



ICRMT HB 3653 BRIEF

GOVERNANCE:

- » Eliminates virtually all affirmative defenses and immunities for Sheriff's deputies/peace officers, but still allows vicarious liability for Sheriff's and Counties as co-employers, which will now include attorneys' fees, punitive damages and court costs.
- » Substantial unfunded mandates in form of equipment, training, additional processes.
- » Requires implementation of body cameras without providing any scheduled implementation for Counties.
- » Fails to acknowledge the unique structure of County governance where Sheriffs are duly elected and have control over the internal operations of their office.
- » If County Sheriff fails to implement body cameras, the County as a whole could be penalized with a 20% reduction in their annual Local Government Distributive Fund monies.
- » If County Sheriff fails to comply with new, onerous reporting requirements, the County as a whole could be penalized with a 20% reduction in their annual Local Government Distributive Fund monies.
- » Limits local government utilization of military surplus programs.
- » Eliminates virtually all collective bargaining over any subject except for wages without any clear mechanism for how personnel relationships will proceed in their absence.
- » Eliminates any recourse for false or frivolous complaints that can be anonymous and must be processed pursuant to strict statutory requirements.
- » Eliminates current bail system that secures return of arrested parties.

LAW ENFORCEMENT AND IMMUNITY PROTECTIONS:

- » Defunds police departments by removing funding sources and interrupting as much as 40% of the total Local Government Distributive Fund monies.
- » Significantly limits use of no-knock warrants.
- » Makes significant changes to Use of Force, including Total Ban on Chokeholds or action above the shoulders under ANY circumstances.
- » No use of rubber bullets in crowd control.
- » Eliminates virtually all collective bargaining over any subject except for wages for over 50,000 law enforcement officers in the State.
- » Mandates expensive policies and procedures without any way for local governments to pay for them, including body cameras.
- » Eliminates all immunity for police officers and expressly applies punitive unbalanced civil penalties to police officers.
- » Extends the time to file claims against local public entities from one year to five years.
- » Allows officers to be punished for unverified, anonymous complaints. Eliminates sworn affidavits.
- » Requires police to provide 3 phone calls within one hour.
- » Eliminates Felony Murder.
- » Requires a predicate offense to charge someone with resisting arrest.
- » Allows courts to bypass mandatory minimums in some circumstances.
- » In state court there is scope of employment liability which means the cities and counties will be on hook in most cases for entire damages. Remember, officers have no money.

INSURANCE AND LIABILITY:

- » Will have a direct impact on availability and cost of insurance for law enforcement agencies.
- » The potential of this is incalculable.
- » There would be no reason for any attorney to go to federal court.
- » Plaintiff could be entitled to attorney fees and punitive damages if they prevail.
- » Pressure will be increased to settle frivolous claims to avoid costly litigation due to the cost of plaintiff attorney fees.
- » These costs will ultimately be passed on to our entities and their tax payers in the form of higher deductibles and premiums.