the Police Memorial Committee may use funds derived from the issuance of Police Memorial Committee license plates for the purpose of giving grants (in addition to scholarships) to spouses (in addition to children) of police officers killed in the line of duty
- SB 1474 reflected the ultimate agreement between FOP, Operating Engineers, AFSCME and teachers' unions regarding legislation in response to the Janus decision.
- SB 1658 provided grants to school districts to increase safety procedures.
- SB 1862 made numerous changes designed to better enforce Scotts Law. The bill provides for funding, enhanced penalties and increased education for motorists.

**Legislation Supported that Failed:**

- HB 226, an initiative of the Command Officers Association allowed the purchase of out of state service credit. The language was ultimately included in the FOP legislation, SB 1300.
- HB 841 created a felony first responder endangerment crime and stipulated what constituted first responder endangerment.
- HB 898/SB 1372 allowed correctional employees the rights established under LEOSA.
- HB 1486/HB 2777/HB 3556 increased penalties for harming a canine officer.
- HB 1593 created a felony for fentanyl exposure to first responders.
- HB 2382 created a continuing appropriation for certain state police activities.
- HB 2385/2595 allowed municipalities to use dogs trained to either the ISP or ILETSB standards.
- HB 2417 increased penalties for Scotts Law. This bill failed, but was ultimately passed as SB 1862.
- HB 2901 was an initiative of the FOP. The legislation improved benefits for Tier 2 Troopers.
- HB 2902/HB 3030/ HB 3256/SB 1670 was an initiative of the FOP. The legislation fixed technical issues concerning university police and downstate police officers who go from IMRF to downstate police pension funds. The legislation was ultimately incorporated into SB 1300.
- HB 2905/HB 3622 /SB 208 was an initiative of the FOP. The legislation reinstated arson investigators, Secretary of State police and Conservation police into the alternative formula for Tier 2 participants.
- HB 3279 provided that qualified property that is owned by the surviving spouse of a fallen police officer, soldier, or rescue worker is exempt from taxation.
- HB 3450 increased penalties in certain cases when eluding an officer.
- HB 3455 was introduced on behalf of labor groups including the FOP and the Operating Engineers. The legislation made numerous changes in collective bargaining in the wake of the Janus decision.

- HB 3644/SB 1389/SB 1944/SB 1945 expanded the allowable investments for downstate pension funds.
- SB 120 codified the Public Duty Rule.
- SB 1300 was legislation initiated by the FOP that represented the consolidated pension agenda for law enforcement. While it did not have every Tier II fix affecting law enforcement, it did fix the most egregious Tier II problems for municipal, university, state, conservation and state police officers. The bill has not passed but it is still active, and the FOP intends to continue to push the bill for passage in the fall veto session.
- SB 1385 reduced the amount of information released that is captured by a body camera.

**Legislation Opposed that Failed:**

- HB 21 removed the requirement that sworn affidavits accompany complaints against police officers.
- HB 25 created a right of action against police officers accused of racial profiling.
- HB 48 essentially made it impossible for an officer to question any individual at any time unless they have been arrested.
- HB 56 essentially created a statewide residency requirement where any officer must live in the municipality they serve.
- HB 152 eliminated the ability to collectively bargain over officer investigation procedures.
- HB 161 required hospitals to deny access to officers when conducting tests on suspects.
- HB 177 set minimum payments for suspects who could prove coercion on confessions.
- HB 307 allowed the citizens of a local government to vote to eliminate the local government.
- HB 875 allowed for municipal bankruptcy.
- HB 1566-1576/SB 1106-1111 all consolidated, in some form, downstate police pension funds
- HB 1625/HB 2279 created a Tier 3 for new state employees, including Troopers.
- HB 1630 allowed for municipal bankruptcy
- HB 2110 created extreme limits on when an officer can use force.
- HB 2111 made it official misconduct to fail to turn on a body camera.
- HB 2113/HB 2622 was an attempt to end most collective bargaining rights.
- HB 2297 eliminated the Cook County Forest Preserve Police Department.
- HB 2503 established a statewide reporting requirement of all police discipline.
- HB 2504/2683 required 10-year retention of discipline records.
- HB 2517 required reporting on use of body cameras by each employer.
- HB 2519 eliminated the statewide gang database.
- HB 2740 eliminated defined benefit pensions for all newly hired state employees.
- HB 2749/SB 1826 allowed municipalities to offer their own retirement instead of downstate pension plans established by statute.
- HB 2923 required law enforcement officers to provide their own insurance and prohibited an employer from providing it for them.
- HB 3119 made multiple changes to how allegations of sexual assault against police officers are investigated.
- HB 3131 created a database of personal information for all pension recipients in the state.
- HB 3183 created a task force to study the statewide gang database.
- HB 3514/SB 1916 allowed non-Troopers to act as crime scene investigators

- SB 66 created numerous restrictions on local gang databases.
- SB 1538 allowed police departments to be dissolved.
- SB 1592 removed the expiration date of the pedestrian and traffic stop study.

**Other Legislation:**

- HB 1613 extended the requirement that officers record racial data when conducting a stop.
- HB 1637 initially made numerous restrictions on municipalities' and counties' abilities to cooperate with the federal government on a variety of immigration related issues. The bill, as amended, simply prohibited certain agreements with the federal government that no unit of government had currently signed. The legislation passed.
- HB 2031 intended to be helpful by regulating motor pursuits, but the legislation had numerous drafting and execution issues that made the legislation problematic. The bill died.
- HB 2235 allowed retired officers to act as school resource officers. The legislation did not move.
- HB 2591 was an initiative of ILETSB. This legislation made multiple changes, most significantly granting police powers to investigators with the Board.
- HB 200/HB 2681 allowed the Secretary of State to issue special registration plates designated as Peace Officers Memorial Foundation of Cook County license plates.
- HB 3082 created auto enrollment in the deferred compensation program for state employees, unless the employee opts out. The legislation passed.
- HB 3518 allowed for a buyout of certain pension increases for downstate and Chicago police officers. The legislation failed to move.
- SB 1143 created a preference for hiring the child of a Trooper who died in the line of duty for the Illinois State Police.
- SB 1423 was an individualized transfer of certain service credit affecting few, if more than one, Troopers
- SB 1619 added training requirements for interviewing minors regarding sexual assault.
- SB 1917 made technical changes regarding what type of law enforcement entity can carry on a raffle under the law.