

SB2290



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2290

Introduced 1/10/2018, by Sen. Dan McConchie

SYNOPSIS AS INTRODUCED:

720 ILCS 5/7-13.1 new

Amends the Criminal Code of 2012. Provides that a person is justified and exempt from criminal liability for criminal damage to property or criminal trespass to vehicles and from civil liability for property damage, if the action occurred when he or she rendered emergency assistance to a person in a locked vehicle, provided the person rendering assistance acted under certain statutory conditions.

LRB100 14765 RLC 29585 b

A BILL FOR

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 adding
5 Section 7-13.1 as follows:

6 (720 ILCS 5/7-13.1 new)

7 Sec. 7-13.1. Persons rendering emergency assistance from a
8 locked vehicle exempt from criminal and civil liability.

9 (a) A person is immune from criminal liability for criminal
10 damage to property under Section 21-1 of this Code and criminal
11 trespass to vehicles under Section 21-2 of this Code resulting
12 from his or her forcible entry into a locked vehicle and from
13 civil liability for property damage if:

14 (1) the vehicle is not a law enforcement vehicle;

15 (2) a person is present in the vehicle and the person
16 rendering assistance has a reasonable belief that the
17 person is in imminent danger of death or suffering serious
18 bodily injury;

19 (3) the person determines that the vehicle is locked
20 and that forcible entry is necessary;

21 (4) the person attempts to contact the person in
22 imminent danger;

23 (5) the person makes a reasonable effort to locate the

1 owner or operator of the vehicle;

2 (6) the person contacts a local law enforcement agency
3 or a 9-1-1 emergency telephone system operator prior to
4 forcibly entering the vehicle, and the person does not
5 interfere with or hinder any peace officer or other first
6 responder who is discharging or attempting to discharge his
7 or her duties or fail to obey a lawful order of the peace
8 officer or other first responder;

9 (7) the person uses no more force than he or she
10 believes is reasonably necessary; and

11 (8) except as otherwise provided in subsection (b) of
12 this Section, the person rendering assistance remains with
13 the person, reasonably close to the vehicle, until a law
14 enforcement officer, emergency medical service provider,
15 or other first responder arrives at the scene.

16 (b) If it is necessary for the person rendering assistance
17 to leave the scene before the owner or operator of the vehicle
18 returns to the scene, or before a law enforcement officer,
19 emergency medical service provider, or other first responder
20 arrives at the scene, and regardless of whether or not the
21 person rendering assistance took the person for medical
22 treatment or to an appropriate law enforcement officer prior to
23 leaving the scene, the person rendering assistance shall:

24 (1) place a notice on the windshield of the vehicle
25 that includes his or her name and contact information and
26 the name and contact information of the location, if any,

1 to which the person rendering assistance took the person
2 when he or she left the scene; and
3 (2) contact law enforcement or a 9-1-1 emergency
4 telephone system operator to advise them of his or her name
5 and contact information, that he or she is leaving the
6 scene, and the name and contact information of the
7 location, if any, to which the person rendering assistance
8 is taking the person.