



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2736

by Rep. Carol Ammons

SYNOPSIS AS INTRODUCED:

720 ILCS 5/7-5

from Ch. 38, par. 7-5

Amends the Criminal Code of 2012. Provides that a peace officer is justified in using force likely to cause death or great bodily harm only when the officer reasonably believes that the force is necessary to prevent death or great bodily harm to the officer or the other person, or when the officer reasonably believes both that: (1) the force is necessary to prevent the arrest from being defeated by resistance or escape, the officer reasonably believes that the person to be arrested cannot be apprehended at a later date, and the officer reasonably believes that the person to be arrested is likely to cause great bodily harm to another; and (2) the person to be arrested just committed or attempted a forcible felony which involves the infliction or threatened infliction of great bodily harm and is attempting to escape by use of a deadly weapon, or otherwise indicates that the person will endanger human life or inflict great bodily harm unless arrested without delay.

LRB100 10710 RLC 20938 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by changing
5 Section 7-5 as follows:

6 (720 ILCS 5/7-5) (from Ch. 38, par. 7-5)

7 Sec. 7-5. Peace officer's use of force in making arrest.

8 (a) A peace officer, or any person whom the officer ~~he~~ has
9 summoned or directed to assist the officer ~~him~~, need not
10 retreat or desist from efforts to make a lawful arrest because
11 of resistance or threatened resistance to the arrest. The
12 officer ~~He~~ is justified in the use of any force which the
13 officer ~~he~~ reasonably believes to be necessary to effect the
14 arrest and of any force which the officer ~~he~~ reasonably
15 believes to be necessary to defend the officer ~~himself~~ or
16 another from bodily harm while making the arrest. However, the
17 officer ~~he~~ is justified in using force likely to cause death or
18 great bodily harm only when the officer ~~he~~ reasonably believes
19 that the ~~such~~ force is necessary to prevent death or great
20 bodily harm to the officer ~~himself~~ or the ~~such~~ other person, or
21 when the officer ~~he~~ reasonably believes both that:

22 (1) the ~~Such~~ force is necessary to prevent the arrest
23 from being defeated by resistance or escape, the officer

1 reasonably believes that the person to be arrested cannot
2 be apprehended at a later date, and the officer reasonably
3 believes that the person to be arrested is likely to cause
4 great bodily harm to another; and

5 (2) the ~~The~~ person to be arrested just ~~has~~ committed or
6 attempted a forcible felony which involves the infliction or
7 threatened infliction of great bodily harm and ~~or~~ is attempting
8 to escape by use of a deadly weapon, or otherwise indicates
9 that the person ~~he~~ will endanger human life or inflict great
10 bodily harm unless arrested without delay.

11 (b) A peace officer making an arrest under ~~pursuant to~~ an
12 invalid warrant is justified in the use of any force which the
13 officer ~~he~~ would be justified in using if the warrant were
14 valid, unless the officer ~~he~~ knows that the warrant is invalid.

15 (Source: P.A. 84-1426.)